

Cleantech Law Partners, PC
548 Market Street, Suite 59966
San Francisco, CA 94104
www.cleantechlawpartners.com
866.233.8064

June 20, 2014

Public Utilities Commission of Oregon
Filing Center
POB 2148
Salem, OR 97308
Puc.filingcenter@state.or.us

RE: OPUC Docket UM 1610

Attention Filing Center:

Enclosed for filing in the above-referenced docket is the Petition of Small Business Utility Advocates for Case Certification.

Please contact me at dhenkels@cleantechlawpartners.com or 541-270-6001 if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Diane Henkels
Cleantech Law Partners PC
420 SW Washington St. Ste 400
Portland, OR 97204
Counsel for SBUA

Enclosure

Cc:James Birkelund

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1610

In the Matter of)
)
PUBLIC UTILITY COMMISSION OF) PETITION OF SMALL BUSINESS
OREGON) UTILITY ADVOCATES FOR CASE
) CERTIFICATION
Staff Investigation Into Qualifying Facility)
Contracting and Pricing.)

Pursuant to ORS 756.525 and OAR 860-001-0120, Small Business Utility Advocates, (“SBUA”), respectfully submits this petition (“Petition”) to the Oregon Public Utility Commission (“Commission”) to certify this case for the purposes of seeking intervenor funding for this docket. In support of this petition, SBUA represents as follows:

I. Criteria for Certification of Intervenors

The Oregon Administrative Rule regarding case certification provide that an agreement may allow certain organizations to seek certification on a case-by-case basis as eligible to receive a grant and set forth certain required criteria. OAR 860-001-0120(4). Specifically, an organization can qualify for certification if (a) the organization is a non-profit organization, demonstrates that it is in the process of becoming a nonprofit organization, or is comprised of multiple customers of one or more of the utilities that are parties to the agreement and demonstrates that a primary purpose of the organization is to represent broad utility customer interests; (b) the organization represents the interests of a broad class of customers and its participation in the proceedings will be primarily directed at public utility rates or terms and conditions of service affecting those customers, and not narrow interests or issues that are ancillary to the effect of the rates and terms and conditions of service on those customers; (c) the organization demonstrates that it is able to effectively represent the particular class of customers it seeks to represent; (d) those members of the organization who are customers of one or more of the utilities that are affected by the proceedings and are parties to the agreement contribute a significant percentage of the

overall support and funding of the organization; (e) the organization demonstrates or has demonstrated in past Commission proceedings the ability to substantively contribute to the record on behalf of customer interests related to rates and the terms and conditions of service, including in proceedings in which the organization was case certified and received a grant; (f) The organization demonstrates that: (A) No precertified intervenor participating in the proceedings adequately represents the specific interests of the class of customers represented by the organization and (B) the specific interests of a class of customers will benefit from the organization's participation; and (g) The organization demonstrates that its request for case certification will not unduly delay the proceedings.

II. Applicability of Criteria to SBUA

For the reasons set forth below, SBUA that it meets the criteria set forth in OAR 860-001-0120(4).

(a) Nonprofit Status

Small Business Utility Advocates is a 501c3 nonprofit organization comprised of multiple customers of Portland General Electric Co. ("PGE") and PacifiCorp dba Pacific Power ("Pacific Power"). SBUA's primary purpose is representing the interests of small business in utility proceedings. Most businesses in Oregon are small business, that is, those with under 100 employees, according to the Oregon Small Business Act definition, ORS 285B.123(2). Of the 91,000 firms in Oregon in April 2012, the most recently available Oregon Employment Department statistic, over 89,000 firms had fewer than 100 employees and those firms employed 51% of the state's workforce.

(b) Broad Representation

The SBUA represents a broad class of customers including small businesses ranging from small businesses working directly and indirectly in energy related matters and other businesses, many of whom are PGE and Pacific Power rate-payers in Oregon. While some SBUA members work directly in the renewable energy industry, most work in their given areas of expertise, a wide variety, which may or may not directly involve energy or electricity.

PURPA rates and the terms and conditions in standard and non-standard PURPA contracts impact small businesses in at least two ways. First, PURPA renewable energy projects have a demonstrated economic multiplier effect in the communities where such projects are developed, thereby benefiting businesses in the community where a given project is located. The process setting rates, terms and conditions of such projects should take into account small business rate-payers. Second, PURPA rates are part of the portfolio of energy generation which is part of a given investor-owned utility Integrated Resource Plan (“IRP”) which includes data upon which utility planning and rate-making are based. Terms and conditions of PURPA projects are determined partly in the IRP process which impacts the rates utilities will pay for a given resource, for example in determining the capacity contribution of a given resource.

