

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UE 374

IN THE MATTER OF:)	
)	
PACIFICORP d/b/a PACIFIC POWER)	REPLY OF SBUA TO AWEC-CUB
)	RESPONSE TO SBUA’S SECOND
Request for General Rate Revision)	PROPOSED BUDGET
)	
)	

I. INTRODUCTION

Pursuant to the Oregon Administrative Rules (“OAR”) governing the Public Utility Commission (“Commission”), OAR 860-0010-0420(4), Small Business Utility Advocates (“SBUA”) replies to the Response of the Alliance of Western Energy Consumers and Oregon Citizens’ Utility Board (referred to hereafter as “AWEC-CUB”) to SBUA Second Proposed Budget (“Response”). This Reply is deemed substantive according to response by Commission’s Rules Coordinator. Exhibit 1.¹ The Second Proposed Budget of SBUA was filed in the docket UE 374 as a matter of implementing the Partial Stipulation approved by Order 20-473.² Signatories to the Partial Stipulation agreed that implementing the terms to that document resolved the rate spread and rate design issues in the docket. Exhibit 2. SBUA’s Second Proposed Budget is designed to comply with the terms of the Partial Stipulation insofar as they dictate collaboration

¹ The Commission Rules Coordinator, Diane Davis is a process resource with regard to Commission Rules. Commission Order 20-386 In the Matter of UM 2055 Amending Internal Operating Guidelines, entered 10/27/2020, Attachment A p 11. As the Rules Coordinator for the Commission, Ms. Davis is responsible for providing to the public upon request information pertaining to the status of the agency’s rules. ORS 183.330(2).

² UE 374 PacifiCorp d/b/a Pacific Power Request for General Rate Revision Partial Stipulation, was signed by Staff of the Public Utility Commission of Oregon; the Alliance of Western Energy Consumers; Calpine Energy Solutions, LLC; ChargePoint, Inc.; Fred Meyer Stores, a subsidiary of The Kroger Co. and Quality Food Centers, a Division of the Fred Meyer Stores, Inc.; Klamath Water Users Association; Oregon Farm Bureau Federation; the Oregon Citizens’ Utility Board; Small Business Utility Advocates; Tesla, Inc.; Vitesse, LLC; and Walmart, Inc.; and adopted by the Commission in Order 20-473 on December 18, 2021. NOTE: The Partial Stipulation did not include the Sierra Club.

between PacifiCorp d/b/a Pacific Power (“Company”) and SBUA with regard to small commercial customers in Paragraph 21 of the Partial Stipulation (“Paragraph 21”). The Second Proposed Budget to implement the Partial Stipulation is a compliance filing in the docket and as such is an eligible proceeding per Commission Chief ALJ,³ and such determination is consistent with the delegation of authority to the ALJ.⁴ The Partial Stipulation is enforceable as it requires the Company to perform certain measures that were material to SBUA’s agreeing to the Stipulation.

In the spirit of transparency SBUA provides in this Reply information indicating efforts at communication and also input that formed the basis of the SBUA Second Proposed Budget. The Commission should grant the SBUA Second Proposed Budget because it is reasonable and in compliance with the Fourth Amended and Restated Intervenor Funding Agreement approved by Order 18-017 on January 17, 2018 (hereinafter “IFA”). Alternatively the Commission can order a reasonable date following the Company’s October 2021 report to the Commission as a deadline for SBUA’s submission of Request for Payment in order to put closure on amount expended versus amount committed.⁵

II. BACKGROUND

Small Business Utility Advocates (“SBUA”), having been granted Intervenor status on March 2, 2020 in this Request for General Rate Revision, received case certification for the docket on June 10, 2021. In its Petition for Case Certification, SBUA had explicitly requested leave to submit an amended budget for consideration to increase SBUA’s capacity to participate

³ Exhibit 2. See January 11, 2021 message, January 26, 2021 confirmation. SBUA deems it necessary to include original communications for the sake of transparency. The Chief ALJ also noted on January 26, 2021, that the budget should be tailored to the activity anticipated in the docket. *Id.*

⁴ See OAR 860-001-0090(g) and (m); and Order 20-386 pp 14, 21-22.

⁵ IFA 7.3 Issue Fund Grant Request for Payment.

in the proceedings.⁶ Had the rate spread and rate design issues gone to hearing SBUA would likely have filed such amended budget.⁷

In this docket SBUA has conducted formal discovery, participated in settlement conferences, multiple rounds of pre-filed testimony, evidentiary hearings, and legal briefing. SBUA has participated in Commission workshops to learn more about technical issues in an informal setting, and oral arguments.

