

Low Income Ratemaking and Access to Services

Low Income issues at the PUC
overview



Nolan Moser & Michelle Scala
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Energy Affordability Act (HB 2475) at the PUC

- Docket No. **UM 2211**:
 - Implementation of HB 2475
 - “Umbrella docket”
 - eDockets access: [UM 2211](#) (← *hyperlink!*)
 - Includes related Docket notifications
 - Stakeholder, Utility, PUC communications: workshops, notice of intent, comments, etc.



UM 2211: Related Dockets

Advice Filings

- Interim Action Differential Rates and Programs

Rulemaking

- Intervenor Funding (HB 2475)
- Division 21 Customer Protections

Rate Cases

- Avista (UG 433)
- NW Natural (UG 435)
- PacifiCorp (UE 399)



Advice Filing Dockets

- Cascade Natural Gas [ADV 1367](#)
Enhanced Schedule 35 AMP
Public Meeting: 03/08/2022
- Avista Utilities [ADV 1254](#)
Existing Long-Term AMP approved 10/2021
Company planning to propose additional interim enhancements
- Northwest Natural [ADV 1373](#)
Enhanced Schedule R
Public Meeting: 03/22/2022
- Portland General Electric [ADV 1365](#)
Income-Qualified Bill Discount
Public Meeting 04/05/2022
- PacifiCorp TBD
Expected income-qualified differential rate
- Idaho Power Company
Workshop and engagement notifications to be filed directly under [UM 2211](#)



Interim Action Guidance

- Gas Utilities

Enhanced bill assistance using new or existing programs

Target Quarter 4, 2022 program offerings for differential rates

Refer to Staff Guidance regarding “Baseline Evaluation Criteria” for key design elements

- Electric Utilities

Target Q2 for interim differential rate designs

Idaho Power Company conduct separate workshop to discuss service territory challenges

Refer to Staff Guidance regarding “Baseline Evaluation Criteria” for key design elements



Final Baseline Evaluation Criteria for Interim Action

At minimum, Staff will review utility interim rate or program filings for inclusion of the following:

	Eligibility	Level of relief	Tracking and accounting	Bundling	Outreach and engagement
KEY DESIGN ELEMENTS	<p>Low-barrier enrollment component(s) should be included (e.g. self-certification; categorical eligibility, etc.)</p> <p>Auto-enrollment for energy assistance recipients should be included</p> <p>Options for CBOs to submit eligible customers to the utility should be included</p>	<p>Prioritizes lowest income with the highest energy burden</p>	<p>Monthly zip code level reporting on enrollments for first 12 months, quarterly thereafter unless guidance is updated following the broader investigation. Monthly data should include, but not be limited to:</p> <ul style="list-style-type: none"> • Assistance dollars per customer; • Total and average arrears of participants (by 30, 60, 90+ days aged buckets); • Percentage of EA recipients; • Difference in average bill of participating versus non-participating customer. 	<p>Information sharing with ETO and energy efficiency and weatherization administrating agencies about interim rate and program participants</p>	<p>Transparent and informative</p>
	<p>Eligibility criteria should be income-based in the interim (the broad investigation can explore other criteria)</p>	<p>Utility proposal should explain how the interim rate was designed to provide a meaningful reduction of energy burden (e.g., Staff will look at how PGE considered a target energy burden ceiling (6%) when identifying the income tiers and discount levels provided by the proposed rate)</p>	<p>Program costs are tracked and reported quarterly in a deferral with sufficient detail for ongoing Staff review and discussion</p>	<p>Collaborates with energy efficiency and weatherization partnering agencies on complementary services and potential cross referrals</p>	<p>Regularly scheduled (monthly or quarterly) discussions and consultations with partnering agencies representing or servicing target communities; consolidating with peer utilities where possible</p>
		<p>Allows flexibility or direct engagement opportunities in program design to accommodate enrollments reasonably outside specific eligibility terms</p>	<p>Continued workshops with Staff and Stakeholders on right-sizing data collection and leveraging work done by other agencies; specific attention to more granular reporting of demographic and income data.</p>	<p>Makes energy efficiency or weatherization information and program resources available to participating customers</p>	<p>Demonstrates the Company provided meaningful engagement in advance of filing</p>
					<p>Surveys participating customers and CAP agencies at 3, 6, and 12 months of implementation</p>

