

ORDER NO. 02-781

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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

ES 13

In the Matter of the Application of EPCOR)
MERCHANT AND CAPITAL (US), INC. for) ORDER
authority to be certified as an Electricity Service)
Supplier in Oregon.

DISPOSITION: APPLICATION GRANTED

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

INTRODUCTION

On October 23, 2002, EPCOR MERCHANT AND CAPITAL (US), INC. (applicant) filed this application with the Commission pursuant to OAR 860-038-0400. Applicant seeks to be certified as a scheduling electricity service supplier (ESS or ES) in Oregon.

On October 29, 2002, the Commission served notice of the application by electronic mail to the Commission's ES application electronic mail list. This notice also advised the list that an informal 14-day protest period had begun that would end on November 11, 2002.

On October 31, 2002, the applicant requested that the 14-day protest period be waived so that the certification process could be expedited. That same day the Commission served notice of the request for a waiver of the protest period by electronic mail to the above-mentioned electronic mail list. The notice gave the recipients until the close of business on Monday, November 4, 2002 to notify the Commission of any objections to the applicant's request. The Commission did not receive any response to either notice and we waived our usual informal protest period.

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

FINDINGS OF FACT

The Applicant, EPCOR Merchant and Capital (US), Inc., is a Delaware corporation and a wholly-owned subsidiary of EPCOR Utilities Inc., an Alberta corporation.

Applicant intends to provide electricity service to nonresidential retail consumers in Oregon. Applicant is seeking certification as a scheduling ES under OAR 860-038-0400 and ORS 757.649.

Applicant, as part of its certification application has provided a Parental guarantee from EPCOR Utilities, Inc. for 1.5 million U.S. dollars that names Applicant's Direct Access customers as beneficiaries. In accordance with OAR 860-038-0400 6(c), Applicant attests that parental guarantee amount is adequate financial assurance commensurate with the types and numbers of consumers and loads applicant expects to serve.

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.

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.

CONCLUSIONS

Applicant has met the requirements to be certified as an electricity service supplier. The application should be granted.

ORDER

IT IS ORDERED that:

1. The application of EPCOR Merchant and Capital (US), Inc., to be certified as a scheduling 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 must file an amended parental guarantee if the dollar amount becomes insufficient to meet the requirements of OAR 860-038-0400 6(c).

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.