

ORDER NO. 00-159

ENTERED MAR 17 2000

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

DR 25

In the Matter of the Petition of)	
PORTLAND GENERAL ELECTRIC)	ORDER
COMPANY for a Declaratory Ruling)	
Relating to the Allocation of a Portion of)	
the Public Purpose Charge Collected)	
Pursuant to SB 1149.)	

DISPOSITION: PETITION DENIED

On November 1, 1999, Portland General Electric Company (PGE or Company) filed a Petition for a Declaratory Ruling requesting the following ruling: “that nineteen percent of the public purpose charges collected by PGE pursuant to Section 3 of Senate Bill 1149 for the next 10 years shall be allocated to Northwest Geothermal Company (“NGC”) for the development and operation of a geothermal facility on the west flank of the Newberry Volcano.” NGC filed a petition to intervene.

The Commission considered this matter at a public meeting on February 22, 2000. PUC Staff presented a memorandum recommending that the Commission deny the petition. NGC and PGE presented comments to the Commission supporting the petition. The Commission adopted Staff’s recommendation to deny the petition for the reasons stated in Staff’s memorandum. That memorandum is attached as Appendix A and incorporated in this order.

DISCUSSION

ORS 756.450 permits, but does not require, the Commission to issue a ruling on the application of agency law to particular facts. The agency has discretion to issue or refuse to issue a declaratory ruling. The Commission has considered the petition, Staff’s memorandum, and the oral comments made at the public meeting. We conclude that for the reasons set forth in the Staff memorandum, the petition should be denied.

ORDER

IT IS ORDERED that the petition for declaratory ruling filed by Portland General Electric Company on November 1, 1999, is denied.

Made, entered, and effective _____.

Ron Eachus
Chairman

Roger Hamilton
Commissioner

Joan H. Smith
Commissioner

A party may request rehearing or reconsideration of this order pursuant to 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 of OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070. A party may appeal this order to a court pursuant to ORS 756.580.

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