Baseline Criteria

- **Eligibility**
- **Level of Relief**
- **Tracking and Accounting**
- **Bundling**
- **Outreach and Engagement**



Rulemaking Dockets

AR 652

- Regarding Intervenor Funding HB 2475
- OPUC Website Intervenor Funding [Landing Page](#)
- FAQs; Flow Chart; Training series

AR 653

- Strengthening Customer Protections Concerning Disconnections
- eDockets sites: [AR 653](#) and [UM 2114](#)
- Upcoming workshop:
 - Wednesday, April 6, 2022 from 9:00 a.m. – 11:45 a.m. (PT)
 - [Link to Meeting on Zoom](#)



Rulemaking Informal Phase

- Collaborative Staff lead process
- Goal: development of proposed rule
- ***What to expect***
 - Staff led workshops, staff solicited comments
 - Opportunity to participate in meetings, suggest changes
 - Opportunity to collaborate with Staff, other advocates
 - Staff will work to address and resolve disputes
 - Staff will make a recommendation on rules to the Commission
- Commission makes decision to open formal rulemaking or not



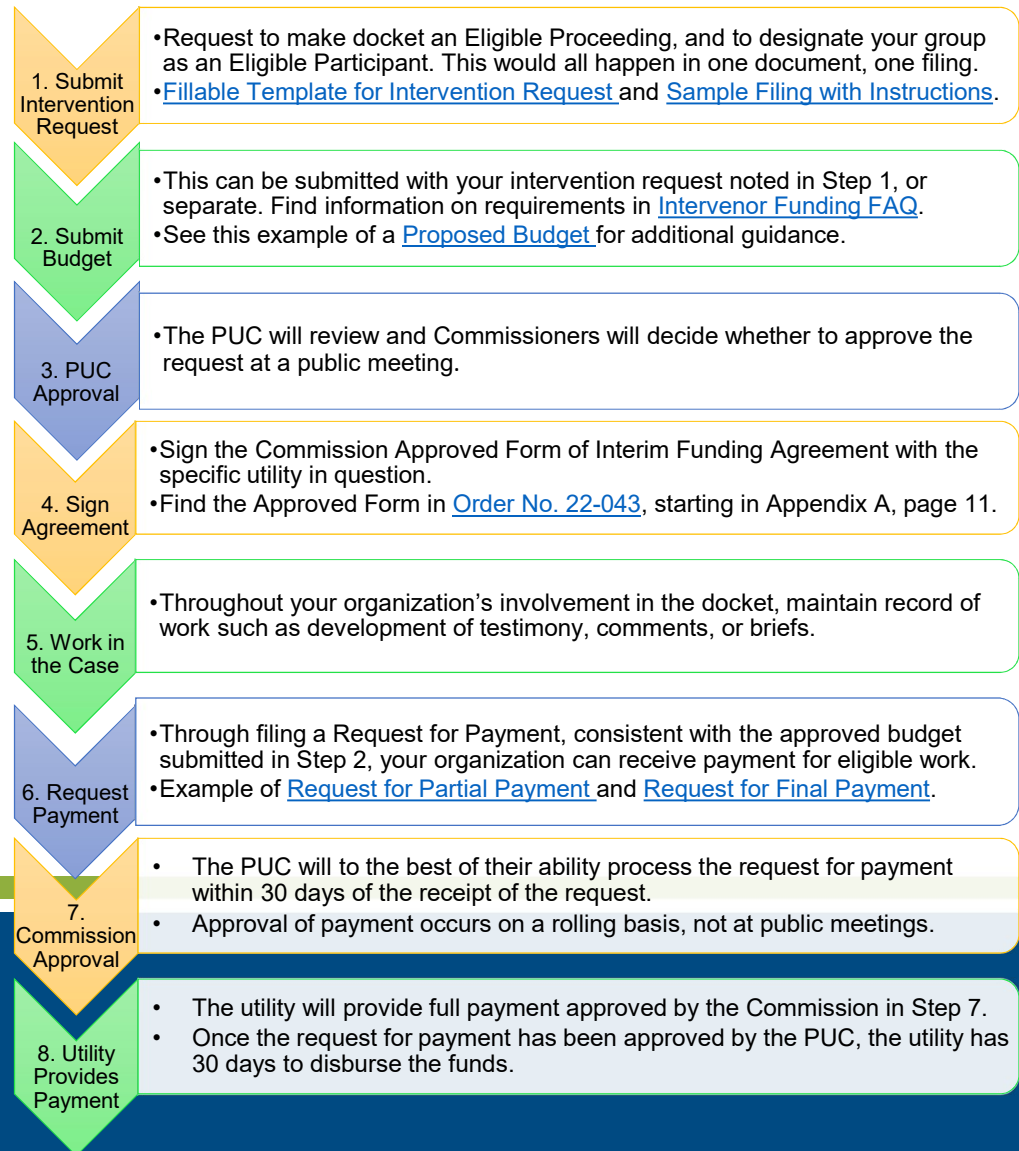
Rulemaking Formal Phase

- More formal, led by an Administrative Law Judge
- ***What to expect***
 - Maybe workshops (less common than in the informal period)
 - Written comments
 - Public comment hearing
- Written comments are accepted up to a specified deadline published in the notice – no comment is accepted after this date
- Final Decision: Commission reviews a recommendation from the ALJ



Steps for interim intervenor funding under HB 2475

<https://www.oregon.gov/puc/filing-center/Documents/Intervenor-Funding-FlowChart.pdf>



Rate Cases

Avista Utilities

- [UG 433](#)
- Initial application filed: 10/22/2021

NW Natural Gas Company

- [UG 435](#)
- Initial application filed: 12/17/2021

PacifiCorp

- [UE 399](#)
- Initial application filed: 03/01/2022



