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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 860
PUBLIC UTILITY COMMISSION

FILED
10/30/2025 8:24 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Revision of Justice Funding Rules (AR 680)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/24/2025 3:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

Oregon House Bill (HB) 2475, section 3(2) (2021) requires the PUC to adopt rules related to intervenor funding agreements that public utilities may enter into with two groups of advocates; those representing “environmental justice communities” and “low-income communities.” HB 2475 requires the PUC to determine, by rule, the qualifications for determining which organizations are eligible for financial assistance and limits the amount of new funding to $500,000 annually. The PUC is required to establish a process for organizations to access financial assistance and must evaluate and approve intervenor funding agreements. ORS 757.072(4) provides that for all financial assistance under the intervenor funding law, the Commission shall allow the public utility to recover such financial assistance in rates. Utilities and counter parties negotiated and signed such an agreement in early 2023, and the PUC approved the agreement at its February 7, 2023 Public Meeting; and subsequently the PUC adopted rules in docket AR 652 on April 18, 2023. That agreement was extended by one year, and its extension expires on December 31, 2025.

In docket UM 2389, the PUC adopted the amended Justice Funding Agreement at its public meeting on October 14, 2025, effective January 1, 2026. These proposed rule changes are needed to codify changes to the agreement and resulting processes regarding justice funding. The proposed rule changes are primarily aimed at streamlining the funding and reporting processes under the agreement and correcting certain typographical errors.

Any person may file comments by November 24, 2025. The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 680 on comments and attach them to an e-mail to the Commission’s Filing Center at PUC.FilingCenter@puc.orgeon.gov.

Although email comments are preferred, comments may be submitted by mail but must be received by November 24, 2025. Written comments may be sent to: Oregon Public Utility Commission, Attn: Filing Center, PO Box 1088, Salem, OR 97308.

Interested persons may review all filings online at
https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=24779.

For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and OAR 860-001-0200 through 860-001-0250 found online at
https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4027.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Informal participant comments and the amended Justice Funding Agreement are found online in docket UM 2389 at https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=24570

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Commission anticipates that amendments and additions to the PUC's Division 1 rules as described in this notice will have a positive and beneficial effect on racial equity in Oregon. As part of the development of the agreement that led to these proposed rule changes, the PUC engaged with groups representing diverse communities across Oregon, including groups which are mission-driven to serve communities of color, include Coalition of Communities of Color, VERDE, and the Community Energy Project among others. The rule changes themselves will help make $500,000 in ratepayer funding available annually to these groups and other groups that represent environmental justice communities, defined in rule and statute as "communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including but not limited to seniors, youth, and persons with disabilities." As a result, these rule changes will advance racial equity through facilitating the participation in PUC processes of new voices representing environmental justice communities.

FISCAL AND ECONOMIC IMPACT:

As a result of the requirement in legislation to offer $500,000 of ratepayer funded support annually to groups representing low-income customers and environmental justice communities, there will be a minimal fiscal and economic impact to ratepayers across Oregon, required as part of HB 2475. These rule changes do not increase or decrease the amount of ratepayer funded support already in the rules.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. No other state agency is likely to be economically affected by the rules. The rates currently being paid by members of the public and local governments will not change as a result of these rule changes.
2.a. The PUC estimates that the number of small businesses that will be subject to these rules, based on prior participation, to be about 7, and they are comprised of attorneys or justice advocate organizations.
2.b. The expected reporting, recordkeeping, administrative activities and cost required to comply with these rule changes is expected to be minimal and is being reduced by the changes to these rules.
2.c. The estimated cost of professional services, equipment supplies, labor and increased administration is expected to be minimal and is being reduced by the changes to these rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Justice advocates groups subject to the Justice Funding agreement and these rules participated in the informal processes in docket UM 2389 to promulgate the proposed changes to these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Stakeholder input was sought through informal collaborative processes.

