

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 416

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY

Request for a General Rate Revision; and  
2024 Annual Power Cost Update.

MEMORANDUM

The purpose of this memorandum is to explain to all potential participants in this docket the types, deadlines, and requirements for accessing Intervenor Funding specific to this proceeding. At the end of this memo, a table of dates is included for quick reference. For questions associated with any portion of this memo, you may contact me directly or may contact the Commission's Administrative Hearing Division. My contact information is below:

Nolan Moser, Chief Administrative Law Judge  
[nolan.moser@puc.oregon.gov](mailto:nolan.moser@puc.oregon.gov)  
(503) 689-3622

Hearings Division: [puc.hearings@puc.oregon.gov](mailto:puc.hearings@puc.oregon.gov)

There are two types of Intervenor Funding available to advocates participating in processes, such as this docket, at the Commission: Justice Funding and Intervenor Funding.

If your group seeks funding and is a group that is constituted to represent Environmental Justice Communities or low-income customers, you should seek to request Justice Funding. If your group represents a broad class of customers and your group is accountable to and represents those customers' interests, then you should request Intervenor Funding under our rules and the Fifth Amended and Restated Intervenor Funding Agreement. The two opportunities, and the requirements for accessing this funding are described below.

*Justice Funding*

The newest type of funding available to groups is "Justice Funding." Justice Funding is available to groups representing environmental justice communities, and groups representing the interests of low-income customers. The Commission approved an agreement between Justice advocates and utilities to implement this type of funding in

docket UM 2211. You may find the agreement in Order No. 22-033 here:  
<https://apps.puc.state.or.us/orders/2023ords/23-033.pdf>.

AHD is working to implement this agreement and has proposed rules to do so in docket AR 652. You may review the proposed rules here:  
<https://apps.puc.state.or.us/orders/2023ords/23-056.pdf>.

There are two types of funding available under this new opportunity. The first is case funding, which is requested on a docket-by-docket basis. This means that a group may ask for funding as they start to participate in a single docket. Up to 50 percent of this funding is available up-front.

The second is pre-certification grant funding. This is a broader type of funding and is available to groups to participate in a variety of dockets. Essentially, this funding can operate as a multi-subject grant for activity at the PUC, and groups can request that all of this funding be provided up front. Groups request this type of funding one time per year, with the PUC approving funding for up to five requests per year for this more flexible type of funding. The deadline for pre-certification requests in 2023 is April 3, and applications for pre-certification may be submitted in docket UM 2276. A filing explaining this opportunity, the amounts available, and the requirements and procedures for requesting pre-certification funding has been filed in docket UM 2276 and is available here: <https://edocs.puc.state.or.us/efdocs/HDD/um2276hdd181050.pdf>.

This portion of the memo will discuss the requirements and procedures for accessing environmental justice case funding in this docket.

1) Notice of Intent

- a. You must first file a notice of intent to seek case funding to notify the Commission and other parties that you plan to access Justice Funding. Your notice of intent can be filed when you file a petition or notice of intervention in this case or may be filed separately. In all cases however, it must be filed no later than April 7, 2023, for this docket. The notice must identify the utility account from which funding will be requested (in this case, PGE's account), and should explain why your organization meets the following eligibility criteria, which the Commission will evaluate:
  - i. The organization represents the interests of low-income residential customers or Environmental Justice Communities, and participation in proceedings will be primarily directed at public utility issues affecting those interests, including but not limited to interests in utility rates and terms and conditions of service, interests in the cost of access and impact from the delivery of services, interest in utility programs, and interest in utility resource planning;

