

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ES 13

In the Matter of)	
)	
EPCOR Energy Marketing (US) Inc.)	ORDER
)	
Application to be certified as an Electricity Service Supplier.)	

DISPOSITION: APPLICATION GRANTED

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

INTRODUCTION

On November 6, 2002, the Commission certified EPCOR Merchant and Capital (US), Inc. as an electricity service supplier (ESS or ES). *See*, Order 02-781. On June 7, 2007, EPCOR Energy Marketing (US) Inc. filed a material change form with the Commission asking that it be granted scheduling ESS certification. This change was requested due to EPCOR Merchant and Capital (US), Inc. assigning all of its rights and obligations to EPCOR Energy Marketing (US) Inc.

The Commission usually serves notice of an application by electronic mail to the Commission's ES application electronic mail list. As EPCOR Merchant and Capital (US), Inc. was previously certified, we waived our usual notice procedures.

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

FINDINGS OF FACT

EPCOR Energy Marketing (US) Inc. is an affiliate of EPCOR Merchant and Capital (US), Inc., and EPCOR Energy Marketing (US) Inc. is intended to succeed to the rights and obligations of EPCOR Merchant and Capital (US), Inc. as an ESS. EPCOR Energy Marketing (US) Inc. cannot, however, succeed to such rights and obligations until such time as it

has satisfied the conditions imposed by Portland General Electric Company for entry into an ESS Service Agreement with Portland General Electric Company.

The Applicant, EPCOR Energy Marketing (US) Inc. is a Delaware corporation. Applicant intends to provide electricity service to nonresidential retail consumers in Oregon. Applicant seeks certification as a scheduling ES 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.

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

Staff reviewed the material change request application and supporting documents. Applicant has met the requirements to be certified as an electricity service supplier. The material change request should be granted.

ORDER

IT IS ORDERED that:

1. The application of EPCOR Energy Marketing (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. The certification of EPCOR Energy Marketing (US) Inc. as an ESS will not result in the termination of certification of EPCOR Merchant and Capital (US), Inc. as an ESS unless and until at least 21 business days following notification from Portland General Electric Company to EPCOR Energy Marketing (US) Inc. of the acceptance by Portland General Electric Company of the final Direct Access Service Request from EPCOR Energy Marketing (US) Inc. at which time EPCOR Merchant and Capital (US), Inc., will no longer be certified as an ESS.

Made, entered, and effective JUL 30 2007.



A handwritten signature in cursive script that reads "Lee Sparling".

Lee Sparling
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.