



September 18, 2020

Public Utility Commission of Oregon

Attn: Filing Center

201 High St. SE, Suite 100

Salem, OR 97301

Via electronic filing only to: puc.filingcenter@state.or.us

Re: UE 374 PacifiCorp d/b/a Pacific Power Request for General Rate Revision

Please find enclosed the Reply of Small Business Utility Advocates to the Joint Response of Alliance of Western Energy Consumers and Citizen's Utility Board to the Application of SBUA for Reconsideration.

I am available for any questions.

Respectfully submitted,

s/ Diane Henkels

Diane Henkels

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Enclosure

Cc: UE 374 Service List, client

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UE 374

In the Matter of)	
)	REPLY OF SMALL BUSINESS UTILITY
)	ADVOCATES TO AWEC-CUB’S
PACIFICORP, d.b.a. PACIFIC POWER)	JOINT RESPONSE TO SBUA’S
)	APPLICATION FOR
)	RECONSIDERATION
Request for a General Rate Revision)	
_____)	

I. INTRODUCTION

Pursuant to Administrative Law Judge Moser’s September 11, 2020 Ruling in the above-referenced matter and OAR 860-001-0720, Small Business Utility Advocates (“SBUA”) files this Reply to the Joint Response of Alliance of Western Energy Consumers and Oregon Citizen’s Utility Board of Oregon, together “AWEC-CUB”, (“Joint Response”). The Commission has the authority pursuant to ORS 757.072(3)(a) and (b) to modify its Order 20-187. This statutory framework allows the Commission to resolve the issue arising here where funds were allocated during the time SBUA’s Petition for Case Certification was pending. Where the Commission determines the Fourth Amended and Restated Intervenor Funding Agreement (“IFA”) covers this issue, SBUA suggests an Amended Order would be consistent also with that determination and the IFA.¹

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¹ See UM 1929 Fourth Amended and Restated Intervenor Funding Agreement, approved by Order 18-017 on January 17, 2018.

II. ARGUMENT

A. Modification of Order 20-187

The Commission has the statutory authority to change its Order because Oregon law allows the Commission to determine by order the amount of and manner in which financial assistance is distributed to organizations.² Where there is an unaddressed concern³ in the IFA the Commission may draw upon this statutory authority to change its Order 20-187.

If the Commission does not perceive this issue as unaddressed in the IFA, SBUA suggests that it is contemplated in the IFA Section 6.5 how the Commission may approach more than one entity seeking funding from the Issue Fund Account. In that provision the Commission may allocate the funds among those eligible to receive the issue grant.

It is fair for the Commission to order an allocation that might fairly align the costs of advocacy with the intended beneficiaries of the advocacy.⁴ At a minimum, the Commission may specify that SBUA receive the percentage of available issue funds that may be apportioned to small commercial customers.

B. Cooperation in the Docket

Regarding the issue of AWEC-CUB and SBUA cooperation in the docket, by the time case certification was decided, complementary advocacy among these parties has been evident in the docket. The scope of SBUA's work in the docket included the scope expressed in its Petition

² ORS 757.072(3)(a) and (b).

³ AWEC-CUB Response, p 2.

⁴ See Order No. 18-017, Section 7.7.

to Intervene.⁵ The issues of rate spread and design for small commercial customers is substantive as is demonstrated by the relevant provisions in the Stipulation proposed by all the parties except Sierra Club.⁶ The Commission’s duty to set fair and reasonable rates in all rate cases under ORS 756.040 must involve rate spread considerations under ORS 757.230, so if rates are adjusted for one customer class, this does not cause rates for other customer classes to become unjust and unreasonable. *Wah Chang v. Public Utility Commission*, 256 Or. App. 151, 158 (2013). In addition to working towards fair and reasonable rates, SBUA’s focused work in the docket also enabled other parties to benefit from access to related discovery from PacifiCorp and Staff, for example, and from SBUA’s other participation and expertise.

Regarding the AWEC-CUB explanation of its interpretation of “the purpose of 6.6”⁷ the explanation should have no bearing on the Commission’s consideration in this matter because SBUA was not a party to that effort, despite SBUA’s attempt to be included.⁸

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⁵ SBUA’s expert reviewed the different parts of this rate revision request including revenue requirements, class cost of service studies and rate design, and application of the 2020 Protocol. UE 374 SBUA/100 Opening Testimony of William A. Steele, p 4-5.

⁶ UE 374 PacifiCorp Request for General Rate Revision, PacifiCorp, CUB, AWEC, Calpine Solutions, ChargePoint, Tesla, Fred Meyer, SBUA, Walmart, KWUA, Oregon Farm Bureau, Vitesse, and Staff’s Partial Settlement Stipulation, filed 8/17/2020. Sierra Club did not join this Stipulation.

⁷ AWEC-CUB Response to SBUA Petition for Reconsideration filed 8/21/2020, p. 3.

⁸ UE 352 PacifiCorp d.b.a. Pacific Power Renewable Adjustment Clause, Application for Reconsideration of Small Business Utility Advocates, Exhibit 2 (Correspondence denying SBUA’s participation in the docket concerning intervention funding, UM 1357 In the Matter of the First Amended and Restated Intervenor Funding Agreement and subsequent IFAs).

III. CONCLUSION

For these reasons SBUA requests the Commission amend the Order as requested in the Application and order allocation of the available issue funds to a reasonable SBUA budget.

Respectfully submitted,

September 18, 2020

s/ Diane Henkels

DATE: _____

By: _____

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