RULES PROPOSED:
860-001-0810, 860-001-0820, 860-001-0830, 860-001-0840, 860-001-0850, 860-001-0860, 860-001-0870, 860-001-0890, 860-001-0900

AMEND: 860-001-0810

RULE SUMMARY: The proposed rule changes add a definition of "Eligible Recipient."

CHANGES TO RULE:

860-001-0810
Definitions
As used in OAR 860-001-0800 through 860-001-0900:¶
(1) "Agreement" means the currently effective Environmental Justice Communities Funding Agreement ~~in Order No. 23-033 and found online at https://apps.puc.state.or.us/orders/2023ords/23-033.pdf~~, as adopted by the Commission.¶
(2) "Case-certified Organization" means an organization the Commission has designated as meeting the requirements of OAR 860-001-0840 and OAR 860-001-0860(6).¶
(3) "Case Fund" is a Participating Public Utility fund that is available to a Case-certified organization to reimburse or grant to fund activity in a specific Case-certified matter. ¶
(4) "Eligible Expenses" are expenses for which Eligible Recipients may request payment consistent with OAR 860-001-0870. ¶
(5) "Eligible Proceedings" are proceedings the Commission has determined meet the requirements of OAR 860-001-0830. ¶
(6) "Eligible Recipient" means an organization that represents the interests of either low-income residential customers or communities, or customers that are members of Environmental Justice Communities as defined below.-For the purposes of this rule, a low-income community includes, but is not limited to, communities with limited or insufficient financial means to cover basic needs and essential services.¶
(7) "Environmental Justice" means equal protection from environmental and health hazards and meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality and play. ¶
(8) "Environmental Justice Community or Communities" includes communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure, and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including but not limited to seniors, youth, and persons with disabilities;¶
(9) "Grant Recipient" or "Grant Recipients" are Eligible Recipients who have been award precertification or case funding grants.¶
(10) "Justice Funding Grants" are grants from either a Pre-certification Fund or Case Fund made subject to these rules. ¶
(~~10~~1) "Participating Public Utility or Utilities" means any of the following utilities: Northwest Natural Gas Company, dba NW Natural; PacifiCorp, dba Pacific Power; Portland General Electric Company; Cascade Natural Gas Corporation; Avista Corporation, dba Avista Utilities; and Idaho Power Company.¶
(~~11~~2) "Pre-certification Fund" is a Participating Public Utility fund that is available to a Pre-certified Organization to reimburse or ~~grant to~~ fund activity in an Eligible Proceeding.¶
(~~12~~3) "Pre-certified Organization" means an organization that the Commission has determined meets the eligibility criteria under ORS 757.072(2)(a)(B) and (C) and ~~the rules below~~in OAR 860-001-0840.
Statutory/Other Authority: ORS 757.072
Statutes/Other Implemented: ORS 757.072

AMEND: 860-001-0820

RULE SUMMARY: This proposed rule change is a housekeeping change to the rule.

CHANGES TO RULE:

860-001-0820
Funding Amounts and Rollover
(1) The amounts to be made available annually for the Pre-certification Fund and the Case Fund for each utility ~~is~~are set forth in the Agreement.¶
(2) A balance in any of the Justice Grant Fund accounts that is unused in any year will be carried over at the end of the calendar year and made available for use in succeeding years, except that the amount rolled over to the next year may not exceed the amounts listed in section (1) of this rule. ¶
(3) Up to 70 percent of any balance remaining in any of the Pre-certified Funds after the annual grants are approved may be used for Case Fund grants for that calendar year after approval by the Commission of a request to reallocate these funds.
Statutory/Other Authority: ORS 757.072
Statutes/Other Implemented: ORS 757.072

AMEND: 860-001-0830

RULE SUMMARY: The proposed rule change updates language to current proposed definitions.

