

ORDER NO. 20-140

ENTERED Apr 27 2020

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1631

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON,

Waiver of Miscellaneous Rules to Extend  
Filing Deadlines for Non-essential Utility  
Reports and Filings.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on April 21, 2020, 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:



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**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 21, 2020**

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

**DATE:** April 20, 2020

**TO:** Public Utility Commission

**FROM:** Bryan Conway

**THROUGH:** Michael Grant

**SUBJECT:** Docket No. UM 1631 – General Waiver Requests: Waiver of miscellaneous rules to extend filing deadlines for non-essential utility reports and filings.

**STAFF RECOMMENDATION:**

The Commission should waive the rules listed in Attachment A with respect to deadlines for non-essential reports and filings.

**DISCUSSION:**

Issue

Whether the Commission should grant a general waiver applicable to rules identified with respect to filing deadlines for non-essential utility reports and deadlines.

Applicable Rule or Order

The Commission has the authority to waive rules on its own motion for good cause. For example, OAR 860-027-001(2) states: "Upon request or its own motion, the Commission may waive any of the division 27 rules for good cause shown."<sup>1</sup> Similar waiver language is present for other divisions subject to this recommendation.

Analysis

In response to the COVID-19 Pandemic, the Commission is working in close

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<sup>1</sup> Identical language exists for other division chapters, e.g., OAR 860-029-0005(4).

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partnership with our utility service providers and the Governor's office to help ensure the utilities have access to the supplies and resources they need to maintain operations and focus their efforts on ensuring their continued operation and availability of services for the residents of Oregon. As part of this effort, we reviewed our regulatory requirements placed on the utilities to determine what rules and requirements related to matters other than safety and operations can be delayed during this COVID-19 pandemic.

Based on that review, and to better allow the utilities to focus on their service to customers and the health of their employees, Staff recommends that the Commission waive rules as necessary to extend, by 60 days, the filing deadlines for utility reporting requirements listed on Attachment A that are due between the date of this Public Meeting and June 1, 2020. The utilities have asked for a delay of these filings.<sup>23</sup> Staff believes these filings can be delayed without harming customers or the Commission ability to fulfill its mission.

Given that these reports have been directed by the Commission, the waiver proposed is for the filing date of the report and not the report itself. Staff recommends the filing date of the report be extended for 60 days to provide the utilities sufficient time to prepare and file the report at a subsequent date whereby utility business activity is substantially less impacted by the COVID-19 virus. The regulatory reports are identified in Attachment A.

Staff will continue to monitor and evaluate the need for the reports and other activities listed in Attachment A, and may need to adjust the waiver time periods or remove the waiver if the report is deemed necessary.

### Conclusion

Staff recommends that rules be waived to allow a 60-day extension of time for the filing of the identified utility reports listed in Appendix A. These reports shall be due no later than 60 days after the original reporting date.

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<sup>2</sup> I note that Portland General Electric Company (PGE) also requested a delay in filing a copy with the Commission of its FERC form 1, OR Supp to FERC form 1; PGE's Report to Shareholders. Staff has concluded that no delay is necessary, as there is no Commission order or rule establishing a due date.

<sup>3</sup> I note that PacifiCorp also requested a delay in filing a copy with the Commission of its FERC form 1, OR Supp to FERC form.

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**PROPOSED COMMISSION MOTION:**

The Commission should waive the rules listed in Attachment A with respect to deadlines for non-essential reports and filings and direct the utilities to file the reports not later than 60 days after the original filing date.

UM 1631: General Waivers

Due Date	Filing/Deliverable	Docket No.	Rule	Company
Apr 30	File Annual Promotional Activities/Concessions Report, if needed, with the annual earnings review report due 4/30 4/18/12 860-026-0035 requires an annual filing concurrent with the annual report of each promotional activity/concession made during the prior year. 860-026-0010/15 defines promotional/concession activities.	N/A	OAR 860-026-0035	Avista
May 01	Annual FERC Form 1 Report and State Supplement	RE 68	OAR 860-027-0070(1) & OAR 860-027-0045	PacifiCorp
May 01	Results of Operations	RE 56	860-027-0070	PacifiCorp
May 01	FERC form 1, OR Supp to FERC form 1; PGE's Report to Shareholders	RE 54	OAR 860-027-0070(1) & OAR 860-027-0045	PGE
May 01	Results of Operations		860-027-0070	PGE
May 31	Cost allocation and affiliate interest report (confidential)	RG 44	860-027-0100 & 860-027-0048(6)	Cascade
Jun 01	RPS 2019 Report	UM 2016	OAR 860-083-0350 (1)(a)	PGE
Jun 01	Annual Affiliated Interest Report	RE 64	860-027-0100 (1)(a)	PGE
Jun 01	Property sales gains	RE 65	OAR 860-027-0025	PGE