

ENTERED FEB 27 2018

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UP 365

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Application for Authorization of the Sale of  
Certain Property in Draper City, Utah.

ORDER

**DISPOSITION: STAFF'S RECOMMENDATION ADOPTED**

At its public meeting on February 27, 2018, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



  
**Michael Dougherty**  
Chief Operating Officer

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

ORDER NO. 18 069

ITEM NO. CA 9

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: February 27, 2018

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE \_\_\_\_\_

DATE: February 9, 2018

TO: Public Utility Commission

FROM: Ming Peng *MP.*

THROUGH: *J* Jason Eisdorfer and *Jo* John Crider

SUBJECT: PACIFICORP: (Docket No. UP 365) Requests approval for the proposed sale of certain property to Draper City, Utah.

**STAFF RECOMMENDATION:**

I recommend the Commission approve Pacific Power's (PacifiCorp or Company) application for approval of the proposed sale of certain property to Draper City, Utah.

**DISCUSSION:**

Issue

Whether the Public Utility Commission of Oregon (Commission) should approve PacifiCorp's application to sell certain property to Draper City, Utah.

Applicable Rule or Law

ORS 757.480(1)(a) requires Commission approval for sales of property necessary and useful in the performance of public service with a value in excess of \$100,000.

OAR 860-027-0025(1)(l) requires that the utility show that such a proposed sale is "consistent with the public interest." The Commission has previously held that this standard requires only a "no harm" showing. See, e.g., In the Matter of a Legal Standard for Approval of Mergers, Docket UM 1011, Order No. 01-778 (Sept. 4, 2001) ("The remainder of the statutory scheme, those statutes governing transfer, sale, affiliated interest transactions, and contracts, either expresses no standard (for instance, ORS 757.480, .485) and has been read to require a no harm standard, or contains a 'not contrary to the public interest' standard (ORS 757.490, .495).")

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(emphasis added); In the Matter of the Application of PacifiCorp, Docket UP 168, Order No. 00-112, at 6 (Feb. 29, 2000) (regarding the sale of the Centralia generating plant); In the Matter of Portland General Electric, Docket UP 158, Order No. 00-111, at 2 (Feb. 29, 2000) (regarding the sale of the Colstrip generating units); In the Matter of the Application of Portland General Electric, Docket UP 165/UP 170, Order No. 99-730, at 7 (Nov. 29, 1999) (regarding the sale of the Centralia generating plant).

### Analysis

#### *Background*

On February 6, 2018, PacifiCorp filed application to seek approval from the Commission for the proposed sale of certain property located in Draper City, Utah (90th South-Hale Property) to Draper City for the purpose of constructing a roadway improvement project. The purchase involves four parcels totaling approximately 1.64 acres. PacifiCorp has determined the property Draper City has asked to purchase is not needed for utility operations. No utility facilities are located within the parcel to be sold, although certain facilities cross the parcel. PacifiCorp will retain easements for the existing and any future transmission and distribution lines. The sale price attributed to the 90th South-Hale Property is \$186,300 and the book value of the property sold is \$3,406.

#### *Use of Proceeds*

PacifiCorp states that Oregon-allocated proceeds from this transaction in the approximate amount of \$46,700 will flow to customers through Schedule 96, the property sales balancing account.

#### *Operational Risks*

PacifiCorp states that "This transaction will not affect PacifiCorp's ability to perform its public duties. PacifiCorp does not need to retain ownership of the parcel to continue to provide electric service. PacifiCorp and Draper City have worked together on several options for the proposed Roadway Extension. This option, as submitted, will have the least impact to PacifiCorp's transmission corridor, transmission structures, and overhead lines."

#### *Not Contrary To the Public Interest Standard*

OAR 860-027-0025(1)(l) requires that the utility show that such a proposed sale is "consistent with the public interest." The Commission has previously held that this standard requires only a "no harm" showing. The proposed transaction will not harm customers.

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Conclusion

Based on the review of this application, Staff concludes that the sale of the 90th South-Hale Property will not harm PacifiCorp's customers and is consistent with the public interest. Notably, the Commission's approval of this sale under ORS 757.480(1)(a) does not relieve the Commission of its authority to review use of proceeds in tariff schedule, amortization or depreciation book reserve in rate base, and other financial records for reasonableness of this sale in the next rate proceeding.

**PROPOSED COMMISSION MOTION:**

Pacific Power's application for approval for the proposed sale of certain property to Draper City, Utah, be approved.

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