

ORDER NO. 22-042

ENTERED Feb 10 2022

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2045(2)

In the Matter of

IDAHO POWER COMPANY,

Application for Reauthorization to Defer
Expenses Related to Oregon's Corporate
Activity Tax.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on February 8, 2022, 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: February 8, 2022**

REGULAR CONSENT EFFECTIVE DATE January 1, 2022

DATE: January 25, 2022

TO: Public Utility Commission

FROM: John Fox

THROUGH: Bryan Conway and Matt Muldoon **SIGNED**

SUBJECT: IDAHO POWER COMPANY:
(Docket No. UM 2045(2))
Application for Reauthorization to Defer Expenses Related to Oregon's
Corporate Activity Tax.

STAFF RECOMMENDATION:

Approve Idaho Power Company's (Idaho Power or Company) application for an accounting order reauthorizing the Company to defer for later ratemaking treatment costs associated with the Oregon Corporate Activity Tax, estimated to be approximately \$300,000, for the 12-month period beginning January 1, 2022.

DISCUSSION:

Issue

Whether the Commission should approve Idaho Power's application to defer for later ratemaking treatment costs associated with the Oregon Corporate Activity Tax (OCAT), initially estimated to be approximately \$300,000 for calendar year 2022.¹

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

¹ Application at 3.

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automatic adjustment clause under ORS 757.210(1), amounts deferred are allowed in 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

The Commission approved amortization of the prior year OCAT deferral balance beginning in June 2021 in the amount of \$293,115 annually.³ This amortization is currently included in the Company's Schedule 56 – Power Cost Adjustment Mechanism.

Description of Expense and Reason for Deferral

The Company states:

Idaho Power requests reauthorization to defer the tax expense payments resulting from the establishment of the OCAT and the resulting increase to the Company's Oregon state taxes. The Commission has approved similar treatment for Idaho Power's changes in tax expense in Docket No. UM 1928; Order No. 20-148 authorized the deferral of \$1.52 million in benefits associated with the reduction of income tax expense resulting from federal tax reform. The

² ORS 317A.125 and 317A.119.

³ *In re Idaho Power Company*, OPUC Docket No. UE 388, Order No. 21-166 at Appendix A, p 5 (May 27, 2021).

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Company's deferral request in this case is filed pursuant to ORS 757.259(2)(e) and is intended to minimize the frequency of rate changes or the fluctuation of rate levels.⁴

Proposed Accounting

If approved, Idaho Power will record amounts that would be subject to the deferral order in accordance with the Code of Federal Regulations to the Federal Energy Regulatory Commission ("FERC") Account 182 – Regulatory Assets with the corresponding entry recorded to FERC Account 409 – Income Taxes. Absent approval, the corresponding entry for the new OCAT payments would be recorded to FERC Account 131 – Cash.

Estimated Deferral in Authorization Period

Idaho Power estimates the deferred amount to be approximately \$300,000 for calendar year 2022.

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 2022 is consistent with the ongoing amortization of the OCAT expense in the amount of approximately \$300,000 per year, and that deferral of these amounts will match costs borne by and benefits received by ratepayers.

PROPOSED COMMISSION MOTION:

Approve Idaho Power's application for reauthorization to defer for later ratemaking treatment costs associated with the Oregon Corporate Activity Tax, estimated to be approximately \$300,000 for calendar year 2022.

⁴ Application at 2.