It is important to note that the Company's Request for General Rate Revision on February 14, 2021, included significant material pertinent to residential and to industrial customers but very little pertaining to small commercial. For example, the original Request included at least twenty full pages regarding residential customers rate design and available options, and a number of pages for large commercial customers, in contrast to one page for similar subject matter regarding small commercial customers.⁸ The discovery process confirmed an absence of data on small commercial customers, and also a complete lack of any small commercial customer specific outreach or marketing to inform small commercial customers explicitly of rate design options available to them. The Company identified themes guiding its rate design proposals in the rate case including giving customers choices⁹ and in order for the small commercial to understand those choices they need information and education. This was striking to SBUA given that small

⁶ UE 374 Petition of SBUA for Case Certification p8, <https://edocs.puc.state.or.us/efdocs/HAO/ue374hao153717.pdf> (Last accessed on 3/12/21).

⁷ SBUA acknowledges having submitted a budget in this docket at a period when funds appeared available, received denial, filed a Petition for Reconsideration which was denied by operation of law, but this is not the focus of this Reply.

⁸ Request, PAC/1400 Meredith/26-46 focusing on residential customers including low-income, compared with page 47 focused on small commercial customers.

⁹ Meredith, Id. at 26.

commercial customers are by far the second most numerous class of rate payers in the Company's Oregon service territory. To remedy this lack of data and small commercial outreach and education focus, as parties negotiated the Partial Stipulation it was agreed by all parties including AWEC-CUB that PacifiCorp would work with SBUA to come up with an Outreach and Marketing Plan for small commercial customers and that PacifiCorp would consult with SBUA regarding the Company's AMI data pertaining to small commercial customers prior to presenting the information to the Commission in October 2021.¹⁰

Since the Order accepting the Stipulation, SBUA and the Company have been in contact, however, there is yet to be even a first scoping meeting regarding the deliverables of the UE 374 Stipulation.¹¹ Given the calendar year cycle of intervenor funding, SBUA approached the Company with a draft budget in January 2021,¹² but has yet to receive a response.

III. ARGUMENT

Commission's obligation to protect customers and set utility rates that are fair, just, and reasonable.

A. Eligible Proceeding:

There is no dispute that UE 374 is indisputably an eligible proceeding.¹³

The docket is not closed as demonstrated at a minimum by the several documents filed in 2021.¹⁴ AWEC-CUB do not provide authority supporting their conclusion that the docket is

¹⁰ Partial Stipulation, Paragraph 21.

¹¹ Exhibit 3 SBUA-Company communications 1.

¹² Exhibit 4 SBUA-Company communications 2.

¹³ Response, p4 (Acknowledging a general rate case that qualified as an eligible proceeding).

¹⁴ UE 374 Calpine Solutions' Response to Vitesse's Application for Reconsideration, filed 2/26/21, among several other filings by diverse parties including the Company.

closed, but only refer to another proceeding example of a different structure. Commission guidance explains that activity in a contested case proceeding can continue even after the Record is closed. For example, the Commission holds regularly-scheduled decision meetings to discuss and arrive at a decision on the outcome of contested cases.¹⁵

AWEC-CUB present that the marketing, education and outreach (“ME&O) activities are “wholly inappropriate” for disbursement of intervenor funding.¹⁶ These activities, along with the report based on AMI small commercial customer data, were explicitly included in the Partial Stipulation and articulated in Paragraph 21.¹⁷ The basis for AWEC-CUB’s description of these activities in Provision 21 of the Partial Stipulation as informal and not requiring Commission oversight or approval is unclear. AWEC-CUB themselves signed on to the Stipulation as a settlement of rate spread and rate design matters in the rate case, approved by the Commission as permitted by law,¹⁸ and no party challenged the Stipulation. As the next part of this Reply will show there are significant technical considerations in implementing well the Paragraph 21 of the Partial Stipulation. The Partial Stipulation terms, including Provision 21, are enforceable as to any party including the Company.¹⁹

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¹⁵ Order 20-386, p 19.

¹⁶ Response at 5.

¹⁷ Partial Stipulation Paragraph 21, p7 of 23.

¹⁸ OAR 860-001-0350.

¹⁹ *Jeld-Wen, Inc. v. Pacificorp*, 240 Or App 124 (2010).

