

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: March 21, 2019**

REGULAR _____ CONSENT X EFFECTIVE DATE March 22, 2019

DATE: March 5, 2019

TO: Public Utility Commission

FROM: Kathy Zarate **KZ.**

THROUGH: Jason Eisdorfer *JE* and John Crider *JC*

SUBJECT: Idaho Power Company: (Docket No. ADV 927 Advice No. 19-01) Revisions to tariff sheets to correct for errors, correct the Table of Contents and remove inactive tariff sheets and to add clarifying language.

STAFF RECOMMENDATION:

The Public Utility Commission (Commission) should approve the request by Idaho Power (Company) for the revisions to its Tariff advice No. 19-01 Rule C, Service and limitations, to become effective for service on and after March 22, 2019.

DISCUSSION:

Issue

Whether the Commission should approve the Company's amendment to its tariff sheets to include language that as a condition to receiving service, the customer shall permit the Company access to customer premises for tree trimming and vegetation removal to the extent necessary to avoid interference with the Company's lines and to protect public safety.

Applicable Law

The Company's filing involves tariff sheets that are governed by ORS 757.205 and OAR 860-022-0025. 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. 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.

Analysis

On February 14, Idaho Power submitted this filing to update the Company's Rule C concerning service terms. Idaho Power notes that currently, the tariff does not specify that the customer must allow the Company to enter the customer premises for vegetation management. Idaho Power notes that electric utilities must maintain the reliability and safety of their systems, partly by keeping tree branches away from their power lines, including those lines on customer property. Therefore, the Company requests it be allowed to specifically include language that states the Customer shall permit the Company access to trim trees and other vegetation to the extent necessary to avoid interference with the Company's lines and to protect public safety as a condition of receiving service.

The Company's Rule C already includes a provision titled "Rights of Way" that allows the Company a "right of way" for the Company's lines and apparatus across and upon the Customer's property and that requires the customer shall permit access thereto by the Company's employees at all reasonable hours. The Company proposes to add the following provision to this "Rights of Way Section: "The Customer shall also permit the Company to trim trees and other vegetation to the extent necessary to avoid interference with the Company's lines and to protect public safety."

Staff notes that OAR 860-024-0016 sets forth standards for the electric utilities related to vegetation management that may require the utility's access to customers' property to maintain appropriate clearances between vegetation and power lines or other facilities. Additionally, both Portland General Electric Company and PacifiCorp have language in the rules they have filed with the Commission that require customers to allow the utilities access to the customers' premises for vegetation management.

Finally, ORS 758.284 sets forth notice requirements that the utility must follow prior to entering a customer's property in order to obtain the statute's immunization from liability for damage to the customer's property. Staff anticipates that utilities follow these notice requirements.

Conclusion

After review, Staff concludes that the proposed revision filed by Idaho Power is appropriate. The Company must have access to customer premises for vegetation management and it is appropriate that this access be a requirement of service. Staff reviewed the proposed section change to ensure it is consistent with Commission administrative rules and the practices already approved by the Commission. Staff also reviewed the entire tariff file to ensure no other schedules were affected. Staff identified

no issues or errors with the filing and recommends the Commission approve the tariff changes as filed, allowing the revision to go into effect for service on and after March 22, 2019.

The Company was provided a draft copy of this memo and has no concerns.

PROPOSED COMMISSION MOTION:

Approve Idaho Power Advice No. 927/19-01 for service on and after March 22, 2019.

Advice No. 927/19-01