

ORDER NO. 23-125

ENTERED Apr 05 2023

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1631

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Petition for Limited Waiver of the Filing
Deadline in OAR 860-027-0070(1),
Oregon FERC Form 1 Supplement Annual
Report.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on April 4, 2023, 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: April 4, 2023**

REGULAR CONSENT EFFECTIVE DATE _____ N/A _____

DATE: March 27, 2023

TO: Public Utility Commission

FROM: Mitchell Moore

THROUGH: Bryan Conway, Marc Hellman, and Matt Muldoon **SIGNED**

SUBJECT: PACIFIC POWER:
(Docket No. ADV. UM 1631)
Petition for a Waiver of OAR 860-027-0070(1) to extend the Annual Report filing deadline to May 31, 2023.

STAFF RECOMMENDATION:

Approve Pacific Power's (PacifiCorp, PAC, or Company) request for a limited waiver of OAR 860-027-0070(1) and extend the Annual Report deadline until May 31, 2023.

DISCUSSION:

Issue

Whether the Commission should approve PacifiCorp's request for a limited waiver of OAR 860-027-0070(1) and extend the Annual Report deadline until May 31, 2023.

Applicable Law

OAR 860-027-0070(1) requires all electric, gas, water, and steam heat utilities to submit their Annual Report, also known as the Oregon FERC Form 1 Supplement, by May 1 of each year.

Under OAR 860-027-0000(2), the Commission can grant waivers of Division 27 rules for good cause shown.

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Analysis

Background

On February 24, 2023, the Company submitted a waiver under the UM 1631 docket to extend the deadline to file its annual report until May 31, 2023. In its application, the company states that it has routinely requested this waiver and has received approval from the commission each year since 2010.

Conditions Necessitating the Waiver

In its filing, the Company notes that the waiver is necessary to process all the required data from each of its six state jurisdictions in which it operates.

Staff Analysis

Although similar requests have been approved since 2010, Staff had recently conducted research into the history of PacifiCorp's annual reporting practices as a form of due diligence.

Staff began by researching PacifiCorp's history of its Annual Reports in Oregon. Staff notes that since 2012, when the reports could first be filed electronically, PacifiCorp has indeed filed its Annual Report after the May 1 deadline in most years. Staff also notes that the Commission has approved an extension of this deadline, with the two most recent approvals coming in Commission Order No. 22-089 and Commission Order No. 21-104. The Commission granted the waiver in past years, and the Company had no problem filing their Annual Report by the agreed-upon deadline.

Staff then inquired about whether the Company receives similar treatment from the commissions in the six other states in which PacifiCorp operates. Three of the six states, including Oregon, regularly grant PacifiCorp an extension, and two of the six have granted PacifiCorp a permanent extension. The lone exception is Utah, due to its simplified filing requirements.

Therefore, Staff believes that approving PacifiCorp's waiver request is not only consistent with the Commission's past actions, but also consistent across all states in which PacifiCorp operates.

Conclusion

Staff recommends the Commission approve Pacific Power's request for a limited waiver of OAR 860-027-0070(1) and extend its Annual Report deadline until May 31, 2023.

The Company has reviewed this memo and agrees with its content.

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PROPOSED COMMISSION MOTION:

Approve Pacific Power's request for a limited waiver of OAR 860-027-0070(1) and extend the Annual Report deadline until May 31, 2023.

PAC UM 1631 Waiver – Annual Report Extension