

1 BEFORE THE PUBLIC UTILITY COMMISSION

2 OF OREGON

3 UM 1209

4 In the Matter of

Case No. UM 1209

5 MIDAMERICAN ENERGY HOLDINGS  
6 COMPANY,

PETITION TO INTERVENE

7 Application for Authorization to Acquire  
8 Pacific Power & Light, dba PacifiCorp.

(1) 9 **Name of Petitioner:**

State of Oregon, acting by and through its Housing  
& Community Services Department (OHCS).

10 **Address:**

Attn: Martha Lyon  
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15 (2) **Name of Counsel for Petitioner:**  
16 **Counsel's Address**

D. Kevin Carlson, Assistant Attorney General  
Department of Justice  
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18 Counsel's Phone Number:

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20 (3) **If the Petitioner is an Organization, the number of members in and the purposes of**  
21 **the organization:**

22 N/A. Petitioner is a State agency.

23 (4) **Nature and extent of the petitioner's interest in the proceeding:**

24 Petitioner is the State agency responsible for the administration of low-income energy  
25 assistance and weatherization programs in Oregon. These programs are funded at a level of over  
26 \$17 million per year, much of which derives from PacifiCorp utility charges. These programs  
that may be adversely affected by the outcome of this proceeding are, in more detail:

1 A) Oregon Energy Assistance Program (OEAP)  
2 OEAP is a state energy assistance program funded by a meter charge from Portland  
3 General Electric and PacifiCorp customers. These funds (\$10 million per year) are used  
4 to effectively reduce service disconnection. Roughly 40.6% of OEAP funding is derived  
5 from PacifiCorp.

6 B) Energy Conservation Helping Oregonians (ECHO)  
7 ECHO is the major source of funding (\$7,332,772 per year) for low-income  
8 weatherization in Oregon. ECHO funds are generated from a public purpose charge on  
9 Portland General Electric and Pacific Corp. Roughly 38% of ECHO funding is derived  
10 from PacifiCorp.

11 **5) The issues the petitioner intends to raise at the proceeding:**

12 A) Petitioner intends to present perspective and clarification concerning the funding and  
13 delivery of energy assistance and weatherization as it relates to conditions for the  
14 approval of the application to acquire PacifiCorp by MidAmerican Energy Holdings Co.

15 B) Petitioners also intends to respond to any proposals during the proceedings that would  
16 interfere with it continuing to administer public purpose funds consistently with  
17 applicable grant regulations and legal standards as follows:

18 OEAP funds are subject to standards contained in ORS chapters 458 and 757, and in  
19 OAR Chapter 813, division 202. ORS 757.612 (7) (d), for example, directs that OHCS,  
20 “in consultation with the federal Advisory Committee on Energy, shall determine the  
21 manner in which funds collected under this subsection will be allocated by the  
22 department to energy assistance program providers for the purpose of providing low-  
23 income bill payment and crisis assistance, including programs that effectively reduce  
24 service disconnections and related costs to retail electricity consumers and electric  
25 utilities. Priority assistance shall be directed to low-income electricity consumers who are  
26 in danger of having their electricity service disconnected.”

Oregon’s use of LIEAP funds is restricted by standards established by the Omnibus  
Budget Reconciliation Act of 1982 (Public Law 97-35, Title XXVI, (Low-Income Home  
Energy Assistance Act of 1981), Sections 2601-2610 of the Act, as amended by Title VI  
of the Human Services Reauthorization Act of 1984, Public Law 98-558; 45 Code of  
Federal Regulations, Part 96; Title V of the Human Services Reauthorization Act of 1990  
(Public Law 101-501); 45 Code of Federal Regulations, Part 96; FSA IM-91-3, and by  
Oregon Administrative Rules, Chapter 813, Division 200. In accordance with these laws  
and regulations, the U.S. Department of Health and Human Services (HHS) requires  
OHCS, as the state’s designated recipient, to execute a legally binding agreement (the  
LIEAP STATE PLAN) in which 16 specific “Assurances” for the LIEAP program are  
identified.

1 Weatherization programs are restricted by standards in the Oregon Weatherization  
2 Program Specifications and Regulations, U.S. Department of Energy 10CFR Part 440  
3 Weatherization Assistance for Low Income Persons, U.S. Health and Human Services  
4 Low-Income Home Energy Assistance Program, Oregon State Plan/Weatherization  
5 Assistance Program, Bonneville Power Administrative Weatherization Rules and  
6 Regulations, Energy Assistance Program Manual, ORS 757 low-income weatherization  
7 and bill payment assistance, Uniform Building Codes.

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10 **(6) Any special knowledge or expertise of the petitioner that would assist the**  
11 **Commission in resolving the issues in the proceeding:**

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Petitioner is the State agency responsible for the administration of low-income energy  
assistance and weatherization programs in the State, including OEAP, ECHO, and LIHEAP and  
Petitioner's special knowledge and expertise concerning the funding needs, "public purpose" and  
related use of such assistance, and the means for effective and efficient distribution of services  
will assist the Commission in resolving issues in the proceeding.

Based on the information provided above in accordance with the Commission's rules of  
procedure, I request to participate in this proceeding as an intervener. I, or the organization that I  
represent will not unreasonably broaden the issues, burden the record or unreasonably delay the  
proceeding. OAR 860-013-0021(2). Because of the expertise of Petitioner, it can assist the  
Commission with its understanding the facts, and with its analysis of the issues. Further,  
Petitioner is prepared to file its testimony within the time period set by the Commission.

Dated this \_\_\_\_ day of August 2005.

Respectfully submitted,

HARDY MYERS  
Attorney General

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D. Kevin Carlson, OSB #80189  
Assistant Attorney General  
Of Attorney's for Oregon OHCS, Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_\_ day of August 2005, I served the within **PETITION TO INTERVENE** upon Cheryl Walker, of the Administrative Hearings Division, Public Utilities Commission, and upon interested parties hereto, by depositing in the United States Post Office at Salem, Oregon, a full, true and correct copy thereof addressed to the parties below, and prepaying the postage thereon.

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