

ORDER NO. 16 475

ENTERED DEC 07 2016

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 238

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Amendment to Steam Sale Agreement with
Boardman Foods, Inc.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

This order memorializes our decision, made and effective at our December 6, 2016 Regular Public Meeting, to adopt Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

Dated this 7 day of December, 2016, at Salem, Oregon.


Lisa D. Hardie
Chair




John Savage
Commissioner


Stephen M. Bloom
Commissioner

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

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ITEM NO. CA9

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT**

PUBLIC MEETING DATE: December 6, 2016

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A

DATE: November 28, 2016

TO: Public Utility Commission

FROM: Max St. Brown^{MSB}

THROUGH: Jason Eisdorfer and Marc Hellman

SUBJECT: PORTLAND GENERAL ELECTRIC:
(Docket No. UE 238/Advice No. 2016-S5) Extends the expiration date of the existing steam sale agreement between PGE and Boardman Foods, Inc. from December 31, 2016 to March 31, 2017.

STAFF RECOMMENDATION:

The Public Utility Commission of Oregon (Commission) should approve the application (Application) by Portland General Electric Company (PGE or Company) to extend the expiration date of its existing steam sales agreement with Boardman Foods, Inc. (Boardman Foods) from December 31, 2016 to March 31, 2017.

DISCUSSION:

Issue

Whether PGE's Application satisfies the applicable law, and if so, whether the Commission should approve its request to extend the expiration date of its existing steam sale agreement with Boardman Foods.

Applicable Rule or Law

ORS 757.005(1)(b)(E) exempts from regulation as a public utility the provision of heat, but not electricity, to a customer. Boardman Foods is located in the Port of Morrow, outside of PGE's electricity service territory, thus PGE's steam sales contract with Boardman Foods qualifies as the furnishing of heat, but not electricity, and therefore the service is exempt under ORS 757.005(1)(b)(E). However, pursuant to ORS 757.007(1), persons that are otherwise exempt from regulation under ORS 757.005(1)(b)(E) must still file with the Commission their contracts, and schedules establishing rates, for the

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provision of heating services. In this manner, the Commission regulates steam sales contracts pursuant to ORS 757.007. Under this statute, the Commission may suspend the effective date of the contract for an additional period of not more than 120 days in order to determine the reasonableness of the contract, taking into consideration the services being provided, the costs and risks of service, the availability and costs of alternative forms of service and other reasonable considerations, including the impact of the contract on existing customers and on the public generally. ORS 757.007(2).

Analysis

On August 12, 2016, PGE filed an Application with the Commission for approval to extend the expiration date of its existing steam sale agreement at that time with Boardman Foods from November 1, 2016 to December 31, 2016. One of the purposes of that filing was to align customer renewal dates. The Commission approved that filing in Order 16-361. On October 21, 2016, PGE filed its current Application with the Commission for approval to extend the expiration date of its existing steam sale agreement with Boardman Foods from December 31, 2016 to March 31, 2017.

In its Application, PGE describes that another of its steam sales customers has requested additional time to renegotiate its steam sales agreement because that customer will be busy in the next few months working on a corporate reorganization. PGE is requesting to extend its steam sales agreement with Boardman Foods in order to keep the terms of all steam sales agreements aligned. In response to Staff's information request PGE stated that it is not aware of any circumstances that would delay, beyond March 31, 2017, the renegotiation of the steam sales contract with its other customer which is working on a corporate reorganization.¹

Conclusion

PGE has expressed a desire to keep the renewal dates of all steam sales agreements aligned. Staff notes that PGE's extension request is for a fairly short period of time. Further, PGE is actively working with Staff in regards to its steam sales contracts coming up for renewal. In addition, the PGE-Boardman Foods contract was previously approved by the Commission and it is currently in effect. For these reasons, Staff does not see a need at this time to conduct an in-depth investigation into the terms and rates of the PGE-Boardman Foods contract. Staff intends to conduct a more intensive analysis of PGE's steam sales contracts, using the ORS 757.007 criteria for "reasonableness," when the Company seeks to implement permanent changes to them, including its agreement with Boardman Foods. Under these circumstances, Staff believes it is reasonable to allow PGE additional time to negotiate changes to its steam sales contracts generally, including its contract with Boardman Foods.

¹ See Page 2 of Staff's Public Meeting Memo CA8; also on the December 6, 2016 Public Meeting.

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The Company has reviewed this memo and has stated no objections.

PROPOSED COMMISSION MOTION:

Approve PGE's request to extend the expiration date of its existing steam sale agreement with Boardman Foods from December 31, 2016 to March 31, 2017.

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