

ORDER NO. 02-144

ENTERED MAR 7 2002

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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

AR 435

In the Matter of a Rulemaking )  
Proceeding to Revise Oregon ) ORDER  
Administrative Rules 860-027-0015, )  
860-036-0810, and 860-037-0620. )

**DISPOSITION: RULES AMENDED**

On December 4, 2001, the Public Utility Commission (Commission) opened a rulemaking proceeding (AR 435) to revise Oregon Administrative Rules 860-027-0015, 860-036-0810, and 860-037-0620 to extend the deadlines for utilities to file their annual construction budgets.

Notice of the Proposed Rulemaking was filed with the Secretary of State on December 4, 2001, and notice was subsequently provided to all interested persons on the Commission's rule changes list. The notice set out the amendments proposed by Commission Staff, and included a Statement of Need, Statutory Authority, Principal Documents Relied Upon, and Fiscal and Economic Impact. The notice was published in the January 2002 *Oregon Bulletin*.

There were no written comments nor was there a request for a public hearing as a result of the notice.

Staff's proposal would affect large telecommunications utilities, gas utilities, electric utilities, water utilities with \$50,000 or more operating revenues, and wastewater utilities with \$50,000 or more operating revenues. Every year, several utilities request extensions for filing their annual construction budgets from December 1 to sometime later in December. There is no statute that establishes the filing date, and staff believes that December 31 would be a reasonable deadline. The changes would become effective in time for the 2003 construction budgets.

At its public meeting on March 5, 2002, the Commission approved Staff's recommendation to adopt the proposed amendments as set forth in Appendix A.

**ORDER**

IT IS ORDERED that:

1. Oregon Administrative Rules 860-027-0015, 860-036-0810, and 860-037-0620, as set forth in Appendix A, are adopted.
2. The rules shall become effective upon filing with the Secretary of State.

Made, entered, and effective \_\_\_\_\_.

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**Roy Hemmingway**  
Chairman

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**Lee Beyer**  
Commissioner

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**Joan H. Smith**  
Commissioner

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

**860-027-0015**

**New Construction Budget**

Each energy and large telecommunications 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 approved by the Commission information on new construction, extensions, and additions to the utility's property.

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stats. Implemented: ORS 756.105, 757.105 & 759.100

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 9-1998, f. & ef. 4-28-98 (Order No. 98-169); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

**860-036-0810**

**New Construction Budget**

(1) This rule applies to rate-regulated water utilities as defined in ORS 757.005 and ORS 757.061.

(2) Each rate-regulated 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 approved 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 13-1997, f. & ef. 11-12-97 (Order No. 97-434); PUC 15-1998, f. & ef. 8-27-98 (Order No. 98-359); PUC 8-2002, f. & ef. 2-26-02 (Order No. 02-116)

**860-037-0620**

**New Construction Budget**

Each water/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 water/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)