(c) *Demonstration of Effective Representation*

SBUA has participated in this docket since the beginning. It has contributed substantive and timely testimony and briefs pertinent to the issues in Part 1. SBUA will be able to represent small business in Part 2 of this docket as it has secured expertise with experience working in renewable energy, electricity, particularly in related to the focused, limited input SBUA seeks to offer. Also, SBUA legal counsel has extensive experience working in small business matters in Oregon.

(d) *SBUA Members who are Utility Customers contribute a significant percentage of the overall support and funding of the organization*

SBUA members who are customers of one or more of the utilities that are affected by the proceedings and parties to the agreement contribute significant support and funding to the organization. Most of the support of the organization is in-kind “sweat equity”, expressed in providing technical, time, and administrative resources to support SBUA’s interests. SBUA members are aware that Oregon has promoted a clean energy economy policy relying in part on renewable energy as demonstrated in the state identifying clean energy as one of five key economic sectors, a standing Renewable Portfolio Standard of meeting 25% of the State’s energy needs through renewable energy by 2025, and a statute setting a goal of 8% share of the Renewable Portfolio

Standard to be served by smaller renewable energy projects. As a relatively young organization, SBUA is made up of organizations sharing expertise as their currency.

(e) *SBUA has demonstrated its ability to substantively contribute to the record on behalf of customer interests*

SBUA has participated in Part 1 of this docket to the limits of its resource capabilities related to issues dealt with in Part 1, namely threshold limits, adding developer input to the data on which the Commission has based its decision in Order 14-058. SBUA anticipates being able to offer specific and focused expertise in Part 2 of the docket that relates directly to contract provisions and interconnection issues pertinent to smaller wind projects, but applicable to PURPA contracts applied to other renewable technologies. Upon case certification, SBUA would provide particulars in a budget for the Commission to evaluate.

(f) *No Other Intervenor will Adequately Represent SBUA Members*

SBUA represents exclusively small business and includes a variety of businesses working in or doing business in Oregon. The specific interests of small business will benefit from SBUA's participation because SBUA brings pertinent information of interest to small business in the docket with regard to Part 2 issues such as approaching the PURPA contracts or work related to PURPA contract, or businesses reasonably and foreseeably impacted by the docket. SBUA has advocated transparency and consistency in its intervention in UM 1610 providing examples from wind energy projects in particular, and expression of pricing that is reasonably understandable to community-based renewable energy project decision-makers. SBUA's legal counsel has had first-hand experience explaining rate-making to small businesses in Oregon, and the context of the sale pursuant to PURPA of electricity produced by renewable energy projects to the Oregon small business community.

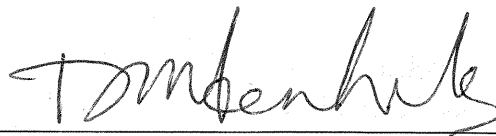
(g) *SBUA's Participation will not Delay the Proceedings*

Because SBUA has participated throughout the proceedings in Part 1, is informed regarding the administration of intervention funding, and has consulted with the relevant utilities, PGE

and PacifiCorp, and intervenors, CUB and ICNU, SBUA's request for case certification should not unduly delay proceedings.

For the foregoing reasons, SBUA respectfully requests that the Commission grant this Petition.

RESPECTFULLY SUBMITTED June 20, 2014.



Diane Henkels
Of Counsel, Cleantech Law Partners PC
Counsel for Small Business Utility Advocates

CERTIFICATE OF FILING SERVICE

I hereby certify that on June 20, 2014, I filed the original and one copy of in UM 1610 PETITION OF SMALL BUSINESS UTILITY ADVOCATES FOR CASE CERTIFICATION upon the persons named in the Service list by electronic mail only as all parties have waived service.

(W) Oregon Dockets
PacifiCorp, dba Pacific Power
825 NE Multnomah St, Ste 2000
Portland, OR 97232
oregondockets@pacificorp.com

(W) Renewable Northwest
Renewable Northwest Dockets
Megan Walseth Decker
421 SW 6th Ave., Ste. 1125
Portland, OR 97204
dockets@renewablenw.org
megan@renewablenw.org

(W) Public Utility Commission of Oregon
Brittany Andrus
Adam Bless
PO Box 1088
Salem, OR 97308-1088
brittany.andrus@state.or.us
adam.bless@state.or.us

(W) Exelon Business Services
Paul D. Ackerman
100 Constellation Way
Suite 500C
Baltimore, MD 21201
paul.ackerman@constellation.com

(W) Idaho Power Company
Julia Hilton
Donovan E Walker
PO Box 70
Boise, ID 83707-0070
jhilton@idahopower.com
dwalker@idahopower.com

(W) Richardson Adams, PLLC
Gregory M. Adams
Peter J. Richardson
PO Box 7218
Boise ID 83707
greg@richardsonadams.com
peter@richardsonadams.com

(W) PUC Staff—Oregon Department of
Justice
Stephanie S. Andrus
Business Activities Section
1162 Court St. NE
Salem, OR 97301-4096
stephanie.andrus@state.or.us