CHANGES TO RULE:

860-001-0830
Eligible Proceedings
(1) Eligible Proceedings include proceedings before the Commission that affect a Participating Public Utility, its customers and its Environmental Justice Communities including, but not limited to, named, non-docketed Commission led processes, rulemakings, contested cases, 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 adjustments; but they do not include complaint proceedings initiated or caused to be initiated by the Grant~~ee~~ Recipient.¶
(2) Justice Funding Grants will not be made available for proceedings involving telecommunications utilities, water utilities, or wastewater utilities unless the proceedings relate to one or more of the Participating Public Utilities.
Statutory/Other Authority: ORS 757.072
Statutes/Other Implemented: ORS 757.072

AMEND: 860-001-0840

RULE SUMMARY: The rule changes update language to current definitions and clarifies eligibility requirements for organizations subject to the rules.

CHANGES TO RULE:

860-001-0840
Justice Funding Eligibility
(1) An organization meeting the following criteria may be certified by the Commission to be eligible to receive Justice Funding Grants:¶
(a) 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;¶
(b) The organization identifies the specific Environmental Justice Community or low-income customers it represents and demonstrates that it is able to effectively represent them;¶
(c) 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;¶
(d) When applicable, the organization has demonstrated in past Commission matters its ability to substantively contribute to the record on behalf of such interests; and¶
(e) In contested case proceedings, the organization demonstrates that its request for funding will not unduly delay the schedule of the proceeding.¶
(2) In determining if an organization is eligible to receive a Justice Funding 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 or whether it will facilitate participation by environmental justice or low income organizations or customers with significant ties to the service area of each Participating Public Utility for which the Justice Funding Grant is sought.¶
(3) Pre-certified and Case-certified ~~g~~Grant~~ee~~ Recipients are encouraged to make all reasonable efforts to enter into agreements with each other at any time, including before submitting proposed budgets or after receiving Case Fund Grants, to combine their efforts and resources in a case. Such cooperative efforts shall not affect the amount of their grants.¶
(4) Upon the filing of a complaint pursuant to ORS 756.500 or upon a Commission investigation or motion pursuant to ORS 756.515, the Commission may terminate the precertification or case-certification of ~~an eligible entity, grantee~~ Grant Recipient, Eligible Recipient, or applicant if it finds that:¶
(a) The organization has committed fraud, misrepresentation, or misappropriation related to a Justice Funding Grant;¶
(b) In a proceeding before the Commission for which Justice Funding Grants were awarded to the organization, the organization has consistently failed to represent the interests of the Environmental Justice Community that the organization purported to represent in its application for pre-certification;¶
(c) The organization has failed to comply with Commission orders or rules in material ways;¶
(d) The organization no longer meets the criteria established in these rules.¶
(5) In the event of termination of the pre-certification or case-certification of an organization, such termination shall take effect on a prospective basis only. Organizations that have been decertified may not receive Justice Funding Grants for the term of the agreement. Organizations that have been decertified may recover Eligible Expenses incurred pursuant to a Commission authorized Justice Funding Grant and incurred before decertification, subject to satisfaction of the requirements for payment of grants set forth in the Agreement and these rules.
Statutory/Other Authority: ORS 757.072
Statutes/Other Implemented: ORS 757.072

AMEND: 860-001-0850

RULE SUMMARY: These rule changes update language to current proposed definitions and timeframes.

CHANGES TO RULE:

860-001-0850
Pre-certification Fund
(1) No more than five eligible organizations will be Pre-certified to receive Pre-certification Fund grants each year. ¶
(2) Pre-certified Organizations may request an Advance from the Pre-certification accounts in the next year.¶
(3) Applications for Pre-certification for the subsequent year must be filed no later than November 1~~0 in docket UM 2276~~7.¶
(4) Pre-certification requests must include the following elements:¶
(a) A narrative on why the applicant meets the eligibility criteria set forth in OAR 860-001-0840 or identify a prior order determining that the organization is an Eligible Recipient;¶
(b) The types of matters in which the applicant intends to participate, the nature of that participation, and why these types of matters are Eligible Proceedings;¶
(c) The Participating Public Utility account or accounts from which the applicant seeks funds; and¶
(d) A budget showing estimated Eligible Expenses.¶
(5) Any person may provide a response to an application within 14 days of the filing of the application.¶
(6) The Commission will make best efforts to review and act upon an application for Pre-certification within 45 days of receipt. The Commission may approve or deny, in whole or in part, the application based on any of the following factors:¶
(a) The breadth and complexity of the issues or the importance of community participation;¶
(b) 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;¶
(c) The proposed budget; which must include a description of the Participating Public Utility account or accounts from which the applicant seeks funds and how payments should be apportioned. ¶
(d) The eligibility criteria to which the applicant is subject;¶
(e) The qualifications of the applicant and experience before the Commission; and¶
(f) The level of available Pre-certified Funds consistent with the Agreement. ¶
(7) Once Pre-certified, an organization will remain Pre-certified for one year unless the Commission terminates the Pre-certification.¶
(8) A Pre-certification Fund Grant ~~r~~Recipient may file a request to amend its budget for good cause. The Commission will make best efforts to act upon the request within 21 days of receiving the proposed amendment or, if applicable, any supplemental information provided in response to the Commission's request. Any person may provide a response to a proposed budget amendment within ~~14~~7 days of the filing of the request.¶
(9) The Commission may amend an approved Pre-certified ~~g~~Grant~~ee~~ Recipient's budget if it finds that the approved budget is no longer warranted. If the Commission amends an approved budget, it will provide notice to the Pre-certification Fund Grant ~~r~~Recipient and afford an opportunity to comment and provide a revised budget.
Statutory/Other Authority: ORS 757.072
Statutes/Other Implemented: ORS 757.072

AMEND: 860-001-0860

RULE SUMMARY: The rule changes update language to current proposed definitions and timeframes.

CHANGES TO RULE:

860-001-0860
Case Fund
(1) Applicants seeking a Case Fund Grant must file a notice of intent and request for case certification to request a Case Fund Grant when it files its petition to intervene or notice of participation in the matter or, for matters that do not involve a formal intervention, at such other time as the Commission designates. ¶
(2) The notice of intent: ¶
(a) Must identify why the applicant meets the eligibility criteria listed in OAR 860-001-0840, explaining why the matter is an Eligible Proceeding.-In the alternative, the applicant may identify any prior order deeming the organization an Eligible ~~grantee~~Recipient and/or deeming the proceeding a Justice Funding Grant Eligible Proceeding and granting Case Certification; ¶
(b) Must be served on each affected Participating Public Utility, all Pre-certified Organizations, and all parties of record in the proceeding; ¶
(c) Must identify the Participating Public Utility account or accounts from which the intervening party intends to request a Case Fund Grant. ¶
(3) Any party or participant in the matter may provide a response to a request for Case Fund certification within 14 days of the filing of the request. ¶
(4) Once certified, 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. ¶
(5) A proposed budget must be filed no later than 30 days after the organization and the proceeding have been certified for Case Fund grants or by such other date as the Commission designates. A proposed budget may be filed with the notice of intent and request for case certification.¶
(6) An applicant may submit a combined proposed budget for related proceedings that are being considered concurrently by the Commission. ¶
(7) If the recipient expects to incur Eligible Expenses for Case Funds in more than one calendar year, the proposed budget may seek funds that will be made available in the next calendar year.-In such cases, the proposed budget should identify the amount of funds requested from each year's fund. ¶
(8) Any party or participant in the matter may provide a response to a proposed budget within ~~14~~7 days of the filing of the proposed budget.¶
(9) The Commission may approve or deny, in whole or in part, an applicant's proposed budget based on any of the following factors:¶
(a) The proposal is not consistent with the breadth and complexity of the issues;¶
(b) 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;¶
(c) The procedural schedule;¶
(d) The dollar magnitude of the issues at stake;¶
(e) The qualifications of the organization and experience before the Commission;¶
(f) The level of available Case Funds remaining for the year; and¶
(g) Other Eligible Proceedings in which other Eligible Recipients may seek additional funds consistent with ORS 757.072(2)(c).¶
(10) The Commission will make best efforts to act upon proposed budgets for Case Fund grants within 30 days of receiving the proposed budgets.¶
(11) If the Commission receives one or more notices of intent and one or more proposed budgets, then the Commission will determine the amount of Case Fund Grants that will be made available for the Eligible Proceeding and the allocation of that amount among the applicants.-The Commission may make these determinations upon the factors described in the Agreement. ¶
(12) At any time during a proceeding, a Case Fund Grant ~~r~~Recipient may file to amend its budget and request additional funding due to unforeseen changes in the scope or complexity of issues, positions taken by other parties, changes in the schedule of the case, or other good cause.-Grant~~ee~~ Recipients with approved budgets in multiple dockets may request to reallocate approved amounts between dockets by filing a request in both dockets.-The request must identify the previously approved proposed budget amounts, the amended proposed budget amounts for each docket after reallocation of funds; and the request must explain the purpose for the requested reallocation. Any party or participant in the matter may provide a response to a proposed amendment