B. Budget:

AWEC-CUB also contest the budget that SBUA has presented.²⁰ The Response description of the work that is the subject of Provision 21 regarding as “SBUA requesting issue funds to conduct marketing and outreach to address only its members or recruit new ones.” Response at 5. In fact, as discussed earlier, there is extensive coverage of the significance of customer choice, outreach and rate design discussion as regards residential and also large commercial and industrial customers in the Company’s original rate request application. notes that the residential ratepayer class rate spread and design requires some twenty dense pages, covering a variety of topics.²¹ SBUA shared its Second Proposed Budget timely per IFA 6.3 with the Company first, then filed its proposal with the Commission.²²

In contrast to the AWEC-CUB, SBUA respectfully submits that SBUA’s Second Proposed Budget also complies fully with the Section 6.5 of the Fourth IFA. SBUA’s expert, a seasoned utility economist who has provided expert testimony on behalf of SBUA since the beginning of this rate case points out the breadth and complexity of the issues presented in presenting the proposed draft expert budget for performing the Provision 21 work.²³ Mr. Steele’s perspective is consistent with SBUA’s position throughout this rate case, and also is consistent with the Company’s expertise regarding the role of customer awareness on utility customer behavior.²⁴ The Response characterizing the issues as “narrowly tailored, applicable only to

²⁰ Response 5-8.

²¹ UE 374 PacifiCorp Request for General Rate Revision, Application filed February , 2020, PAC/100 Meredith 26-48 (residential rate payers).

²² Exhibit 4 SBUA-Company 2.

²³ Exhibit 5, Declaration of William A. Steele with Exhibit A.

²⁴ UE 374 Request, PAC/1400 Meredith.

small business customers” and as “relatively uncomplicated”, is inconsistent with the requirement that the Commission set rates that are fair, just, and reasonable for all. Considering the more recent concern of the Commission for applying an equity lens to its proceedings²⁵ this responsibility is that much more important for a ratepayer class as large as the small commercial customer in Oregon.

Another concern expressed in the Response is the concern that the commitment of intervenor issue grant funds would inhibit budgeting for other activities in 2021 that would involve AWEC-CUB seeking intervenor funds.²⁶ There are many demands on intervenor funding and as AWEC-CUB noted, specific situations should be taken into account in future IFAs.²⁷ However, much helpful technical work may be achieved here to assure just and reasonable rates in the future. Having already deprived small commercial customers of any intervention funding in 2020, the Commission should not deprive SBUA of intervenor funding where a budget is reasonably based on information to date.

The Company had ample time to weigh in on the purposed scope and budget,²⁸ did not oppose the proposed budget, and it is anticipated that good and appropriate work will be done regarding the small commercial customer class as the year progresses.

There are many safeguards to ensure proper issue fund expenses. Request for budget must identify categories of expenses which has been done. Requests for payment must be specific. Also, the Commission may request more information, though the IFA also provides that the

²⁶ Response at 8.

²⁷ *C.f.* Response at 2.

²⁸ Declaration of Counsel.

Commission will make best efforts to act upon the proposed funding budget within 14 days of receiving the proposed budget.²⁹

Like AWEC-CUB, SBUA supported the Partial Stipulation and are representing constituencies in other proceedings before the Commission in 2021. SBUA is bound by the Stipulation and seeks to fulfill its obligations in this General Rate Case. The demands of other docket work do not change these obligations.

IV. CONCLUSION

Approving SBUA's Second Proposed Budget is consistent with the Commission's obligation to protect customers and set utility rates that are fair, just, and reasonable. In the perspective of the 83,000 small commercial customers that are not only ratepayers of this Company but also enduring a undisputed period of unprecedented duress approving SBUA's Second Proposed Budget is just and reasonable. Alternatively the Commission may require a reasonable time limit for SBUA to present a budget for payment.

RESPECTFULLY SUBMITTED March 12, 2020.



s/ Diane Henkels

Diane Henkels
Attorney, Small Business Utility Advocates
www.utilityadvocates.org
621 SW Morrison St. Ste 1025
Portland, OR 97205
t: 541-270-6001
e: diane@utilityadvocates.org

²⁹ IFA 6.4.

From: **DAVIS Diane** diane.davis@state.or.us 
Subject: RE: Question Fwd: OPUC Docket UE 374 -- Notice of Filing
Date: March 3, 2021 at 9:37 AM
To: Diane Henkels diane@utilityadvocates.org



Hello Diane,
SBUA may reply to the response to the substantive motion. (I tried to sum that up in one sentence, and this issue of determining nature of motions is on *my list* of things to discuss in AR 641.)

Best,

Diane Davis 971-375-5082
Administrative Hearings Division

From: Diane Henkels <diane@utilityadvocates.org>
Sent: Wednesday, March 3, 2021 7:19 AM
To: DAVIS Diane <diane.davis@puc.state.or.us>
Cc: MOSER Nolan <nolan.moser@puc.state.or.us>
Subject: Question Fwd: OPUC Docket UE 374 -- Notice of Filing

Good morning,

As SBUA would like to reply to this Response, is this a proceeding that is deemed procedural (requiring permission from the ALJ) or substantive (not requiring such permission) pursuant to OAR 860-001-0420(5)?

