



**UTC**  
Washington Utilities  
and Transportation  
Commission

# Funding intervenors in Washington State

Dave Danner, Chair

Washington Utilities and Transportation Commission



# Senate Bill 5295

In 2021, Senate passed SB 5295 which:

- Mandates that utilities must propose, and UTC must approve multi-year rate plans
- Requires UTC to develop performance standard for utilities
- Requires UTC to approve low-income tariffs
- Establishes requirement for funding for intervenors



# Senate Bill 5295

- 1) A gas company or electrical company shall, upon request, enter into one or more written agreements with organizations that represent broad customer interests in regulatory proceedings conducted by the commission...including but not limited to organizations representing low-income, commercial, and industrial customers, vulnerable populations, or highly impacted communities...among classes of customers of the gas or electrical company.



# Senate Bill 5295

- 2) Before administering an agreement...the commission shall, by rule or order, determine:
  - a) The amount of financial assistance, if any, that may be provided to any organization;
  - b) The manner in which the financial assistance is distributed;
  - c) The manner in which the financial assistance is recovered in the rates of the gas company or electrical company...; and
  - d) Other matters necessary to administer the agreement.



# Senate Bill 5295

- 3) The commission shall allow a gas company or electrical company that provides financial assistance under this section to recover the amounts provided in rates. The commission shall allow a gas company or electrical company to defer inclusion of those amounts in rates if the gas company or electrical company so elects. An agreement under this section may not provide for payment of any amounts to the commission.
- 4) Organizations representing vulnerable populations or highly impacted communities must be prioritized for funding under this section.



# Issues

- Who qualifies for intervenor funding?  
How do we define “broad customer interests”?
  - Industrial customers
  - NIMBY groups
  - Opportunists
  - Groups representing vulnerable populations or highly impacted communities
- UTC limited funding to non-profit organizations
- What are “commission proceedings”?  
Just adjudications? Rulemakings?



# Issues

- Do we limit funding to a public interest component?
- How much funding do we provide?
- How much can we make available?
- What if there aren't enough funds to go around?



# 2021 Policy Statement (U-210595)

- In the first year of the program, each utility will cap its program at 0.1% of its annual gross intrastate revenue, but provide no more than \$300,000 in funding overall, and set aside at least one-third of funds for organizations representing vulnerable and highly impacted communities.
- All organizations may use these funds for consulting and legal fees. Organizations serving these prioritized communities may also use these funds for a variety of costs, including training, technical assistance, and outreach. Organizations cannot use these funds for overhead expenses, lobbying, or filing formal complaints.



# 2021 Policy Statement (U-210595)

- Funding will be available to organizations for proceedings beginning now through Dec. 31, 2022. The UTC will evaluate the program at the end of the first year to decide whether to update this guidance for future years.
- The UTC will evaluate all funding requests to ensure utilities distribute funds equitably and that organizations use the funds in the public interest.
- The UTC will continue to develop guidelines and evaluate the effectiveness of this support by gathering feedback from organizations participating in the program. The UTC will provide assistance to organizations wishing to learn how to participate in UTC proceedings.



# 2021 Policy Statement (Para. 14)

“Our goals in implementing RCW 80.28.430 are twofold:

- To increase participation of groups of people who historically have not been part of our proceedings, including the statute’s named priority communities;
- and to increase the effectiveness of participation of other parties that historically have been active participants in commission proceedings. “



# Intervenor funding amounts through 2022

Per Utility

(Calculated at 0.1% of Operating Revenue and \$300,000)

PSE	Avista	PacifiCorp	Cascade	NW Natural
\$300,000	\$300,000	\$300,000	\$265,512	\$72,735.50



# Sideboards on interim funding

- Commission will reserve at least one-third of aggregate funding to prioritized groups, which may be used for outreach, training, and education to create a space at the regulatory table for their participation.
- Additionally, the commission will allow interim funding only for organizations representing highly impacted communities and vulnerable populations.



# Process

- Entities seeking intervenor funding must submit proposed budgets
- Proposed budgets [must] include a statement of the work to be performed, a description of the general areas to be investigated, and a budget showing any estimated attorney fees or consultant fees.
- If the commission receives one or more proposed budgets, it will “determine the amount, if any, of Fund Grants that will be made available...”



# Process — Factors to be considered

- the breadth and complexity of the issues;
- the significance of any policy issues;
- the procedural schedule;
- the dollar magnitude of the issues at stake;
- the participation of other parties that adequately represent the interests of customers;



# Process – Factors to be considered (cont.)

- the amount of funds being provided by the applicant intervenor, if any;
- the qualifications of the party and experience before the Commission;
- the level of available funds in the Fund account or accounts involved;
- other Eligible Proceedings for Funds in which stakeholders may seek additional Fund Grants from the same Sub-Fund; or
- any other factors the Commission deems relevant.



# Process



The amount of funding in each Consumer Access Fund is limited, and it may be required for more than one Eligible Proceeding. These funds are also sourced from ratepayers, many of whom are faced with their own economic challenges. Thus, we expect all requests for reimbursement to contain great detail, including receipts, invoices, and any other documentation of costs for which recovery is requested.



# Commission orders approving budgets

- **April 2024** — UE-220066 Puget Sound Energy GRC
  - \$30,000 - Energy Project
  - \$10,000 - AWEC
- **May 2022** — UE-220053 Avista Utilities GRC
  - \$50,000 - AWEC
  - \$50,000 - Energy Project
  - \$50,000 - NWECA
  - \$50,000 rejected - Small Utility Advocates