within ~~14~~7 days of the filing of the request. The Commission will make best efforts to act upon the request within 21 days of receiving the proposed amendment or, if applicable, any supplemental information provided in response to the Commission's request. ¶
(13) The Commission may amend an approved proposed budget if it finds that there has been a material change in the breadth and complexity of the issues, the significance of the policy issues, or the dollar magnitude at stake, such that the initial approved proposed budget is no longer warranted.-If the Commission amends an approved proposed budget, it will provide notice to the recipient and afford an opportunity to comment and provide a revised budget.-A Commission amendment of an approved proposed budget takes effect on a prospective basis only.¶
(14) Pre-certified organizations and organizations who become Case-certified for a specific proceeding are eligible to receive Case Fund Grants. ¶
(15) The Commission may approve a Case Fund Grant from funds that will be made available in the next calendar year when the proceeding for which the Case Fund Grant is sought is expected to continue into that year and funds in the current year Case Fund are inadequate to provide the level grant that the Commission determines is appropriate.
Statutory/Other Authority: ORS 757.072
Statutes/Other Implemented: ORS 757.072

AMEND: 860-001-0870

RULE SUMMARY: The proposed rule change specifies that costs of educational opportunities for in-house staff to facilitate participation in an Eligible Proceeding is an eligible expense.

CHANGES TO RULE:

860-001-0870
Eligible Expenses
(1) Eligible Expenses include:¶
(a) Actual attorney and consultant fees, whether in-house or for outside services, directly attributable to participation in the proceeding;¶
(b) Expert witness fees and expenses;¶
(c) Apportioned wages for in-house staff and operational support directly related to participation in the proceeding;¶
(d) The cost of investigations and of preparing and copying studies, data request responses and other discovery materials, exhibits, testimony, briefs, and other filings in the proceeding;¶
(e) Travel costs directly related to participation in the proceeding;¶
(f) Costs of acquiring studies or supplies directly related to the proceeding or court reporter fees and transcripts;¶
(g) Costs for education, organization, preparation for and facilitation of community members' participation in proceedings or an individual community member's participation in a proceeding;¶
(h) Costs of participation in workshops and other informal Commission activities prior to the institution of an Eligible Proceeding; and¶
(i) Cost of contractors and subcontractors conducting activities that would otherwise constitute an eligible expense under this definition had they been directly incurred by the Grantee.¶
(j) Costs of educational opportunities for in-house staff to facilitate participation in an Eligible Proceeding.¶
(2) Justice Funding Grants may not be used political activities or fund raising.¶
(3) Pre-certification grants may not be used for complaint proceedings before the Commission.
Statutory/Other Authority: ORS 757.072
Statutes/Other Implemented: ORS 757.072

AMEND: 860-001-0890

RULE SUMMARY: These rule changes make housekeeping changes, update language to reflect current proposed rule changes, and include an audit provision.