Parenthetically, we will submit that this section of this rule is something we will point out for improvement in the Rulemaking process underway.



Diane Henkels
She/her/hers
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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Begin forwarded message:

From: TOEWS Kimberly <kimberly.toews@state.or.us>

Subject: OPUC Docket UE 374 -- Notice of Filing

Date: February 25, 2021 at 9:40:43 AM PST

To: "alessandra@rogueclimate.org" <alessandra@rogueclimate.org>, "alexandra.leumer@chargepoint.com"

<alexandra.leumer@chargepoint.com>, "ana.boyd@sierraclub.org" <ana.boyd@sierraclub.org>, "blc@dvclaw.com" <blc@dvclaw.com>, "bob@oregoncub.org" <bob@oregoncub.org>, "chris@envlaw.com" <chris@envlaw.com>, "chuck.rhine@yahoo.com"

<chuck.rhine@yahoo.com>, "crivera@somachlaw.com" <crivera@somachlaw.com>, "diane@utilityadvocates.org"

<diane@utilityadvocates.org>, "dockets@oregoncub.org" <dockets@oregoncub.org>, "eferrell@fb.com" <eferrell@fb.com>,"

"etta.lockey@pacificorp.com" <etta.lockey@pacificorp.com>,"

"fwahl@tesla.com" <fwahl@tesla.com>, "gloria.smith@sierraclub.org" <gloria.smith@sierraclub.org>,"

"greg.bass@calpinesolutions.com" <greg.bass@calpinesolutions.com>,"greg@richardsonadams.com" <greg@richardsonadams.com>,"

"irion@sanger-law.com" <irion@sanger-law.com>,"

"jbieber@energystrat.com" <jbieber@energystrat.com>,"

"jdunbar@dunbarlawllc.com" <jdunbar@dunbarlawllc.com>,"

"jeni.hall@energytrust.org" <jeni.hall@energytrust.org>,"

"jkylercohn@bkllawfirm.com" <jkylercohn@bkllawfirm.com>,"

"kauerbacher@tesla.com" <kauerbacher@tesla.com>,"

"kboehm@bkllawfirm.com" <kboehm@bkllawfirm.com>,"

"khiggins@energystrat.com" <khiggins@energystrat.com>,"

"lloyd.reed@lloydreedconsulting.com" <lloyd.reed@lloydreedconsulting.com>,"

"marcy@ibew125.com" <marcy@ibew125.com>, GARDNER Marianne

<marianne.gardner@state.or.us>,"matthew.mcvee@pacificorp.com"

<matthew.mcvee@pacificorp.com>,"mike@oregoncub.org"

<mike@oregoncub.org>,"oregondockets@pacificorp.com"

<oregondockets@pacificorp.com>,"psimmons@somachlaw.com"

<psimmons@somachlaw.com>,"puananizreid@gmail.com"

<puananizreid@gmail.com>,"rbd@fb.com" <rbd@fb.com>,"

"sdunbar@kfwlaw.com" <sdunbar@kfwlaw.com>,"

"sommer.moser@doj.state.or.us" <sommer.moser@doj.state.or.us>,"

"stephen.chriss@wal-mart.com" <stephen.chriss@wal-mart.com>,"

"steve@shermlaw.com" <steve@shermlaw.com>,"tcp@dvclaw.com"

<tcp@dvclaw.com>,"vbaldwin@parsonsbehle.com"

<vbaldwin@parsonsbehle.com>,"wa.steele@hotmail.com"

<wa.steele@hotmail.com>,"wehrlich@tesla.com"

<wehrlich@tesla.com>

Cc: LACKEY Alison <alison.lackey@state.or.us>, FJELDHEIM Brian

<brian.m.fjeldheim@state.or.us>, CONWAY Bryan

<bryan.conway@state.or.us>, DLOUHY Curtis

<curtis.dlouhy@state.or.us>, DAVIS Diane <diane.davis@state.or.us>,"

