

ORDER NO. 16 266

ENTERED JUL 14 2016

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1751

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Implementing Energy Storage Guidelines
pursuant to House Bill 2193.

ORDER

DISPOSITION: APPLICATION FOR CASE CERTIFICATION GRANTED

On April 14, 2016, the Small Business Utility Advocates (SBUA) filed a Petition for Case Certification. The SBUA request for case certification for intervenor funding purposes is filed under OAR 860-001-0120(4) and Article 5.3 of the Third Amended and Restated Intervenor Funding Agreement (Agreement). No party filed an objection to the request. For reasons explained below, we grant the petition.

I. DISCUSSION

To be case certified for purposes of receiving intervenor funding, an organization must meet certain criteria set forth in OAR 860-001-0120(4). These criteria are set forth below, along with SBUA's position on each.

1. The organization must present the interests of a broad group or class of customers, and its participation in the proceeding will be primarily directed at public utility rates and terms and conditions of service affecting that broad group or class of customers.

SBUA states that its members include small businesses from different industries including pest management, commercial cleaning and maintenance, artisanal glass, insurance consulting, food and beverage, website hosting, commercial agriculture, small business coaching and marketing consulting, jeweler, residential and commercial construction, energy efficiency and renewable energy consulting. SBUA further states that these businesses are ratepayers of Portland General Electric Company (PGE) and PacifiCorp, dba Pacific Power. SBUA also states that its participation is directed primarily at how the implementation of this energy storage legislation may impact terms,

conditions, and rates affecting small businesses and not narrow interests or ancillary issues.

2. *The organization must demonstrate that it is able to effectively represent its particular group or class of customers.*

SBUA asserts that it is able to effectively represent its members to provide input in this docket. SBUA explains that it has meaningfully participated in dockets and workshops before the Commission, including dockets UM 1610, UM 1710, UM 1754, and UE 294.

3. *The organization's members, who are customers of one or more of the utilities affected by the proceeding, contribute a significant percentage of the overall support and funding of the organization.*

SBUA states that its members include PGE Schedule 32 and Pacific Power Schedule 23 and 4 ratepayers in Oregon. SBUA further states that Oregon's SBUA membership is broad and consists of various member's money contributions, in-kind professional services, space, and capital equipment.

4. *The organization demonstrates, or has demonstrated in the past, the ability to substantively contribute to the record on behalf of customer interest related to rates, and terms and conditions of service.*

SBUA asserts that its ability to represent small business customers is demonstrated in its obtaining expert testimony informing the Commission on the state of small business in Oregon and the impact of PURPA on renewable energy generation projects, and comparing rate impacts in a general rate case. SBUA further points to its case certification and contribution in docket UM 1754, its statistical familiarity with the state's small business constituency, and its depth of engagement with small businesses. SBUA states that its legal counsel has years of experience working on utility related issues in Oregon.

5. *The organization demonstrates that:*

- a. *No precertified intervenor in this docket adequately represent the specific interests of the class of customers represented by the organization as to rates, and terms and conditions of service; or*
- b. *The specific interest of a class of customers will benefit from the organization's participation; and*
- c. *Its request for case-certification will not unduly delay the schedule of the proceeding.*

SBUA states that no other party in this proceeding adequately represents the specific interests of PGE's small business or small nonresidential customers. SBUA notes that

the Citizens' Utility Board represents the residential customer class and stands to run a conflict given the different proposed rate impacts on residential and small non-residential customer classes. SBUA further notes that large industrial customers are represented by Industrial Customers of Northwest Utilities and large industrial customers are subject to different rate impacts than the small nonresidential customers. Finally, SBUA represents that its request for case-certification will not unduly delay the proceedings.

II. CONCLUSION

We have reviewed the petition and find that SBUA meets all of the requisite criteria. The petition for case certification should be granted.

III. ORDER

IT IS ORDERED that the Petition for Case Certification, filed by Small Business Utility Advocates, is granted.

Made, entered, and effective JUL 14 2016

COMMISSIONER HARDIE WAS
UNAVAILABLE FOR SIGNATURE

Lisa D. Hardie
Chair



John Savage
John Savage
Commissioner

Stephen M. Bloom
Stephen M. Bloom
Commissioner

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.