CHANGES TO RULE:

860-001-0890
Payment of Grants and Reporting
(1) Upon Commission approval of a Pre-certified Fund grant or approval of a request for payment from a Case Fund, the Participating Public Utilities must pay the amounts granted pursuant to Commission order. The Participating Public Utilities must pay the amount authorized by the Commission no later than 30 days after receipt of the Commission order. Pre-certification fund Grant Recipients should file a notice of release no later than November 17, specifying any funds that the pre-certification fund Grant Recipient intends to release back to the pre-certification fund. The Commission shall issue a final notice to pre-certification fund Grant Recipients requiring all notices of release by December 7 to identify any rollover funds for the subsequent year.¶
(2) To receive payment of a Case Fund Grant, a ~~g~~Grant~~ee~~ Recipient must submit a request for payment of Eligible Expenses to the Commission and serve a copy on the Participating Public Utility from whose account payment is to be made. If the ~~g~~Grant~~ee~~ Recipient intends to release funds not used, the grantee may file a release of funds.¶
~~(3) A request for payment or~~ Case Fund Grant Recipients are encouraged to file a notice of release ~~of funds may be made at any time during an Eligi~~as soon as possible after resolution of the applicable ~~P~~proceeding~~,~~ ~~afte~~nd/or the ~~Commission has approved the applicable proposed budget, but grantees should file the request for payment and notice of release no later than November 17, at which time the Commission will issue a final notice to grantees requir~~ir final budget is known. To the extent possible, Case Fund Recipients should file a notice of release no later than November 17 specifying any funds that the Grant Recipient intends to release back to the case fund. In the event that released funds include any amount included ing a~~ll requests for payment and notices of release by December 15. Grantees who fail to file a request for payment or notice of release by December 15 will be deemed to have released any remaining allocated funds back to~~ progress payment previously made, the Grant Recipient must return such funds visa a check to the relevant Participating Public Utility's fund within 30 days of the final notice of release.¶
(3) A request for payment or notice of release of funds for a Case Fund Grant may be made at any time during an Eligible Proceeding, after the Commission has approved the applicable ~~Case Fund.~~proposed budget. ¶
(4) The request for Case Fund payment must:¶
(a) Itemize the expenses, payees and hourly rates for amounts to be reimbursed, including billing details, and including separately identified amounts for consultant or expert witness fees and travel expenses;¶
(b) Demonstrate that the expenses are reasonable and are directly attributable to issues and positions pursued on behalf of low-income residential customers or Environmental Justice Communities and consistent with the ~~g~~Grant~~ee~~ Recipient's proposed budget;¶
(c) Provide information sufficient to show that the ~~g~~Grant~~ee~~ Recipient has complied with any condition or requirement of the Case Fund Grant; and¶
(d) Specify whether the request for payment is for a progress payment or final payment in full and indicate whether any approved budget amount may be released back to the applicable Case Fund because the ~~g~~Grant~~ee~~ Recipient does not intend to request payment for the full approved budget amount.¶
(5) A request for payment under this section may be made as a progress payment prior to the completion of the activity to be performed consistent with an approved budget; provided that any request for payment prior to completion of the activity may not exceed 50 percent of the applicable approved budget.¶
(6) Any person may provide a response to a request for payment of a Case Fund Grant or Pre-certification Fund Grant within ~~14~~7 days of the filing of the request. Within 30 days of receiving a request for payment of a Case Fund Grant or Pre-certification Fund Grant, the Commission will make best efforts to review the sufficiency of the request and act upon it. The Commission may disallow a request for payment, in whole or in part, if it determines that the request seeks reimbursement for expenses that are not Eligible Expenses or expenses that are inconsistent with the Grant~~ee~~ Recipient's Case Fund Grant or Pre-certification Fund Grant, or any conditions placed on the Case Fund Grant or Pre-certification Fund Grant. ¶
(7) On or before each April 1, each Case-Fund ~~r~~Grant Recipient who had, during the prior calendar year, a continuing or newly approved Case Fund Grant or pending proposed budget for an Case Fund Grant request must provide a report to the Administrative Hearings Division showing, as of December 31 of the prior calendar year for each Case Fund, their budget requests pending approval, approved budget amounts, requested payments, payments received, amounts actually spent on expenses described in budgets for proceedings in which the intervenor received an Case Fund Grant, and a statement indicating whether any of their approved budget amounts for an Case Fund Grant may be released back to the applicable Case Fund because the grantee does not

