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September 18, 2023

Via Electronic Filing

Public Utility Commission of Oregon
Attn: Filing Center
201 High St. SE, Suite 100
Salem, OR 97301

Re: In the Matter of PACIFICORP, dba PACIFIC POWER,
Request for a General Rate Revision
Docket No. UE 399

and

PUBLIC UTILITY COMMISSION OF OREGON,
Investigation into the Effects of the COVID-19 Pandemic on Utility Customers
Docket No. UM 2114

Dear Filing Center:

Please find enclosed the Joint Response of the Alliance of Western Energy Consumers and Oregon Citizens' Utility Board to Small Business Utility Advocates' Motion in the above-referenced dockets.

Thank you for your assistance. If you have any questions, please do not hesitate to call.

Sincerely,

/s/ Anna V. Congdon
Anna V. Congdon

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 399 & UM 2114

In the Matter of)	
)	RESPONSE OF THE ALLIANCE OF
PACIFICORP, dba PACIFIC POWER,)	WESTERN ENERGY CONSUMERS AND
)	OREGON CITIZENS' UTILITY BOARD TO
Request for a General Rate Revision)	SMALL BUSINESS UTILITY
)	ADVOCATES
and)	
)	
PUBLIC UTILITY COMMISSION OF)	
OREGON)	
)	
Investigation into the Effects of the COVID-19)	
<u>Pandemic on Utility Customers.</u>)	

I. INTRODUCTION

Pursuant to OAR 860-001-0420(4), the Alliance of Western Energy Consumers (“AWEC”) and the Oregon Citizens’ Utility Board (“CUB”) file this Response to the Small Business Utility Advocates’ (“SBUA”) Motion for Reallocation of Issue Funds ("Motion") in the above-referenced proceedings. As stated in SBUA’s Motion, AWEC and CUB oppose the Motion because, while not entirely clear, as AWEC and CUB understand SBUA’s request, it violates the Intervenor Funding Agreement (“IFA”) for the following reasons.

II. ARGUMENT

First, SBUA appears to seek an Issue Fund grant from the 2023 PacifiCorp Issue Fund to pay for expenses incurred in UE 399, PacifiCorp’s 2022 General Rate Case. However, nearly all of the process in that docket occurred in 2022, with the only exception being additional litigation related to the Fourth Partial Stipulation. SBUA took no position on that stipulation and did not

participate in any of the process related to it; accordingly, all of SBUA's expenses in this docket were incurred in 2022. While the Fifth IFA allows parties to seek an advance of funding from a following year's Issue Fund and to rollover funds from one year to the next, it does not allow a party to request funds in one year for work performed in a docket in a previous year.¹ This is for good reason, as the Commission has identified a just and reasonable amount of intervenor funding available annually (all of which is recovered from customers), and allowing parties to use funding from one year for work performed in a previous year would undermine this Commission decision.

The Commission already allowed SBUA to revise its budget in UE 399 up to the amount of unused funds from the 2022 Issue Fund, but denied SBUA's request for an extension of time to seek reconsideration of that decision. CUB and AWEC took no position on SBUA's previous request. SBUA is now simply seeking an improper workaround the Commission's previous decision.

Second, and similarly, SBUA's proposed budget in UM 2114 appears to include work performed as far back as 2021.² While SBUA states that a portion of its budget "includes more recent work through second quarter 2023," it is not clear what this work is given that no process has occurred in this docket in 2023 (nor is it clear that any process will occur in 2023). Again, the Fifth IFA does not allow for this type of retroactive funding – indeed, the Fifth IFA was not even in existence in 2021 or 2022.

¹ Fifth IFA §§ 4.3 & 4.4.

² SBUA Motion at 6 ("The \$15,800 ... reflects the UM 2114 Proposed Amended Budget of SBUA, including eligible costs from participation in UM 21114 2021 to present ...").

AWEC and CUB also note that, to the extent SBUA seeks funding from the Case Certified Matching Fund to cover expenses incurred in 2023, the Fifth IFA does not require SBUA to file a proposed budget. SBUA may submit its expenses at the time it seeks recovery from this fund for Commission approval.

III. CONCLUSION

For the foregoing reasons, AWEC and CUB recommend that the Commission reject SBUA's Motion.

Dated this 18th day of September, 2023.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Tyler C. Pepple

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