

ISSUED: November 3, 2005

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 499

In the Matter of the Adoption of Permanent     )  
Rules Implementing SB 408 Relating to         )  
Utility Taxes.                                     )

MEMORANDUM

The second rulemaking workshop was held on November 2, 2005. During the course of that workshop, the participants identified another issue for legal briefing based on the legislative history. After the workshop, several participants, along with Mr. Paul Graham, drafted a specific question to be addressed, which is as follows:

Does SB 408 require that the Commission, in determining the amounts identified in 3(13) (e) (B) and (C), use the numbers calculated from test year data that the Commission has previously authorized?

Opening legal comments are due on this question on November 10, 2005. Reply comments are due November 18, 2005. Again, the purpose of the comments is to assist in developing the *legal* parameters of SB 408. After all comments are filed, the Department of Justice will issue a legal opinion in mid-December as to what is, or is not, legally permissible under the statute.

Finally, the participants established January 31, 2006, as the date for another workshop. It will begin at 9:00 a.m. in the Main Hearing Room, 550 Capitol St. NE, Salem, Oregon.

Dated at Salem, Oregon, this 3rd day of November, 2005.

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Kathryn A. Logan  
Administrative Law Judge