

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 335

In the Matter of)	
)	
PORTLAND GENERAL ELECTRIC)	
COMPANY)	PETITION OF SMALL BUSINESS
)	UTILITY ADVOCATES FOR
Request for a General Rate Revision)	CASE CERTIFICATION
)	
)	

Pursuant to OAR 860-001-0120, Oregon Public Utility Commission Order 18-017, and UE 335 Administrative Law Judge Ruling of April 4, 2018, intervenor Small Business Utility Advocates (“SBUA”) respectfully submits this petition (“Petition”) to certify this case for the purposes of receiving intervenor funding to participate in this docket. In support of this Petition SBUA represents as follows:

I. Criteria for Certification of Intervenors

Pursuant to Oregon Administrative Rule 860-001-0120(4), and Order 18-017 including the Fourth Amended and Restated Intervenor Funding Agreement (“IFA”) Article 5 regarding entities not pre-certified, to be case certified for purposes of receiving intervenor funding, an organization must meet certain criteria set forth in the rule. OAR 860-001-0120(4), IFA 5.3. Specifically, an organization can qualify for certification if “(a) The organization is a nonprofit organization, demonstrates that it is in the process of becoming a non-profit 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; or (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 meets the criteria for certification set forth in OAR 860-001-0120(4), and IFA 5.3.

(a) Nonprofit Status

SBUA is an Internal Revenue Code Section 501(c)(3) nonprofit organization comprised of multiple smaller nonresidential customers as described in the Petition to Intervene and also herein below. SBUA’s primary purpose is representing the interests of small businesses in utility proceedings.¹ SBUA members in Oregon include ratepayers of Portland General Electric.

(b) Broad Representation with Participation Directed at Public Utility Rates or Terms and Condition of Service affecting those Customers, and Not Narrow Interests or Ancillary Issues

SBUA represents small business, which may be categorized as small nonresidential or Schedule 32 customers for the purposes of this docket. This is a broad class of customers, and with approximately 93,000 customers², it is second most numerous class behind residential Schedule 7. While SBUA may not divulge the identities of its members in this filing, some members are known via testimony previously submitted to the Commission in other dockets. SBUA members include small businesses from a wide variety of industries including pest man-

¹ See www.utilityadvocates.org

² UE 335 / PGE Testimony and Exhibits / 1302 Macfarlane - Goodspeed / 1
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agement, insurance consult, website hosting and design, food and beverage, commercial agriculture including pollination services, jeweler, small business coaching and marketing consulting, residential and commercial construction, energy efficiency, and renewable energy consulting, multi-residential real estate, among others, and members are located throughout Portland General Electric service territory including Salem, Amity-McMinnville, Beaverton and Washington County, and Portland, among others.

SBUA participation is directed in this docket primarily at the term and conditions and rates affecting small businesses, and not narrow interests or ancillary issues. SBUA is comprised of and represents small businesses generally and exclusively, and as such are distinct from other docket intervenors even if these others present arguments that may apply to ratepayers generally. SBUA would focus on the following: 7.1% increase to Schedule 32 customers estimated cost of service base rate and the rationale for this, the increase of the Schedule 32 Monthly Customer Charge to \$3.00 for Single Phase and \$6.00 for Poly Phase, and rate-base, surveys and information sources justifying rate impacts, and to points relevant to SBUA members and not covered by other intervenors.

Small business is significant in Oregon and has been under-represented in providing input in electrical regulation and planning process. Most businesses in Oregon are “small businesses”, that is, those with 100 or fewer employees, as defined by the Oregon Small Business Development Act ORS 285B.123(2). In March 2017, nine out of 10 private-sector firms in Oregon had fewer than 20 employees.³ There are 98,802 private-sector firms in Oregon with fewer than 50 employees. Id.

c) Demonstrated Effective Representation

SBUA’s legal counsel has represented and provided counsel for over fifteen years to numerous Oregon small businesses and is experienced in energy and utility matters in Oregon. Administrative staff working with SBUA works focuses her role on small business support, Since SBUA’s inception in Oregon, its legal counsel has educated SBUA membership on utility regula-