Rate Cases are Contested Cases

- Trial-like processes which resolve disputed issues of fact, law, and policy
- ORS 756.500 through 756.558, Administrative Procedures Act (ORS 183.310 et seq.) and OAR 860-001-0300 through 860-001-0720
- Address rights and privileges of parties
- Ex-parte restrictions apply
- Rate Cases can address most aspects of a utility rates and operations



Contested Case Participation

- Lawyer needed to participate in all aspects, but some participation possible without legal counsel
- ***Participating without an attorney 1:***
 - Lay person may represent an organization, if that person is an authorized representative
 - Lay representative may not make legal argument, but may make policy arguments
 - May provide testimony and evidence addressing a factual question
 - Individuals may represent themselves in complaint cases, and in this narrow instance, make some legal argument
- ***Participating without an attorney 2:***
 - Providing Public Comment



Major Contested Cases: What to Expect (1 of 2)

- **Prehearing conference**
 - Set the schedule, ID the parties
- **Testimony**
 - Present evidence on facts or policy
- **Public Comment Hearing**
 - Commission hears from the public on Rate Case
- **Hearing**
 - Lawyers, ALJ, and Commissioners question some witnesses (Attorney needed to fully participate)



- **Briefing**
 - Written argument as to why party position should carry the day (Attorney needed for legal argument)
- **Oral Argument**
 - Largely, but not exclusively, legal argument on issues (Attorney needed)
- **Final Decision**
 - Commission reviews and weighs all of the above
 - Issues written decision

Major Contested Cases: What to Expect (2 of 2)



Questions?



<https://www.oregon.gov/puc/about-us/Pages/Contact-Us.aspx>