COMPTON George <george.compton@state.or.us>, COHEN Heather B

<heather.b.cohen@state.or.us>, JONES Jason W
<Jason.W.JONES@state.or.us>, CRIDER John
<john.crider@state.or.us>, FOX John <john.l.fox@state.or.us>,
BATMALE JP <jp.batmale@state.or.us>, ZARATE Kathy
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BROWN Mark <mark.brown@state.or.us>, MULDOON Matt
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<max.st.brown@state.or.us>, DOUGHERTY Michael
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<ming.peng@state.or.us>, MOORE Mitch <mitch.moore@state.or.us>,
ENRIGHT Moya <moya.enright@state.or.us>, HANHAN Nadine
<nadine.hanhan@state.or.us>, ROSSOW Paul
<paul.rossow@state.or.us>, "BOYLE Phil" <phil.boyle@state.or.us>,
FREEMAN Robin <robin.freeman@state.or.us>, SOLDAVINI Sabrinna
<sabrinna.soldavini@state.or.us>, "ROWE Sarah"
<sarah.rose@state.or.us>, GIBBENS Scott
<scott.gibbens@state.or.us>, VALLESPER Selena
<selena.vallespir@state.or.us>, MAYE Shelly-Ann <shelly-
ann.maye@state.or.us>, "sommer.moser@doj.state.or.us"
<sommer.moser@doj.state.or.us>, STORM Steve
<steve.storm@state.or.us>

Docket Name: PACIFICORP REQUEST FOR A GENERAL RATE
REVISION

Description: AWEC and CUB's Response to SBUA's Second Proposed
Budget; filed by Tyler C. Pepple and Michael P, Goetz.

Use the link below to view this document:

<http://edocs.puc.state.or.us/efdocs/HAC/ue374hac93917.pdf>

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contact the Administrative Hearings Division Support Unit
at puc.hearings@state.or.us or (503)-378-6678

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may have originated outside of PUC.*****

From: **MOSER Nolan** nolan.moser@state.or.us
Subject: RE: Your questions
Date: February 1, 2021 at 8:07 AM
To: **DAVIS Diane** diane.davis@state.or.us, **Diane Henkels** diane@utilityadvocates.org



Hi Diane – I do know we are in the process of updating those levels. I'm not sure when it will get done, but will let you know when that happens.

NM

From: Diane Henkels <diane@utilityadvocates.org>
Sent: Friday, January 29, 2021 4:14 PM
To: DAVIS Diane <diane.davis@puc.state.or.us>
Cc: MOSER Nolan <nolan.moser@puc.state.or.us>
Subject: Fwd: Your questions

I believe this is for Diane Davis w/regard to the level of Intervenor funding currently available where the spreadsheet is not updated for 2021 it appears. Where / when could I access the updated information?

(d)

Identification of the specific account or accounts from which the intervenor is seeking an Issue Fund Grant and an estimate of the amount of available funds in that account.

Intervenor Funding: <https://www.oregon.gov/puc/filing-center/Pages/Intervenor-Funding.aspx>



Diane Henkels
She/her/hers
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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Begin forwarded message:

From: MOSER Nolan <nolan.moser@state.or.us>
Subject: RE: Your questions
Date: January 26 2021 at 11:45:58 AM PST

To: DAVIS Diane <diane.davis@state.or.us>, Diane Henkels
<diane@utilityadvocates.org>

That is correct. Obviously, the budget should be tailored to the activity anticipated in the docket. At this stage, we will see compliance filings in this docket.

NM

From: Diane Henkels <diane@utilityadvocates.org>
Sent: Tuesday, January 26, 2021 10:43 AM
To: DAVIS Diane <diane.davis@puc.state.or.us>
Cc: MOSER Nolan <nolan.moser@puc.state.or.us>
Subject: Re: Your questions

Hello,

To follow up on this, where case certification was granted in this docket then it seems the next step is filing of Proposed Budget pursuant to 6.2 of the IFA as SBUA has already filed the 6.1 Notice of Intent. Could I receive confirmation or guidance on this?

Sincerely,



Diane Henkels
She/her/hers
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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On Jan 12, 2021, at 3:41 PM, DAVIS Diane
<diane.davis@state.or.us> wrote:

Hi Diane,

I believe that is correct, it is still UE 374 – the compliance filings

are being docketed and processed in UE 374. Chief ALJ Moser will correct me, if I am wrong.

Best,

Diane

From: Diane Henkels <diane@utilityadvocates.org>
Sent: Tuesday, January 12, 2021 2:59 PM
To: DAVIS Diane <diane.davis@puc.state.or.us>
Cc: MOSER Nolan <nolan.moser@puc.state.or.us>;
Riemenschneider Johanna
<johanna.riemenschneider@doj.state.or.us>
Subject: Re: Your questions

Diane,

Thanks for response. So the compliance process would be the same UE 374 docket which would not necessitate filing a new case certification petition if I understand this correctly. Could you confirm that this understanding is correct?

Thanks for response re UM 2114.

I understand the delay and thanks for the follow up.

<image001.png>

Diane Henkels
She/her/hers
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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On Jan 11, 2021, at 1:49 PM, DAVIS Diane
<diane.davis@state.or.us> wrote:

Hi Diane,

The response would come from me or Chief ALJ Nolan Moser, not DOJ.