- ii. The organization identifies the specific Environmental Justice Community or low-income customers it represents and demonstrates that it is able to effectively represent them;
  - iii. The organization demonstrates that it is able to effectively represent or develop advocacy positions benefitting or informed by the Environmental Justice Community or low-income customers, in the service area of each Participating Public Utility for which funding is sought and demonstrates how it will identify the issues or advocacy positions that are important to those represented;
  - iv. When applicable, the organization has demonstrated in past Commission matters its ability to substantively contribute to the record on behalf of such interests;
  - v. In contested case proceedings such as this docket, the organization demonstrates that its request for funding will not unduly delay the schedule of the proceeding; and
  - vi. In determining whether organizations should be eligible to receive a Justice Fund Grant, the Commission may also consider whether the organization has significant ties to the Environmental Justice Community or low-income customers in the service area of each Participating Public Utility for which the Justice Fund Grant is sought, so your request may speak to that question.
- b. The notice of intent must also identify if the case is eligible for case certification. Case certification will be granted only for eligible proceedings, which include proceedings before the Commission that affect a participating public utility such as PGE, its customers and its Environmental Justice Communities. These include, but are not limited to, named, non-docketed Commission-led processes, rulemakings, declaratory ruling proceedings, contested case proceedings such as rate cases, integrated resource plans and updates, distribution system planning, depreciation dockets, deferrals for projects or pilots and design and implementation of differential rates, the Energy Trust's budget and planning process, and power or purchased gas adjustment.
  - c. Replies to the notice of intent and applications for case certification may be filed by any party no later than 14 days from the filing of the request.
- 2) Budget
- a. Once certified by the Commission, a Case Fund certified organization must submit to the Commission a proposed budget for its participation in an Eligible Proceeding. The proposed budget must include a statement of work, estimated eligible expenses, and a description of the Participating Public Utility account or accounts from which the applicant seeks funds and how the initial payment should be apportioned. Importantly, you may request up to 50 percent of an overall budget for up-front funding. To avoid making two different filings, you may submit a budget before or simultaneously with a notice of intent and request for certification.
  - b. Budgets must be submitted no later than 30 days after the organization is case certified for the specific proceeding but can always be submitted

before this date. Early submission is encouraged. Replies to filed budgets may be filed by any party no later than 14 days after the proposed budget is filed.

- c. As the Commission reviews budgets for approval, denial, or amendment, will consider whether:
  - i. The proposal is consistent with the breadth and complexity of the issues;
  - ii. The degree to which any policy issues affect the interests of low-income residential customers or the interests of residential customers that are members of Environmental Justice Communities;
  - iii. The procedural schedule;
  - iv. The dollar magnitude of the issues at stake;
  - v. The qualifications of the organization and experience before the Commission;
  - vi. The level of available Case Funds remaining for the year; and
  - vii. Other Eligible Proceedings in which other Eligible Recipients may seek additional funds consistent with ORS 757.072(2)(c).
- 3) The Commission will review and evaluate the requests, may ask for clarifying information, and will issue a decision following review. The Commission will make its best efforts to act on proposed budgets within 21 days of receipt.

PGE is the only utility affected by this proceeding. Given the rollover of funding from last year, PGE's Case Fund account balance, which includes both funds allocated from 2022 and funds from 2023 is at \$105,030.82 as of the date of this memo. Importantly, this funding is available for all PGE related eligible dockets and is not an amount dedicated solely to this docket.

*Intervenor Funding Through the Fifth Amended and Restated Intervenor Funding Agreement*

Funding available is funding for groups representing broad customer classes, such as residential customers or large commercial or industrial customers. This type of funding, authorized in statute through ORS 757.072, is available to groups consistent with our procedural rules, found at OAR 860-001-0120, and through an agreement between consumer groups and utilities approved in docket UM 2264, the Fifth Amended and Restated Intervenor Funding Agreement. You may find this agreement in Order No. 22-506, here: <https://apps.puc.state.or.us/orders/2022ords/22-506.pdf>.

