

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 520

In the Matter of Amending)
OARs 860-021-0033 and 860-021-0034)
implementing HB 2053 and correcting)
references.)

ORDER

DISPOSITION: RULES AMENDED

On July 13, 2007, the Public Utility Commission of Oregon (Commission) filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State. Notice was provided to certain legislators specified in ORS 183.335(1)(d) on July 13, 2007, and to all interested persons on the service lists maintained pursuant to OAR 860-011-0001 on July 19, 2007. Notice of the rulemaking was published in the August 2007 *Oregon Bulletin*. The deadline for comments was August 24, 2007. PacifiCorp timely filed a letter in support of the proposed rule amendments.

The amendment to OAR 860-021-0033 is necessary to implement House Bill 2053, signed June 1, 2007, by Governor Kulongoski, effective January 1, 2008. House Bill 2053 changed the calculation of the annual fees payable to the Commission by regulated electric utility companies. The annual fee prior to House Bill 2053 was based on a kWh charge; House Bill 2053 changes the fee calculation to be revenue-based. In addition, the amendments make housekeeping rule reference changes to both OAR 860-021-0033 and 860-021-0034.

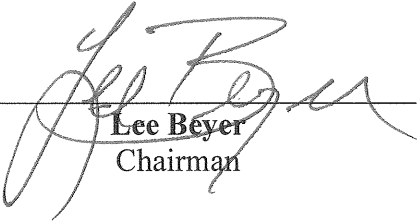
ORDER

IT IS ORDERED that:


1. The modifications to Oregon Administrative Rules 860-021-0033 and 860-021-0034, as set forth in Appendix A, are adopted.

2. The amended rules shall become effective upon filing with the Secretary of State.


Made, entered, and effective SEP 12 2007.



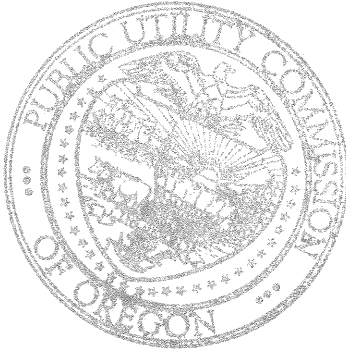
Lee Beyer
Chairman



John Savage
Commissioner



Ray Baum
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.

860-021-0033**Annual Fees Payable to the Commission by an Electric Company**

~~(1) By September 1, 1998, the Commission must determine the following for each electric company:~~

~~(a) The gross revenue fees per kilowatt-hour delivered to retail electric customers paid by the electric company in 1997 relative to the gross revenue fees per kilowatt-hour paid by all electric companies; and~~

~~(b) The average gross revenue for each retail customer class designation, calculated using 1997 loads and revenues and expressed on a per kilowatt-hour basis.~~

~~(2) By February 1 of each year, each electric company must provide the Commission with the amount of kilowatt-hours delivered during the prior calendar year to each retail customer class designation.~~

~~(3) By March 1 of each year, the Commission must determine the average rate per kilowatt-hour to be charged each electric company. The determination must maintain the same approximate fee relationships established in section (1)(a) of this rule between each electric company. The average annual fee paid by each electric company must not exceed eighteen hundredths of one mill per kilowatt-hour applied to kilowatt-hours delivered to retail electric customers in the preceding calendar year.~~

(41) On statement forms prescribed by the Commission, each electric company **must** provide the requested information for the subject year.

(52) Each electric company must pay to the Commission an annual fee **on gross operating revenues derived within Oregon at a rate** determined by **Commission** orders entered on or after March 1 of each year. Each electric company must pay the annual fee on or before the date specified in a notice, which date must be at least 15 days after the mailing of the notice. **For the purpose of this section, the gross operating revenues of an electric company do not include revenues from sales of power for resale to the extent that the revenues from those sales exceed an amount equal to 25 percent of the total revenues received by the electric company from sales of electricity to end users in the preceding calendar year.**

(63) Each electric company must pay to the Commission:

(a) A minimum annual fee of \$10. The annual fee is due on or before April 1 of the year after the calendar year on which the annual fee is based.

