

ORDER NO. 20-396

ENTERED Nov 05 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2052

In the Matter of

CASCADE NATURAL GAS
CORPORATION,

Application for Deferred Accounting of Costs
Associated with the Oregon Corporate Tax
Activity.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on November 3, 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:



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: November 3, 2020

REGULAR ____ **CONSENT** X **EFFECTIVE DATE** January 1, 2020

DATE: October 20, 2020

TO: Public Utility Commission

FROM: John Fox

THROUGH: Bryan Conway and John Crider **SIGNED**

SUBJECT: CASCADE NATURAL GAS:
(Docket No. UM 2052)
Application for Deferred Accounting of Costs Associated with the Oregon
Corporate Tax Activity.

STAFF RECOMMENDATION:

Approve Cascade Natural Gas Corporation's (Cascade or Company) application for deferred accounting of costs associated with the Oregon Corporate Activity Tax (CAT), estimated to be \$200,000, for the 12-month period beginning January 1, 2020.

DISCUSSION:

Issue

Whether the Commission should approve Cascade's application to defer for later ratemaking treatment costs associated with the Oregon Corporate Activities Tax, expected to total approximately \$200,000 for tax year 2020.¹

Applicable Rule or Law

Beginning with the date of the Application, the Commission may approve the deferral of identifiable utility expenses or revenues, the recovery or refund of which the Commission finds should be deferred in order to minimize the frequency of rate changes for the fluctuation of rate levels or to match appropriately the costs borne by and benefits received by ratepayers. ORS 757.269(2)(e) and (4). Unless subject to an automatic adjustment clause under ORS 757.210(1), amounts deferred are allowed in

¹ Application at 2.

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rates to the extent authorized by the Commission in a proceeding under ORS 757.210 to change rates and upon review of the utility's earnings at the time of application to amortize the deferral. ORS 757.259(4); OAR 860-027-0300(9). The Commission's final determination on the amount of deferrals allowable in the rates of the utility is subject to a finding by the Commission that the amount was prudently incurred by the utility. ORS 757.259(5).

Analysis

Background

The 2019 Oregon Legislative Assembly approved a new Corporate Activity Tax effective January 1, 2020.

The tax is imposed on the privilege of doing business in Oregon, based on Oregon-sourced commercial activities and is not a transactional tax nor an income tax—it is a modified gross-receipts tax. However, apportionment and tax administration will occur pursuant to existing income tax statutes.

The tax is in addition to any other taxes or fees imposed by the State of Oregon and will be imposed at a rate of \$250 plus 0.57 percent of taxable commercial activity in excess of \$1 million each year. Taxable commercial activity is defined as commercial activity sourced in this state less a subtraction for 35 percent of the greater of “cost inputs” or “labor costs.”²

On March 31, 2020, the Company filed a request for a general rate revision effective April 30, 2020. In Order No. 20-109, the tariff sheets were subsequently suspended for a period of time not to exceed nine months.

On September 30, 2020, a stipulation was filed proposing resolution of all issues in the rate case, among which the parties agreed that the CAT would be included in base rates, increasing the estimated annual amount of the CAT from \$200,000 to \$250,000.³

Description of Expense and Reason for Deferral

The Company states:

Cascade is subject to paying this tax beginning in 2020, with the current estimate expected to total approximately \$200,000 for tax year 2020. Cascade has not otherwise included any forecast or estimate of the CAT in customer prices

² ORS 317A.125 and 317A.119.

³ UG 390 - Cascade-Staff-CUB-AWEC/300, Mickelson-Fjeldheim-Gehrke-Kaufman/9.

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through a general rate case or any other proceeding, as this is a new tax, to which Cascade had not previously been subjected.⁴

And further states:

As mentioned above, the imposition of this tax was unforeseen and unpredictable, thus Cascade was unable to include this in a prior forecast or include within a prior rate proceeding. Granting this Application will minimize the frequency of rate changes and match appropriately the costs borne by and benefits received by customers.⁵

Proposed Accounting

Cascade proposes to record the deferred amount as a regulatory asset in FERC Account 182.3 (Regulatory Asset) and crediting FERC Account 407.4. Interest is accrued on the balance at the approved blended treasury rate.

Estimated Deferral in Authorization Period

Cascade estimates the amount to be deferred during the 12-month period subsequent to the filing to be approximately \$200,000 dollars.

Information Related to Future Amortization

- Earnings Review – The Commission reviews earnings prior to amortization.
- Prudence Review – The prudence review should include verification of the taxes paid to determine the amortization balance.
- Sharing – One hundred percent of the deferred balance is subject to utility recovery, pending a prudence review and earnings review.
- Rate Spread/Design – Applicable costs will be allocated to the appropriate customer classes.

Conclusion

Staff concludes that approval of this deferral for calendar year 2020 is consistent with the ongoing resolution of the CAT in the Company's request for a general rate revision, and that deferral of these amounts will match costs borne by and benefits received by ratepayers.

Staff notes that deferred amounts typically earn interest at the Company's authorized rate of return (AROR) until such time as the Commission authorizes amortization. Accordingly, Staff's understanding is the modified blended treasury rate (MBT) stated in

⁴ Application at 2.

⁵ *Id.*

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the Company's application will be applied prospectively once amortization is approved in a future proceeding.

PROPOSED COMMISSION MOTION:

Approve Cascade's application to defer for later ratemaking treatment costs associated with the Oregon Corporate Activities Tax, expected to total approximately \$200,000, for tax year 2020.

UM 2052 Cascade OCAT Deferral.docx