

ORDER NO. 02-780

ENTERED NOV 06 2002

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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

AR 380

In the Matter of a Rulemaking Proceeding )  
to Implement SB 1149 Relating to Electric )  
Restructuring. )

ORDER

**DISPOSITION: DOCKET CLOSED**

On February 14, 2000, the Public Utility Commission of Oregon (Commission) opened this rulemaking proceeding to develop rules implementing provisions of SB 1149 regarding electric restructuring. The Commission issued two orders adopting rules: Order No. 00-596, issued September 28, 2000 and Order No. 01-072, issued January 3, 2001.

In Order No. 00- 596, we supported the concept of a one-time administrative valuation of utility resources found in proposed OAR 860-038-0120. However, we did not adopt the rule due to legal concerns regarding an arbitration process. We deferred further processing of this particular rule until after the 2001 Oregon legislative session.

During that session, our legal concerns were resolved through the enactment of ORS 757.660, which gave us the authority to use an arbitration process for resolving one-time valuation disputes of electric company investments. Therefore, it would be possible to return to the administrative valuation process and adopt a rule similar to the proposed rule. However, the participants involved in the docket do not wish to proceed with this rule at this time. The events that have occurred over the past two years have changed the way this administrative valuation process is viewed.

On October 14, 2002, the Administrative Law Judge sent a memorandum to the AR 380 participant list, asking if any of the participants had objections to closing this docket at this time. No one responded.

The one-time administrative valuation rule is the only outstanding rule in this docket. The docket has been dormant for almost one year. We can certainly open a new docket if anyone wishes to revisit this proposed rule or the issue of one-time administrative valuation. This docket, however, should be closed.

**ORDER**

IT IS ORDERED that this docket is closed.

Made, entered, and effective \_\_\_\_\_.

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**Roy Hemmingway**  
Chairman

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**Lee Beyer**  
Commissioner

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**Joan H. Smith**  
Commissioner

A party may request rehearing or reconsideration of this order pursuant to 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 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.