

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 903

In the Matter of

AVISTA UTILITIES

2010 Spring Earnings Review

ORDER

**DISPOSITION: NO EARNINGS SHARED**

On May 3, 2010, Avista Utilities (Avista) submitted its 2009 Results of Operations report, with the Public Utility Commission of Oregon (Commission), for the 12 months ending December 31, 2009. Avista states that its report is meant to satisfy the reporting requirements associated with the UM 903 investigation (Order No. 99-272) and AR 357 (Order No. 99-284) and in accordance with OAR 860-022-0070.

At its July 6, 2010 public meeting, the Commission adopted Staff's recommendation, attached as Appendix A and incorporated by reference. Based on Staff's review of the earnings report and the Commission's records, the Commission finds that the adjusted earnings fall below the earnings threshold established in docket UM 903, resulting in no shared earnings.

**ORDER**

IT IS ORDERED that Staff's recommendation, as stated in Appendix A, is adopted.

Made, entered and effective JUL 27 2010.

BY THE COMMISSION:



Becky L. Beier  
**Becky Beier**  
Commission Secretary

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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

## ITEM NO. CA5

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: July 6, 2010**

REGULAR \_\_\_\_\_ CONSENT  X  EFFECTIVE DATE \_\_\_\_\_ N/A \_\_\_\_\_

DATE: June 8, 2010

TO: Public Utility Commission

FROM: Deborah Garcia *DG*

THROUGH: Bryan Conway, Maury Galbraith, and Judy Johnson *MG JJ*

SUBJECT: AVISTA UTILITIES: (Docket No. UM 903) 2010 Spring Earnings Review.

**STAFF RECOMMENDATION:**

I recommend the Commission accept Staff's finding that Avista Utilities' earnings for the 12 months ended December 31, 2009, are below the earnings threshold established in UM 903 and there should be no earnings shared in this filing.

**DISCUSSION:**

In Order Nos. 98-543<sup>1</sup> and 99-284 (Dockets UM 903 and AR 357), the Commission adopted Purchased Gas Adjustment (PGA) Procedures and Standards for Oregon's three regulated natural gas distribution companies – Northwest Natural, Cascade Natural Gas, and Avista Utilities (Avista or Company). One of the primary issues dealt with in these orders is the role and structure of earnings reviews. The earnings reviews were originally scheduled to sunset in 2002 but were extended twice, first until 2006 by Order No. 03-198 (AR 449) and then through 2008 by Order No. 07-019 (AR 512). Commission Order No. 08-504 (UM 1286) that adopted revisions to the current PGA mechanism also eliminated the sunset provision.<sup>2</sup>

The Commission's findings, as they apply to earnings reviews, are summarized below:

Annual Election

Not later than August 1st of each year, each Local Distribution Company (LDC) shall make an annual election for the applicable gas year beginning November 1st whether to

<sup>1</sup> Amended by Order Nos. 99-272 and 04-203.

<sup>2</sup> The sunset provision was eliminated from OAR 860-022-0070 by Order No. 09-096 (AR 532).

Avista UM 903, 2010 Spring Earnings Review  
 June 8, 2010  
 Page 2

choose 90/10<sup>3</sup> sharing or 80/20 sharing with a corresponding earnings review threshold. On October 23, 2008, Avista sent a letter electing a 90/10 sharing beginning November 1, 2008.<sup>4</sup>

### Spring Earnings Review

An earnings review will be performed each spring (pursuant to OAR 860-022-0070) based on the most recent fiscal year's results of operations. The earnings review will apply to the sharing election made by the LDC the previous August (e.g., the 2008 election will apply to the 2009 Fiscal Year results of operations which are the subject of the 2010 Spring Earnings Review); if earnings are found to be above a specified return on equity (ROE) level, a portion of those revenues will be booked to a deferred account.

### The ROE Earnings Threshold

Beginning with the 2010 Spring Earnings Review, an LDC that elects 90-10 sharing will be subject to an earnings threshold 100 basis points above its ROE, adjusted to reflect changes in conditions in capital markets. An LDC that elects 80-20 sharing is subject to an earnings threshold 150 basis points above its ROE, adjusted in the same manner.

### Structure of Earnings Reviews

By May 1st of each year, the LDC will file results of operations for the twelve months ended the prior December 31. Staff will complete its review and distribute summary conclusions by June 10 to all parties. At the first regular public meeting in July, Staff will present the results of the earnings review. If there are unresolved issues, a settlement conference will be held. If there are still outstanding issues, parties will file position statements by August 1 and the Commission would issue its decision on unresolved issues by August 15. These rate changes will include amortization of credit amounts in the deferred account, if any, resulting from the spring earnings review.

### Earnings Adjustments

Recorded results of operations will be adjusted for Type 1 adjustments as set forth in Order No. 99-272, Appendix B. Avista made a one-time election not to include a weather normalization adjustment in its spring 1999 earnings review filing and each subsequent annual filing.

<sup>3</sup> Sharing of the variance between the LDC's weighted average cost of gas (WACOG) included in its rates and its actual WACOG. For example, 90/10 designates 90 percent of the variance will be deferred for subsequent charge or credit to customers, and 10 percent is absorbed or retained by the LDC.

See Order 08-504 at 17. The earnings threshold is adjusted each year by 20 percent of any change in the risk free rate for the twelve-month calendar year preceding the annual earnings review (See Order No. 04-203 at 3-4 and OAR 860-022-0070(5)(c)).

<sup>4</sup> As Order No. 08-504 was not issued until October 21, 2008, this election was necessarily made out of time to comply with requirement that the Company elect a sharing level for the 2008-2009 PGA Year. In future years the Company will make an election by August 1 of each year, as required by the Order.

Avista UM 903, 2010 Spring Earnings Review  
June 8, 2010  
Page 3

#### Earnings Performance

If adjusted earnings are below the earnings threshold, there will be no rate adjustment. If adjusted earnings are above the earnings threshold, the amount of revenue in the test year representing 33 percent of the earnings exceeding the threshold level will be shared with customers.

#### Effective Date of Rate Adjustment and Applicable Interest

Upon completion of the earnings review, any amount of earnings over the sharing dead band determined to be returned to customers will be booked to a deferred account. Interest shall apply beginning the previous January 1. The rate adjustment and amortization will be effective with the date of the subsequent base gas cost change.

#### Staff's Review of Avista's Earnings

The calculated earnings threshold for Avista for this 2010 Spring Earnings review (review of the 2009 results of operations) is 10.94 percent. On May 3, 2010, Avista submitted its 2009 Results of Operations report for the 12 months ending December 31, 2009. After a discussion with Staff, Avista agreed to revise the calculation associated with the wage and salary adjustment and sent the revised pages for the report and associated workpapers. The Company states that its report is meant to satisfy the reporting requirements associated with the UM 903 investigation (Order No. 99-272) and AR 357 (Order No. 99-284) as well as the "standard Oregon annual reporting requirements". Avista calculates its ROE as 5.58 percent after the application of its Type I adjustments, excluding weather normalization

Staff reviewed the Company's revised earnings report and concludes that Avista's reported ROE has been calculated correctly. Because Avista's adjusted ROE is below the authorized threshold of 10.94 percent, no earnings sharing should be required.

As required by OAR 860-022-0070(6), Staff submitted these findings to the parties in Docket No. UM 903 on June 10, 2010, and received no comments in response.

#### **PROPOSED COMMISSION MOTION:**

Accept Staff's finding that Avista's 2009 earnings are below the earnings threshold designated in UM 903, and that there should be no earnings shared in this filing.

Avista UM 903, 2010 Spring Earnings Review