I apologize that I didn't get back to you on Friday – I was caught up in a family emergency on Friday afternoon.

Regarding UE 374, Chief ALJ Moser confirmed for me that the compliance process would technically fit the within the definition of eligible proceeding.

Regarding UM 2114, I believe that because this is not a contested case, a motion would need to be made for the proceeding to be designated as eligible, and then the Commission would need to respond favorably to the motion. See for example this filing: <https://edocs.puc.state.or.us/efdocs/HAO/um2030hao95759.pdf>.

Again, my apologies for not responding by Friday.

Best Regards,

<image004.png>

Diane Davis
PUC Administrative Hearings
Division
Check out our new Public
Records Request Platform
971-375-5082 (NEW PHONE
NUMBER)

From: Diane Henkels <diane@utilityadvocates.org>
Sent: Monday, January 11, 2021 9:22 AM
To: DAVIS Diane <diane.davis@puc.state.or.us>
Cc: Riemenschneider Johanna
<johanna.riemenschneider@doj.state.or.us>
Subject: Re: Your questions

Diane,

I do not see my message so I am responding to you and copying your counsel.

Sincerely,

<image001.png>

Diane Henkels
She/her/hers
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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On Jan 7, 2021, at 11:13 AM, DAVIS
Diane <diane.davis@state.or.us> wrote:

Hi Diane,

Happy New Year! I received your questions and I need to consult for legal advice. I should have answers for you by close of business tomorrow (that is my goal).

Thank you.

Best Regards,

<image002.png>

Diane Davis
PUC Administrative
Hearings Division
Check out our
new [Public Records
Request Platform](#)
971-375-5082
(NEW PHONE
NUMBER)

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From: Diane Henkels diane@utilityadvocates.org
Subject: Re: [INTERNET] UE 374, Schedule 23, and SBUA
Date: March 5, 2021 at 11:41 AM
To: McVee, Matthew (PacifiCorp) Matthew.McVee@pacificorp.com
Cc: Allen, Cathie (PacifiCorp) Cathie.Allen@pacificorp.com, Lockey, Etta (PacifiCorp) Etta.Lockey@pacificorp.com,
 Frederick Randall II frederick@utilityadvocates.org

Hello Matt,

Checking in to follow up on the UE 374 Stipulation. It would be helpful to get a meeting set up on this. I am unavailable the last two weeks of March. Any chance of meeting before then?
 Copy Frederick Randall II w/SBUA on this, too.



Diane Henkels
 She/her/hers
 Attorney, Small Business Utility Advocates
 541-270-6001 / utilityadvocates.org

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On Jan 19, 2021, at 11:12 AM, McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com> wrote:

Diane - Our priority has been updating rates in OR, WA, and UT and will be turning back to the other issues now. We do have a hearing in mid-February in our Wyoming rate case, so preparation for that will be a competing priority. That being said, we are beginning internal discussions in the next week or so and hope to be ready for a meeting in late February. I'm sorry I don't have more for you at this point.

Matt

From: McVee, Matthew (PacifiCorp)
Sent: Friday, January 15, 2021 2:27 PM
To: 'Diane Henkels' <diane@utilityadvocates.org>
Cc: Allen, Cathie (PacifiCorp) <Cathie.Allen@pacificorp.com>; Lockey, Etta (PacifiCorp) <Etta.Lockey@pacificorp.com>
Subject: RE: [INTERNET] Re: UE 374, Schedule 23, and SBUA

Diane – Thanks for your email. Let me check internally and see where the process is. I should be able to get to you Tuesday.

Matt

From: Diane Henkels <diane@utilityadvocates.org>
Sent: Friday, January 15, 2021 12:51 PM
To: McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com>
Cc: Allen, Cathie (PacifiCorp) <Cathie.Allen@pacificorp.com>; Lockey, Etta (PacifiCorp) <Etta.Lockey@pacificorp.com>
Subject: [INTERNET] Re: UE 374, Schedule 23, and SBUA

You don't often get email from diane@utilityadvocates.org. [Learn why this is important](#)

[Feedback](#)

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Hello Matthew,

Cathie Allen suggested that you'd be the best one to follow up with on this inquiry to follow up on UE 374 Stipulation.

For efficiency SBUA hopes to get information soon on what PacifiCorp envisions for implementing the Stipulation working out a marketing plan to small commercial and also the report forthcoming in October regarding AMI data from small commercial customers. SBUA is planning the scope and funding of this work with PacifiCorp dba Pacific Power and we wanted to check in with you about this first.

Looking forward to hearing from you. We could also perhaps arrange a phone conference.

