

ITEM NO. RM1

PUBLIC UTILITY COMMISSION OF OREGON
AHD REPORT
PUBLIC MEETING DATE: February 14, 2019

REGULAR ___ CONSENT ___ RULEMAKING X EFFECTIVE DATE N/A

DATE: January 31, 2019

TO: Public Utility Commission

FROM: Michael Grant *MG*

THROUGH: Diane Davis *dd*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION ADMINISTRATIVE
HEARINGS DIVISION: (Docket No. AR 625) Repeal of OAR 860-036-
2400, 860-037-0615 and 860-037-0620 (Commissioner Work Session)

AHD RECOMMENDATION:

Adopt the proposed permanent rule changes in the attached draft order.

DISCUSSION:

This rulemaking repeals OAR 860-036-2400, 860-037-0615, and 860-037-0620.

No comments were received from the public in response to the Notice of Proposed Rulemaking filed with the Secretary of State on November 20, 2018.

PROPOSED COMMISSION MOTION:

Adopt permanent Division 036 and Division 037 rule changes as set forth in Appendix A of the attached draft order.

ENTERED

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 625

In the Matter of Rulemaking to Repeal of
OAR 860-036-2400, 860-037-0615, and 860-
037-0620.

ORDER

DISPOSITION: RULE CHANGES ADOPTED

I. INTRODUCTION

We opened this rulemaking to repeal rules identified as inconsistent with existing statutes regarding reports required by water and water/wastewater utilities under our jurisdiction.

II. BACKGROUND

In 2011, Senate Bill 142, now codified in ORS 757.061, exempted water and water/wastewater utilities from filing Budget of Expenditure and New Construction Budget reports pursuant to ORS 757.105 to ORS 757.110. Although the water and water/wastewater utilities have not filed these reports since 2012, the administrative rules should be updated to comport with the law. On November 20, 2018, we filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact for this rulemaking with the Secretary of State, and we provided notice to all interested persons on the service lists established under OAR 860-001-0030(1)(b) and to legislators specified in ORS 183.335(1)(d). Notice of the rulemaking was published in the December 2018 *Oregon Bulletin*, establishing a comment due date of December 24, 2018. No comments were received in response to the Notice.

These proposed rule changes reflect the repeal of the Budget of Expenditure and New Construction Budget reports for water and water/wastewater utilities to comport with the current law. We adopt the rules additions and changes as proposed.

III. ORDER

IT IS ORDERED that:

1. The Division 036 and Division 037 rule modifications are adopted as set forth in Appendix A to this order.

2. The rules changes become effective upon filing with the Secretary of State.

Made, entered, and effective _____.

Megan W. Decker
Chair

Stephen M. Bloom
Commissioner

Letha Tawney
Commissioner

A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

860-036-2400

Annual Budget Reports

~~(1) This rule applies to rate-regulated water utilities.~~

~~(2) Each water utility operating within Oregon and having gross operating revenues of \$50,000 or more per annum is required to file with the Commission on or before the first day of November of each year, a copy of its proposed Budget of Expenditures, on forms provided by the Commission.~~

~~(3) Each water utility operating within Oregon and having gross operating revenues of \$50,000 or more per annum is required to file annually on or before December 31, on forms provided by the Commission, information on new construction, extensions, and additions to the property of the water utility.~~

~~Stat Auth: ORS Ch. 183, 756, 757~~

~~Stats. Implemented: ORS 756.040, 756.105, 757.105~~

~~Hist: PUC 1-2017, f. & cert. ef. 1-24-17 (Order No. 17-017)~~

860-037-0615

Budget of Expenditures

~~Each wastewater utility operating wastewater service within Oregon and having gross operating revenues of \$50,000 or more per annum is required to file with the Commission on or before the 1st day of November of each year, a copy of its proposed Budget of Expenditures, on forms approved by the Commission.~~

~~Stat Auth: ORS Ch. 183, 756, 757~~

~~Stats. Implemented: ORS 756.040, 756.105, 757.005, 757.061, 757.105~~

~~Hist.: PUC 9-1999 (Temp), f. 10-22-99 & ef 10-23-99 (Order No. 99-650); PUC 6-2000, f. 4-18-00 & ef. 4-20-00 (Order No. 00-194); PUC 5-2004, f. & ef. 1-29-04 (Order No. 04-039)~~

860-037-0620

New Construction Budget

~~Each wastewater utility operating wastewater service within Oregon and having gross operating revenues of \$50,000 or more per annum is required to file annually on or before December 31, on forms approved by the Commission, information on new construction, extensions, and additions to the property of the wastewater utility.~~

~~Stat. Auth.: ORS Ch. 183, 756 & 757~~

~~Stats. Implemented: ORS 756.040, 756.105, 757.005, 757.061 & 757.105~~

~~Hist.: PUC 9-1999 (Temp), f. 10-22-99 & ef 10-23-99 (Order No. 99-650); PUC 6-2000, f. 4-18-00 & ef. 4-20-00 (Order No. 00-194); PUC 12-2002, f. & ef. 3-12-02 (Order No. 02-144); PUC 5-2004, f. & ef. 1-29-04 (Order No. 04-039)~~