³“Most Oregon Employers Have Fewer than 20 Employees”, State of Oregon Employment Department, <https://www.qualityinfo.org/-/most-oregon-employers-have-fewer-than-20-employees> 11/17/2017.

tory matters impacting small business. SBUA was an intervenor in OPUC Dockets UM 1610, UE 294 (PGE General Rate Case, filed 2015), UM 1754 (PacifiCorp 2017-2021 Renewable Portfolio Implementation Plan, filed 2015), UM 1751 (HB 2193 Implementing an Energy Storage Program Guidelines, filed 2015), UM 1773 (Partial Waiver of Competitive Bidding Guidelines, Approval of RFP Schedule, filed 2016), and UM 1790 (2017-2021 Renewable Portfolio Implementation Plan, filed 2016), and UE 319 (PGE Request for General Rate Revision, filed 2017), and provided testimony on the energy storage provision in HB 4036 (2016), a precursor bill version to SB 1754 enacted in 2016. SBUA has demonstrated the ability to represent small business within the scope of its intervention these matters, including preparing comments, expert testimony, filing documents, and participating in docket workshops, settlement negotiations, and other proceedings. SBUA's counsel anticipates providing focused and prompt input and relevant expertise in this docket.

(d) Members who are Utility Customers Contribute a Significant Percentage of the Overall Support and Funding of the Organization

SBUA members include electric ratepayers in California and Oregon, and in Oregon, this includes Portland General Electric Schedule 32 ratepayers. Ratepayers from PGE contribute to the overall support and funding to the organization. The budget of SBUA is not large, however, support by Oregon's SBUA membership is broad and consists of various members' money contributions, in-kind professional services, space and capital equipment. SBUA members also support the organization by participating in the organization and attending meetings.

(e) Demonstrated Ability to Substantively Contribute to the Record on Behalf of Customer Interests

SBUA has demonstrated its ability to contribute on behalf of customer interests related to rates, and terms and conditions of service in UE 294, UE 319, UM 1610, UM 1754, UM 1790. In these dockets SBUA obtaining sources of information including primarily government documents and expert testimony informing the Commission on the state of small business in Oregon, the impact of electric service rate increases, energy generation and storage project program implementation, and mandatory renewable portfolio planning on small business. SBUA compared

rate increases in the previous two PGE General Rate Cases and participated in discussions leading to settlement. SBUA has an ability to contribute to the record, and has demonstrated for the record statistical familiarity with investor-owned utility small nonresidential ratepayers and a depth of engagement with small businesses. While not as seasoned as the Citizens' Utility Board, the Alliance of Western Energy Consumers ("AWEC") f/k/a Industrial Customers of Northwest Utilities ("ICNU"), or other veterans of OPUC dockets, SBUA's legal counsel has several years of experience working on utility related issues in Oregon, including advising clients in matters, working at Oregon Department of Energy and intervening in OPUC dockets. Also, SBUA legal counsel participates in technical trainings, including CLEs, in electricity pricing in the West, other electricity and energy related pricing, and other related topics.

(f) No Other Adequate Representation and the Specific Interests of the Class will Benefit from Organization's Participation

No party in these proceedings adequately represents the general interests of small nonresidential customers in Oregon, which are for Pacific Power and PGE the second most numerous ratepayer group. The Citizens' Utility Board represents the residential customer class by statute, ORS , and stands to run a conflict given the different proposed rate impacts on Residential and Small Non-residential Customer classes in this docket. Precertified Industrial Customers of Northwest Utilities ("ICNU"), now AWEC, represents the large non-residential customer class while SBUA represents exclusively small non-residential interests. Such customer class will benefit from SBUA participation since SBUA will bring to the Commission information pertinent to small business that the Commission is not likely to receive from any other source.

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(g) Participation will not Unduly Delay the Proceedings

SBUA does not anticipate that its intervention will unduly delay the proceedings.

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

RESPECTFULLY SUBMITTED April 27, 2018.

/s/ Diane Henkels

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