Consistent with our rules and the Intervenor Funding agreement, there are two types of funding available. The first is pre-certified funding, the second is case-certified funding, which is available to groups that become case certified in this proceeding. Pre-certified funding is limited to groups that have met the pre-certification criteria and are pre-certified by the Commission. This portion of the memo addresses intervenor funding case certification requirements in this docket. For questions regarding pre-certification,

which will not be addressed in this case, you may contact me via the information supplied above, or may contact the Administrative Hearings Division through the filing center.

To access case-certified Intervenor Funding through these rules and the agreement in this docket, you must follow the following process. Case-certified organizations may access Issue Funding under this agreement.

- 1) Notice of Intent
  - a. You must file a notice of intent to seek issue funding when you file a petition or notice of intervention in the case. The notice must identify the utility account from which funding will be requested.
  - b. An application for case certification must be filed with the notice of intent.
  - c. Replies to the notice of intent and applications for case certification may be filed by any party no later than 15 days following an application.
- 2) Budget
  - a. Pre-certified and case-certified organizations must submit budgets. Budgets must include:
    - i. a statement of work to be performed by the intervenor;
    - ii. a description of the areas to be investigated by the intervenor;
    - iii. a description of the particular customer class or classes that will benefit from the intervenor's participation;
    - iv. 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;
    - v. a budget showing estimated attorney fees, which may include the cost for appropriate support staff and operational support;
    - vi. a budget showing estimated consultant fees and expert witness fees, which may include the cost for appropriate support staff and operational support; and
    - vii. a representation that the intervenor will use matching funds in the form of either in-house resources or outside funding to account for or pay at least 20 percent of the Eligible Expenses for the work to be performed for which the intervenor is seeking an Issue Fund Grant.
  - b. Budgets must be submitted no later than April 21, 2023. Replies to filed budgets may be filed by any party no later than May 5, 2023.
- 3) The Commission will review and evaluate the requests, may ask for clarifying information, and will issue a decision following review. The Commission will target within 14 days of receiving the proposed budgets as the date to issue decisions on all funding requests under the Fifth Amended and Restated Intervenor Funding Agreement.

The factors by which the Commission will review these requests can be found in the rules and order referenced above.

**Table of Dates and Deadlines**

Note: The below dates are deadlines, we encourage you to file early if you can, which will allow the Commission to consider and issue decisions on your requests faster.

<b>Justice Case Funding (Order No. 23-033)</b>	<b>Date</b>
Notice of Intent and Request for Case Certification Due <sup>1</sup>	April 7, 2023.
Response to Notice of Intent Due	April 21, 2023, or 14 days after the notice of intent is filed. <sup>2</sup>
Target Date for Commission Certification Decisions	April 28, 2023. <sup>3</sup>
Budget Due	30 days following order granting certification. <sup>4</sup>
Responses to Budget Due	14 days after submission of budget.
Target Date for Commission Decision on Budgets	21 days following submission of budget.
<b>Intervenor Funding Issue Fund - Case-Certified Funding (Order No. 22-506)</b>	<b>Date</b>
Notice of Intent and Request for Case Certification Due	Due at time of intervention or notice of participation.
Response to Notice of Intent Due	15 days following the filing of notice of intent and request for certification.
Target Date for Commission Certification Decisions	April 14, 2023.

Dated this 10<sup>th</sup> day of March, 2023, at Salem, Oregon.




---

Nolan Moser  
Chief Administrative Law Judge

<sup>1</sup> Proposed Budgets may be filed with Notice of Intent and Request for Case Certification.

<sup>2</sup> Responses are due 14 days after the filing of certification requests. Accordingly, if a request is filed prior to the April 7 deadline, then responses are due 14 days after the filing is made.

<sup>3</sup> Commission will work to issue decisions on requests 7 days following the close of the period for party responses, 21 days from the day you file your request. Accordingly, we encourage you to file your notice and requests early, as this will provide the Commission the opportunity to issue a decision on funding sooner, rather than later.

<sup>4</sup> As noted in the body, budgets can be submitted before the 30-day deadline.