

ORDER NO. 19-118

ENTERED Apr 11 2019

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1766(3)

In Matter of

NORTHWEST NATURAL GAS  
COMPANY, dba NW NATURAL,

Application for Reauthorization of Deferred  
Accounting Related to Increase in the Annual  
Regulatory Fee.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on April 9, 2019, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



A handwritten signature in blue ink, appearing to read "Nolan Moser".

**Nolan Moser**  
Chief Administrative Law Judge

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.

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 9, 2019

REGULAR  CONSENT  EFFECTIVE DATE March 23, 2019

DATE: April 3, 2019

TO: Public Utility Commission

FROM: Mitchell Moore *mm*

THROUGH: *J* Jason Eisdorfer and John Crider

SUBJECT: NORTHWEST NATURAL: (Docket No. UM 1766(2)) Requests Re--  
Authorization of Deferred Accounting Related to Annual Regulatory Fees.

**STAFF RECOMMENDATION:**

Staff recommends that the Commission approve Northwest Natural's (NW Natural or Company) request to defer costs associated with an incremental difference in the PUC annual regulatory fee, and the costs currently being collected in rates for the twelve-month period beginning March 23, 2019.

**DISCUSSION:**

Issue

Whether the Commission should approve NW Natural's request for reauthorization to defer costs associated with a variance in the annual regulatory fee and the amount collected in rates.

Applicable rule and law

NW Natural submitted its deferral application on March 12, 2019, in accordance with ORS 757.259, and OAR 860-027-0300. ORS 757.259 provides the Commission with authority to authorize the deferral of utility revenues and expenses for later inclusion in rates. OAR 860-027-0300 is the Commission's rule governing the use of deferred accounting by energy and large telecommunications utilities. Previous approval of this deferral was most recently granted by Order No. 18-136.

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Analysis

*Background:*

OAR 860-021-0034 requires natural gas utilities to pay regulatory fees to the Commission each year by April 1. The fee payable by the natural gas utility is an annual fee rate multiplied by the utility's gross operating revenues derived within Oregon for the previous calendar year. The annual fee rate is set by Commission order entered on or after March 1 of each year.

Senate Bill (SB) 329, enacted in 2015, allows the Commission to set the annual fee to a percentage not to exceed 0.30 percent of utilities' gross operating revenue. Prior to SB 329, the maximum percentage was 0.25 percent.

Subsequently, the Commission initiated a rulemaking proceeding, docketed as AR 591, to increase the fee to 0.275 percent of the utilities' gross operating revenue. In that proceeding, PacifiCorp requested that the Commission authorize the use of deferred accounting for the difference between the utility's annual fee at the new rate and the annual fee at the previous rate of 0.25 percent. In its order in AR 591 enacting a fee of 0.275 percent, the Commission declined to address PacifiCorp's deferral request, which concerned the implementation of the fee change, but stated that PacifiCorp could request its proposed rate treatment in another proceeding.

In 2016, NWN was originally granted authority to defer the difference between the amount collected in rates for the fee (based on a percentage of 0.25 percent) and the newly established rate of 0.275 percent. (Order No. 16-154) That authority was reauthorized in 2017 and 2018 to defer the variance in the amount collected in rates and the fee assessed by the Commission.

In 2017, the Commission increased the annual fee to 0.3 percent. (Order No. 17-065) The Commission most recently set the annual fee at 0.3 percent in its Order No. 19-060.

In NWN's most recent general rate case, UG 344, the 0.3 percent regulatory fee was incorporated into base rates.

However, the Oregon Legislature in Senate Bill 68 is considering increasing the PUC fee from 0.3 percent to 0.45 percent of gross operating revenues for energy utilities. NW Natural seeks to reauthorize this standing deferral in the event the measure passes and the regulatory fee is increased.

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*Description:*

NWN seeks authority to defer the difference between the amount collected in rates for the regulatory fee and the amount owed for its annual regulatory fee. The Company's calculation for the amount to defer is the incremental difference between the Company's annual fee assessed by the Commission and the annual fee contained in NWN's current rates. The current 0.30 percent fee is currently included in base rates; however, this filing would allow NWN to defer the incremental amount in the event that the regulatory fee is increased above that amount contained in base rates.

*Proposed Accounting:*

NW Natural will record any deferred costs related to a fee increase in Account 186236.

*Estimated Deferrals in Authorization Period:*

NWN does not have an estimate of the amount to be recorded because it is not known if or when SB 68, or other potential legislation may become law.

*Information Related to Future Amortization:*

- Earnings Review – ORS 757.259(5) requires the Commission to review the utility's earnings at the time of application to amortize the deferral for amounts deferred pursuant to ORS 757.259(2)(e).
- Prudence Review – For amortization, the prudence review should be limited to verification of the accounting methodology used to determine the final amortization balance.
- Sharing – For the reasons discussed more fully below, Staff recommends that there be no sharing between NW Natural and its customers for this deferral.
- Rate Spread/Design – Account balances will be spread to the appropriate customer classes.
- Three Percent Test (ORS 757.259(6)) – The three percent test measures the annual overall average effect on customer rates resulting from deferral amortizations. The three percent test limits the aggregated deferral amortizations during a 12-month period to no more than three percent of the utility's gross revenues for the preceding year.

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Conclusion

Staff concludes that the Company's application to authorize deferral of any incremental increase in the annual regulatory fee as consistent with ORS 757.259. Staff also supports the Company's decision to amortize any potential deferred amounts through the PGA process by including the amount as an offset to a credit that may otherwise exist in a different deferred account that would be amortized at that time, or as a slight addition to another deferred account that would result in a surcharge.

While an earnings review is required prior to amortization of this deferral pursuant to ORS 757.259(5), the Commission is not required to perform an earnings test that could result in sharing of deferred costs between the Company and its customers. Staff recommends that any deferred amounts not be subject to an earnings test for two reasons. First, the PUC fee is collected from customers and directly passed-through to the Commission. Second, the proposal to not subject the deferred amounts to sharing is generally consistent with the treatment allowed by the Commission in Order No. 10-083, wherein the Commission lowered the annual PUC rate and ordered electric and natural gas utilities to defer the difference between the previous rate and the revised rates. In Docket UM 1488, the utilities put forth proposals for amortization of deferred PUC fee credits to customers, which were not subject to sharing from the results of an earnings review.<sup>1</sup>

**PROPOSED COMMISSION MOTION:**

Approve NW Natural's request for reauthorization to defer costs associated with a variance in the annual regulatory fee and the amount collected in rates for the 12-month period beginning March 23, 2019.

NWN UM 1766(3) OPUC Fee Increase

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<sup>1</sup> See *In re Amortization Proposals Related to PUC Fee Deferral Ordered in UM 1012*, OPUC Docket No. UM 1488, Order Nos. 10-443 (NW Natural), 10-437 (Cascade), 10-436 (Avista), 10-373 (Idaho Power), 10-372 (PGE), and 10-307 (PacifiCorp) (2010).