(W) Portland General Electric
J. Richard George 1WTC1301
Jay Tinker—1WTC-0702
121 SW Salmon St.
Portland, OR 97204
richard.george@pgn.com
pge.opuc.filings@pgn.com

(W) Oregon Solar Energy Industries Assoc.
OSEIA Dockets
PO Box 14927
Portland, OR 97293
dockets@oseia.org

(W) Pacific Power
R. Bryce Dalley
Dustin T. Till
825 NE Multnomah St., Ste 2000
Portland, OR 97232
bryce.dalley@pacificorp.com
dustin.till@pacificorp.com

(W) City of Portland—Planning & Sustainability
David Tooze
1900 SW 4th Ste 7100
Portland, OR 97201
david.tooze@portlandoregon.gov

(W) Renee M. France
Oregon Department of Justice
Natural Resources Section
1162 Court St. NE
Salem, OR 97301-4096
renee.m.france@doj.state.or.us

(W) Oregon Department of Energy
Kacia Brockman
Matt Krumenauer
625 Marion St NE
Salem, OR 97301-3737
kacia.brockman@state.or.us
matt.krumenauer@state.or.us

(W) Oregonians for Renewable Energy Policy
Mark Pete Pengilly
PO Box 10221
Portland, OR 97296
mpengilly@gmail.com

(W) McDowell Rackner & Gibson PC
Lisa Rackner
419 SW 11th Ave., Ste 400
Portland, OR 97205
dockets@mcd-law.com

(W) Association of Oregon Counties
Mike McArthur, Executive Director
PO Box 12729
Salem, OR 97309

(W) S. Bradley Van Cleve
Tyler C. Pepple
Davison Van Cleve PC
333 S.W. Taylor Ste., Ste 400
Portland, OR 97204
bvc@dvclaw.com
tcp@dvclaw.com

(W) One Energy Renewables
Bill Eddie
206 NE 28th Ave., Ste 202
Portland, OR 97232
bill@oneenergyrenewables.com

(W) Exelon Wind LLC
John Harvey
4601 Westown Parkway, Ste 300
West Des Moines, IA 50266
john.harvey@exeloncorp.com

(W) Renewable Energy Coalition
John Lowe
12050 SW Tremont St.
Portland, OR 97225-5430
jravensandmarcos@yahoo.com

(W) Oregonians for Renewable Energy Policy
Kathleen Newman
1553 NE Greensword Dr.
Hillsboro, OR 97214
k.a.newman@frontier.com

(W) Annala, Carey, Baker, et al., PC
Will K. Carey
PO Box 325
Hood River, OR 97031
wcarey@gorge.net

(W) Cable Huston Benedict
Haagensen & Lloyd LLP
Richard Lorenz
Chad M. Stokes
1001 SW Fifth Ave., Ste 2000
Portland, OR 97204-1136
rlorenz@cablehuston.com
cstokes@cablehuston.com

(W) Energy Trust of Oregon
John M Volkman
Thad Roth
421 SW Oak St. #300
Portland, OR 97204-1817
john.volkman@energytrust.org
thad.roth@energytrust.org

(W) Obsidian Renewables LLC
David Brown
Todd Gregory
5 Centerpoint Dr. Ste 590
Lake Oswego, OR 97035
dbrown@obsidianfinance.com
trgregory@obsidianfinance.com

(W) Northwest Energy Systems Company LLC
Daren Anderson
1800 NE 8th St., Ste 320
Bellevue, WA 98004-1600
da@thenescogroup.com

(W) Stoll Berne
David A Lokting
209 SW Oak Street, Ste 500
Portland, OR 97204

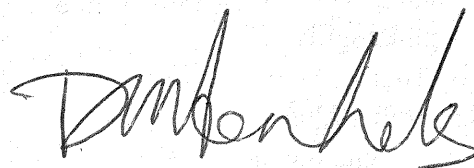
Dated: June 20, 2014.

(W) Citizens Utility Board of Oregon
OPUC Dockets
Robert Jenks
G. Catriona McCracken
610 SW Broadway, Ste 400
Portland, OR 97205
dockets@oregoncub.org
bob@oregoncub.org
catriona@oregoncub.org

(W) Roush Hydro Inc.
Toni Roush
366 E. Water
Stayton, OR 97383
tmroush@wvi.com

(W) Lovinger Kauffmann LLP
Kenneth Kaufmann
Jeffrey S. Lovinger
825 NE Multnomah Ste 925
Portland, OR 97232-2150
kaufmann@lklaw.com
lovinger@lklaw.com

(W) Irion A. Sanger
Sanger Law PC
1117 SE 53rd Ave
Portland, OR 97215
irion@sanger-law.com



Diane Henkels, Attorney at Law
Cleantech Law Partners PC
Attorneys for SBUA