Sincerely,
 <image001.png>

Diane Henkels
 She/her/hers
 Attorney, Small Business Utility Advocates
 541-270-6001 / utilityadvocates.org

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On Jan 4, 2021, at 7:59 AM, Diane Henkels <diane@utilityadvocates.org> wrote:

Happy New Year Etta and Matt,

SBUA looks forward to working with PacifiCorp dba Pacific Power to follow up on last year's work in this docket. We look forward to learning what plan you may have in mind re implementing the Stipulation, and it seems that a conversation in the near future, whether by email or phone, is a good idea.

<https://edocs.puc.state.or.us/edocs/UHR/ue374uhr1061.pdf>

<WebPage.pdf>

Sincerely,

<PastedGraphic-1.tiff>

Diane Henkels
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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From: **Diane Henkels** diane@utilityadvocates.org
Subject: **Re: [INTERNET] UE 374, Schedule 23, and SBUA**
Date: **January 21, 2021 at 8:09 AM**
To: **McVee, Matthew (PacifiCorp)** Matthew.McVee@pacificorp.com
Cc: **Allen, Cathie (PacifiCorp)** Cathie.Allen@pacificorp.com, **Lockey, Etta (PacifiCorp)** Etta.Lockey@pacificorp.com



Good morning Matt,

I thought I would add that as you know the Commission intervenor funding includes identifying the work to be done and so the budget would include this basic information. It would be good to have some input from PAC as to a basic structure you envision for collaboration for the are not developed. Hope we will hear back from you with any information you can provide on PAC's proposal for basic structure at your earliest convenience.

Sincerely,



Diane Henkels
She/her/hers
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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On Jan 20, 2021, at 3:59 PM, Diane Henkels <diane@utilityadvocates.org> wrote:

Thanks for getting back. I can appreciate the juggle. And I imagine you can appreciate our need to plan funding. Late February seems a bit late to seek funding for this and the work would apparently fit in technically with compliance with the docket. Does PacifiCorp have any proceeding with that funding process, and if the Commission agrees, submitting for consideration what we see is a reasonable budget?

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Diane Henkels
She/her/hers
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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On Jan 19, 2021, at 11:12 AM, McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com> wrote:

Diane - Our priority has been updating rates in OR, WA, and UT and will be turning back to the other issues now. We do have a hearing in mid-February in our Wyoming rate case, so for that will be a competing priority. That being said, we are beginning internal discussions in the next week or so and hope to be ready for a meeting in late February. I'm sorry I don't for you at this point.

Matt

From: McVee, Matthew (PacifiCorp)
Sent: Friday, January 15, 2021 2:27 PM
To: 'Diane Henkels' <diane@utilityadvocates.org>
Cc: Allen, Cathie (PacifiCorp) <Cathie.Allen@pacificorp.com>; Lockey, Etta (PacifiCorp) <Etta.Lockey@pacificorp.com>
Subject: RE: [INTERNET] Re: UE 374, Schedule 23, and SBUA

Diane - Thanks for your email. Let me check internally and see where the process is. I should be able to get to you Tuesday.

Matt

From: Diane Henkels <diane@utilityadvocates.org>
Sent: Friday, January 15, 2021 12:51 PM
To: McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com>
Cc: Allen, Cathie (PacifiCorp) <Cathie.Allen@pacificorp.com>; Lockey, Etta (PacifiCorp) <Etta.Lockey@pacificorp.com>
Subject: [INTERNET] Re: UE 374, Schedule 23, and SBUA

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Hello Matthew,

Cathie Allen suggested that you'd be the best one to follow up with on this inquiry to follow up on UE 374 Stipulation.

For efficiency SBUA hopes to get information soon on what PacifiCorp envisions for implementing the Stipulation working out a marketing plan to small commercial and also the report in October regarding AML data from small commercial customers. SBUA is planning the scope and funding of this work with PacifiCorp dba Pacific Power and we wanted to check in v this first.

Looking forward to hearing from you. We could also perhaps arrange a phone conference.

Sincerely,
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Diane Henkels
She/her/hers
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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On Jan 4, 2021, at 7:59 AM, Diane Henkels <diane@utilityadvocates.org> wrote:

Happy New Year Etta and Matt,

SBUA looks forward to working with PacifiCorp dba Pacific Power to follow up on last year's work in this docket. We look forward to learning what plan you may have in mind re implementing the Stipulation, and it seems that a conversation in the near future, whether by email or phone, is a good idea.

