

1 **BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON**

2
3 **UTILITY REFORM PROJECT and**
4 **KEN LEWIS,**

COMPLAINT

5
6 **Complainants/Applicants,**

7
8 **v.**

9
10 **PORTLAND GENERAL ELECTRIC CO.,**

11
12 **Defendant.**

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15 Pursuant to ORS 756.500 and all other applicable statutes and rules, the Utility
16 Reform Project (URP) and Ken Lewis file this Complaint and the accompanying
17 Application for Deferred Accounting.

18 This Complaint alleges that PGE's rates, since September 2, 2005, and continuing
19 to the present, are not just and reasonable and are in violation of SB 408 (2005),
20 because they contain approximately \$92.6 million in annual charges for state and
21 federal income taxes that are not being paid to any government.

22 In support of this Complaint, Complainants allege:

- 23 1. Utility Reform Project (URP) is a non-profit corporation duly incorporated under
24 the laws of the State of Oregon. Its mailing address is 10949 S.W. 4th
25 Avenue, Portland, Oregon 97219. Among the principal purposes of the
26 Project is to represent its members and utility ratepayers generally in
27 proceedings before the Oregon Public Utility Commission (OPUC). The
28 Project has more than 20 members, several of whom are PGE ratepayers.

1 2. Ken Lewis resides in Portland, Oregon, and has been a residential customer
2 of PGE at all relevant times, with one or more accounts for electric service.

3 3. Complainants are represented by:

4 Daniel W. Meek
5 Attorney
6 10949 S.W. 4th Avenue
7 Portland, OR 97219
8 (503) 293-9021
9 (503) 293-9099 fax
10 dan@meek.net
11

12 4. Pursuant to ORS 756.500 and OAR 860-13-015, the party defendant is PGE,
13 and its sole shareholder is Enron, and all references to PGE herein include
14 reference to Enron.

15 5. Pursuant to ORS 756.500 and OAR 860-13-015, the acts complained are:

16 A. Since 1997, if not sooner, PGE has charged ratepayers for alleged costs of
17 "state income taxes" and "federal income taxes" in rates but has not paid
18 those amounts to any government.

19 B. These amounts of unpaid alleged income taxes total approximately \$92.6
20 million per year.

21 C. The Oregon Legislature and Governor enacted SB 408 (2005), with an
22 effective date of September 2, 2005.

23 D. Section 2(1)(f) of SB 408 declares:

24 Utility rates that include amounts for taxes should reflect the
25 taxes that are paid to units of government to be considered fair,
26 just and reasonable.

1 E. The Commission has concluded that SB 408 currently applies to rates
2 charged by regulated utilities in Oregon which had more than 50,000
3 customers in 2003. This category includes PGE.

4 F. The Commission has concluded that SB 408, as of September 2, 2005,
5 requires that "rates must reflect the taxes paid to units of government in
6 order to be fair, just and reasonable." OPUC Order No. 05-1050, p. 18.

7 6. WHEREFORE, Complainants request that the Commission:

8 A. Order the creation of a deferred account for all amounts charged to
9 ratepayers, since September 2, 2005, for "federal income taxes" and "state
10 income taxes," less amounts actually paid by or on behalf of PGE to the
11 federal government and state governments for income taxes.

12 B. Conduct a contested case hearing on this Complaint;

13 C. Convene a prehearing conference to establish the parties and a schedule
14 for discovery.

15 D. Establish a service list that includes:

16 Daniel W. Meek
17 10949 S.W. 4th Avenue
18 Portland, OR 97219
19 (503) 293-9021
20 dan@meek.net

Linda K. Williams
10266 S.W. Lancaster Road
Portland, OR 97219
(503) 293-0399
linda@lindawilliams.net

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Ken Lewis
P.O. Box 29140
Portland, OR 97296
KL04@mailstation.com

Dated: October 5, 2005

Respectfully Submitted,

DANIEL W. MEEK
OSB No. 79124
10949 S.W. 4th Avenue
Portland, OR 97219
(503) 293-9021 fax 293-9099
dan@meek.net

Attorney for
Complainants/Applicants

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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that I filed served for foregoing COMPLAINT by email to the list below
5 and by depositing a true copy in the U.S. Mail, first class postage prepaid, a true and
6 correct copy upon the addresses below.
7

8 stephanie.andrus@state.or.us
9 lowrey@oregoncub.org
10 jason@oregoncub.org
11 tlannom@ci.portland.or.us
12 kl04@mailstation.com
13 dan@meek.net
14 mwp@dvclaw.com
15 doug.tingey@pgn.com
16 mail@dvclaw.com
17 bwalters@ci.portland.or.us
18 linda@lindawilliams.net
19 jffell@stoel.com
20

21 J. Jeffrey Dudley
22 Office of Legal Counsel
23 121 SW Salmon, 1WTC1301
24 Portland, OR 97204
25 Ph: 503-464-8860
26 Fx: 503-464-2200
27 jay.dudley@pgn.com
28

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30 Dated: October 5, 2005
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32 _____
33 Daniel W. Meek
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