intend to use the full approved amount.¶
(8) Each ~~August~~November 17 during the term of the Agreement. Pre-certified ~~Organization~~Grant Recipients will provide the Administrative Hearings Division a statement setting forth the manner in which the Pre-certification Fund Grant was spent or intends to be spent, including information sufficient to show that the funds were spent in a manner consistent with the these rules, whether a request for payment for remaining amounts has been filed, the remaining amount outstanding and whether the remaining amount or any initial amount will be released back to the fund. Each Pre-certified Organization will serve a copy of the report it provides under this section on the applicable Participating Public Utility or Utilities.¶
(9) Information presented under this rule may be provided by Grant~~ee~~ Recipients or Eligible Recipients directly to the Administrative Hearings Division with copies served upon the relevant Participating Public Utilities and may be designated as confidential and protected from public disclosure by the Commission to the maximum extent possible under the Oregon Public Records Law. The confidential designation will not prevent the applicable Participating Public Utility from reviewing the requests, budgets, or reports. If the order approving a budget imposes confidentiality obligations or if the information is provided pursuant to a protective order, the applicable Participating Public Utility will abide by any such applicable confidentiality obligations. ~~Grantees and eligible~~¶
(10) The Commission may audit the relevant records of a Grant Recipient as a~~cknowledge that~~llowed by law and as necessary to verify the accuracy of the information ~~cover~~provided by th~~is rule may be assimilated into reports pursuant to ORS 757.072~~at Grant Recipient within 3 years of the order approving the grant.
Statutory/Other Authority: ORS 757.072
Statutes/Other Implemented: ORS 757.072

AMEND: 860-001-0900

RULE SUMMARY: The proposed rule changes are housekeeping changes.

CHANGES TO RULE:

860-001-0900
Recovery of Justice Funding Grants and Cost Allocation
(1) Participating Public Utilities are permitted to recover in rates all amounts paid for Justice Funding Grants. ¶
(a) If a Participating Public Utility seeks rate recovery through a deferred account, the account and amortization of the account is exempt from the amortization caps and earnings test set forth in subsections 5, 6, 7, 8 and 10 of ORS 757.259, as such subsections may be amended from time to time and is not included in any calculation of the amortization cap for other deferred accounts. ¶
(b) Amounts in any deferred account under this rule will include carrying costs at the Participating Public Utility's authorized cost of capital. ¶
(c) If the applicable Eligible Proceeding results in a change of rates, Case Fund grants should be incorporated into rates at the same time as the rate change is made. ¶
(d) For Case Fund grants that are not recovered in the Eligible Proceeding in which the funds were expended or when recovering Pre-certification grants, the timing and amortization period for recovering of such Justice Funding Grants will be left to the discretion of the Participating Public Utility, subject to Commission approval. ¶
(2) In a proceeding involving more than one Participating Public Utility, the Commission will apportion the payment among the affected Participating Public Utilities. ¶
(a) Criteria for making this allocation may include the relative gross revenue of the utilities, load, or other such factors as the Commission determines to be relevant to the matter. ¶
(b) Payment will be apportioned to Avista, Cascade, and Idaho Power solely for Case Fund grants for matters affecting low-income residential customers or Environmental Justice Communities in their respective service areas. ¶
(c) Case Fund grants used to advocate positions on behalf of low-income residential customers or Environmental Justice Communities may be assessed as determined by the Commission.
Statutory/Other Authority: ORS 757.072
Statutes/Other Implemented: ORS 757.072