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Sincerely,

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Diane Henkels
Attorney, Small Business Utility Advocates
541-270-6001 / utilityadvocates.org

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UE 374

In the Matter of)	
)	
PACIFICORP, d.b.a. PACIFIC POWER)	DECLARATION OF EXPERT WITNESS
)	
Request for General Rate Revision)	
<hr style="width: 80%; margin-left: 0;"/>)	

1. My name is William A. Steele. My business address is 9554 Brentford Drive, Highlands Ranch, CO 80130.

2. I am the same William A. Steele who provided expert testimony on behalf of Small Business Utility Advocates in the above referenced matter in 2020.

3. I provided the draft budget, attached as Exhibit A, as a reasonable estimate, based on information known to date and on my experience in this docket and in the many other utility rate matters where I have provided expert testimony. This is only an estimate. Hours billed will only be on actual work performed with invoices detailing tasks/work performed. Without being able to meet with PacifiCorp d/b/a Pacific Power (“Company”) prior to the submission of this budget this is my best estimate.

4. The parties objecting to this level of funding request don’t have any idea either on what the level of detailed information the Company will provide. Since this is a trailing issue from UE-374 it is important to get these issues resolved now versus waiting to perform a detail analysis in the next rate case when SBUA again faces a lack of information for Schedule 23 customers.

5. A reason the budget may appear high than anticipated is that SBUA was unable to get meaningful information during the rate case on this issues regarding data from small commercial customers and possibly faces the same circumstances with the follow-up report due to the Commission in October 2021, hence more time and possible SBUA discussions with the Company in order to get resolution to these issues now versus revisiting these same issues in the next rate case.

6. Being able to follow-up on these issues with the Company in this docket was one of the deciding factors in my supporting SBUA’s agreeing to sign the stipulation rather than litigating the issues of rate spread and rate design for small commercial customers.

6. In summary, the actual time performing the analysis will only be what is required. This budget is not meant to be self-fulfilling. Without information from the Company this is the best estimate possible. It is my opinion that to list any fewer hours in this information vacuum would render the analysis useless and rendering the purpose of SBUA agreeing to sign the Stipulation meaningless.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Respectfully submitted,

3/12/21
Date: _____

s/ William A. Steele

William A. Steele,
Steele & Associates
9554 Brentford Drive
Highlands Ranch, CO 80130
t: 303.921.3808
e: wa.steele@hotmail.com

Draft Budget by Bill Steele Subject to Revision as of January 17, 2020

21. Small Business Customers: PacifiCorp agrees to do additional outreach to small commercial customers on the availability of applicable pilots. PacifiCorp additionally agrees to do the following with respect to small business customers:

- a. Create a marketing, education and outreach (“ME&O”) plan for Schedule 23 customers.
- b. Work collaboratively with SBUA regarding the ME&O plan for these customers, particularly as it relates to enrollment in Schedules 23/210 and

Bill’s thought on outreach.

- Zoom meetings with SBUA members
- Messages on Schedule 23 customers’ bills
- Mailers
- Crucial to have a user friendly section on PAC’s website.
- Sample number of direct calls to Schedule 23 customers.

If my services are needed for the outreach effort I would estimate 40 hours of my time.

c. By October 2021, the Company will consult with SBUA prior to providing an informational report on data obtained regarding Schedule 23 customers, and provide the Stipulating Parties an informational report exploring potential alternate rate design changes for Schedule 23 customers. The Company commits to review the data and evaluate rate design and pricing options that may be proposed in a future general rate case.

Task	Hours/Rate	Dollars
Initial scoping meeting with PAC	4 hours @\$150	\$600
Drafting SBUA’s responses to initial PAC scoping meeting	4 hours @\$150	\$600
Reviewing information report	40 hours @\$150	\$6,000
Drafting questions to PAC on information report	40 hours @\$150	\$6,000
Additional meetings and discussion with PAC concerning report	40 hours @\$150	\$6,000

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UE 374

In the Matter of)
)
PACIFICORP, d.b.a. PACIFIC POWER) DECLARATION OF COUNSEL
)
Request for General Rate Revision)
_____)

1. My name is Diane Henkels and I am counsel for Small Business Utility Advocates (“SBUA”) in the above-referenced matter.
2. I contacted counsel for PacifiCorp d/b/a Pacific Power (“Company”) on January 4, 2021 to inquire regarding identifying a scope of work to implement the UE 374 Partial Stipulation paragraph 21. I also contacted the Company on January 15, 21, 2021, and in February 2021 for the same reason.
3. In February 2021, I provided PacifiCorp a draft budget substantially similar to what SBUA filed with the Commission as a Second Proposed Budget, but have not yet received response. We look forward to working with the Company.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Respectfully submitted,

3/12/21
Date: _____

s/ Diane Henkels

Diane Henkels, Attorney
www.utilityadvocates.org
621 SW Morrison St. Ste 1025
Portland, OR 97205
541-270-6001 / diane@utilityadvocates.org