(b) A late statement fee in accordance with OAR ~~860-011-0080~~**860-011-0110**, if the Commission has not received the electric company's statement form, completed in compliance with section **(41)** of this rule, on or before 5 p.m. Pacific Time on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.

(d) A service fee in accordance with OAR ~~860-011-0080~~**860-011-0110** for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the electric company.

(74) The annual fee payment must be received by the Commission no later than 5 p.m. Pacific Time on the due date. A payment may be by cash, money order, bank

draft, sight draft, cashier's check, certified, or personal check. A payment made by check will be conditionally accepted until the check is cleared by the bank on which it is drawn.

(85) For any year in which an electric company's statement form was due, the Commission may audit the electric company as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the electric company has underreported its subject ~~kilowatt hours delivered~~ revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the electric company has overpaid its annual fee, the Commission may, at its discretion, recompense the electric company with a refund or a credit against annual fees subsequently due.

~~**(9) Rate filings made by an electric company pursuant to ORS 757.210 must allocate the company's total annual fees so that fees collected among different retail customer classes bear the same approximate relationship as the information developed by the Commission pursuant to section (1)(b) of this rule.**~~

Stat. Auth.: ORS Ch. 183 & 756

Stats. Implemented: ORS 756.310, 756.320 & 756.350

Hist.: PUC 14-1998, f. & ef. 7-15-98 (Order No. 98-276); PUC 11-99, f. 11-18-99 (Order No. 99-708); PUC 15-2003, f. & ef. 7-24-03 (Order No. 03-409); PUC 18-2004, f. & ef. 12-30-04 (Order No. 04-753); PUC 7-2005, f. & ef. 11-30-05 (Order No. 05-1229)

860-021-0034

Annual Fees Payable to the Commission by Gas Utility or Steam Heat Utility

(1) On statement forms prescribed by the Commission, each gas utility and steam heat utility must provide the requested information for the subject year.

(2) Each gas utility and steam heat utility must pay to the Commission an annual fee on gross operating revenues derived within Oregon at a rate determined by Commission orders entered on or after March 1 of each year.

(3) Each gas utility and steam heat utility must pay to the Commission:

(a) A minimum annual fee of \$10. The annual fee is due on or before April 1 of the year after the calendar year on which the annual fee is based. The annual fee rate will not exceed 25 hundredths of one percent (0.25 percent) of the Oregon revenue during the prior calendar year.

(b) A late statement fee in accordance with OAR 860-011-~~00800110~~ 00800110, if the Commission has not received the utility's statement form, completed in compliance with section (1) of this rule, on or before 5 p.m. Pacific Time on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.

(d) A service fee in accordance with OAR 860-011-~~00800110~~ 00800110 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(4) The annual fee payment must be received by the Commission no later than 5 p.m. Pacific Time on the due date. A payment may be by cash, money order, bank draft, sight draft, cashier's check, certified, or personal check. A payment made by check will be conditionally accepted until the check is cleared by the bank on which it is drawn.

(5) For any year in which a gas utility or steam heat utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission may, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

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

Stats. Implemented: ORS 756.310, 756.320 & 756.350

Hist.: PUC 11-99, f. 11-18-99 (Order No. 99-708); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488); PUC 20-2003, f. & ef. 11-14-03 (Order No. 03-630); Hist.: PUC 14-1998, f. & ef. 7-15-98 (Order No. 98-276); PUC 11-99, f. 11-18-99 (Order No. 99-708); PUC 15-2003, f. & ef. 7-24-03 (Order No. 03-409); PUC 16-2004, f. & ef. 12-01-04 (Order No. 04-695); PUC 18-2004, f. & ef. 12-30-04 (Order No. 04-753)