

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT**

PUBLIC MEETING DATE: November 30, 2021

REGULAR **CONSENT** **EFFECTIVE DATE** January 1, 2022

DATE: November 16, 2021

TO: Public Utility Commission

FROM: John Fox

THROUGH: Bryan Conway and John Crider **SIGNED**

SUBJECT: PORTLAND GENERAL ELECTRIC:
(Docket No. ADV 1335/Advice No. 21-33)
Schedule 103, Metro Supportive Housing Services Business Income Tax.

STAFF RECOMMENDATION:

Approve Portland General Electric's (PGE) Advice No. 21-33, revising Schedule 103, for the collection of the Metro Supportive Housing Services Tax from customers that reside within the Metro jurisdiction effective for service on or after January 1, 2022.

DISCUSSION:

Issue

Whether the Commission should approve PGE's proposed revision of Schedule 103 – Metro Supportive Housing Services Business Income Tax Recovery – which seeks to recover via an Automatic Adjustment Clause the annual forecast amount of the Metro Supportive Housing Services (MSHS) Tax and a true-up of the previous year's over- or under-recovery of tax relative to the Company's actual tax liability.

Applicable Rule or Law

Under ORS 757.205(1), a public utility must file schedules showing all rates, tolls, and charges for service that have been established and are in force at the time. The Commission may approve tariff changes if they are deemed to be fair, just, and reasonable. ORS 757.210. Tariff revisions or corrections may be made by filing revised sheets with the information required under the Commission's administrative rules, including OAR 860-022-0005 and OAR 860-022-0025. Filings that make any change in

rates, tolls, charges, rules, or regulations must be filed with the Commission at least 30 days before the effective date of the changes. ORS 757.220.

OAR 860-022-0025(2) specifically requires that each energy utility changing existing tariffs or schedules must include in its filing a statement plainly indicating the increase, decrease, or other change made with the filing, the number of customers affected by the proposed change and the resulting change in annual revenue; and the reasons or grounds relied upon in support of the proposed change.

Unless subject to an automatic adjustment clause under ORS 757.210(1), amounts deferred are allowed in rates to the extent authorized by the Commission in a proceeding under ORS 757.210 to change rates and upon review of the utility's earnings at the time of application to amortize the deferral. ORS 757.259(4); OAR 860-027-0300(9).

Analysis

Background

In May 2020, voters in Multnomah County, Washington County, and Clackamas County approved a measure to raise money for supportive housing services for people experiencing homelessness or at risk of experiencing homelessness in the greater Portland area. The program is administered by the Portland Area Metropolitan Service District (Metro) and funded by a 1 percent tax on taxable income of more than \$125,000 for individuals and \$200,000 for couples filing jointly, and a 1 percent tax on profits from businesses with gross receipts of more than \$5 million. The taxes are effective for tax years beginning on and after January 1, 2021.

In Order No. 21-029, the Commission approved PGE's application requesting authorization for a deferred account for the 12-month period beginning on January 1, 2021, and PGE's Advice No. 20-48, implementing Schedule 103, used to collect the MSHS Tax from customers residing within the Metro jurisdiction, subject to the supplemental filing to only include revenues from customers residing in those counties within Metro's jurisdiction.

In Docket No. ADV 1250, the Commission approved the Company's supplemental filing establishing a MSHS rate of 0.153 percent effective April 1, 2021.

Current filing

PGE request to set the MSHS tax rate to zero effective January 1, 2022, and provides the following explanation:

2021 was the first year that PGE was required to pay the MSHS income tax for “commercial activity” within Metro’s jurisdiction. PGE estimated the tax in 2021 to be \$1.5 million. The 2022 estimated tax is now estimated to be only about \$446K, significantly less.

And also states,

The projected balance at the end of 2021 results is estimated to be a credit of about \$1.1 million due to less than taxable income in 2021 and over-estimating the tax during the first year of collection. PGE proposes to set the Schedule 103 collection rate to 0% in 2022 in order to reduce the balance. PGE will reassess the tax in its filing next year and reintroduce a percentage charge.

In response to further informal inquiry, the Company indicates that the lower than expected MSHS tax in 2021 “is all due to a change in taxable income. Due to some significant expenses in 2021 (i.e. the February ice storm) that were deferred for book accounting and regulatory purpose, but not for tax purposes, we saw a decrease in our taxable income.”¹

Staff notes that, based on review of the work papers accompanying the initial filing,² a negative MSHS rate (refund) would be necessary to bring the balancing account to zero at December 31, 2022, rather than the zero rate proposed. However, as the cause of the over collection is a temporary tax difference that will reverse when the Commission authorizes the inclusion of the deferred February ice storm cost in rates, the ongoing annual MSHS tax can be expected to revert to the levels contemplated in the ADV 1250 filing. Accordingly, Staff finds the Company’s proposal to set the tariff rate to zero in 2022 to be fair, just, and reasonable.

To satisfy the requirements of OARs 860-022-0025(2) and 860-022-0030, PGE provides the following responses:

The proposed Schedule 103 rate change will result in a 0.153% overall rate decrease for approximately 740,000 Clackamas, Multnomah and Washington County Customers within Metro’s jurisdiction. A typical Schedule 7 Residential Customer consuming 780 kWh monthly will see a bill decrease of approximately \$0.15.

¹ Via email November 16, 2021.

² PGE Advice No. 21-33 Metro Supportive Housing Services_Work Papers_11.09.21.pdf.

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Conclusion

For the reasons stated above, Staff recommends the Commission approve PGE's proposed revision of tariff Schedule 103, MSHS Business Income Tax.

PROPOSED COMMISSION MOTION:

Approve PGE's Advice No. 21-33, revising the Schedule 103 rate to zero, for the collection of the MSHS Tax from customers that reside within the Metro jurisdiction effective for service on or after January 1, 2022.

ADV 1335 PGE Schedule 103 MSHS Tax.docx