

ORDER NO. 02-562

ENTERED AUG 20 2002

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

ES 10

In the Matter of the Application of BP Energy)
Company for authority to be certified as an)
Electricity Service Supplier in Oregon.) ORDER

DISPOSITION: APPLICATION GRANTED

NOTE: By issuing this order, the Commission makes no endorsement regarding Applicant's rates or service.

INTRODUCTION

On May 28, 2002, BP Energy Company (applicant) filed this application with the Commission pursuant to OAR 860-038-0400. Applicant seeks to be certified as a scheduling and a nonscheduling electricity service supplier (ESS or ES) in Oregon.

On May 28, 2002, the Commission served notice of the application by electronic mail to the Commission's ES application electronic mail list. The Commission did not receive any protests.

Based on the application and the Commission's records, the Commission makes the following:

FINDINGS OF FACT

The Applicant, BP Energy Company is a Delaware corporation. Applicant intends to provide electricity service to nonresidential retail consumers in Oregon. Applicant is seeking certification as a scheduling and as a nonscheduling ESS under OAR 860-038-0400 and ORS 757.649.

OPINION

Applicable Law

Applications to be certified as an electricity service supplier are filed pursuant to OAR 860-038-0400. OAR 860-038-0400(1) provides that:

An electricity service supplier (ESS) must be certified by the Commission to sell electricity services to consumers.

An applicant must declare whether it intends to offer electricity service as a scheduling or a nonscheduling electricity service supplier. OAR 860-038-0400(2) provides that:

An ESS must be certified as either a scheduling or nonscheduling ESS as prescribed in OAR 860-038-0410.

The Commission reads OAR 860-038-0410 as allowing only two types of ESS, scheduling or nonscheduling. It does not read the rule to prevent an applicant from seeking both types of ESS certification.

Applicant must comply with all other provisions as set forth in OAR 860-038-0400 including an attestation that Applicant will comply with all applicable laws, rules, Commission orders, and electric company tariffs.

CONDITION

If applicant enters into a contract as a nonscheduling ESS to provide electricity service to a consumer, applicant must also enter into a contract with a scheduling ESS or control area operator for all scheduling service as required by OAR 860-038-0410(3). Documentation of compliance with this condition must be provided to the Commission within 10 days of executing the nonscheduling ESS contract .

CONCLUSIONS

Applicant has met the requirements to be certified as a scheduling and nonscheduling electricity service supplier. The application should be granted.

ORDER

IT IS ORDERED that:

1. The application of BP Energy Company, to be certified as a scheduling and a nonscheduling electricity service supplier, is granted.
2. Applicant may provide authorized services in Oregon for a period of one year from the date of this order.
3. Applicant shall comply with conditions of this order.

Made, entered, and effective _____.

John Savage
Director
Utility Program

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order pursuant to ORS 756.580.