

ORDER NO. 01-1018

ENTERED DEC 03 2001

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**BEFORE THE PUBLIC UTILITY COMMISSION**  
**OF OREGON**

AR 423

In the Matter of a proposed rulemaking            )  
opened as a result of AR 395 (Triennial            )  
Rules Review) to amend Oregon                    )  
Administrative Rule 860-026-0035.                )            ORDER

**DISPOSITION: RULE AMENDED**

At its August 7, 2001, Public Meeting, the Public Utility Commission (PUC) opened docket AR 423, a rulemaking proceeding to amend Oregon Administrative Rule 860-026-0035 to exclude all large telecommunications utilities from the requirement of annual reporting of the cost and benefits of each promotional activity and concession.

The Commission filed Notice of the Proposed Rulemaking with the Secretary of State on September 6, 2001, and subsequently provided notice to all interested persons on the Commission's rule changes list. The notice set out the amendments proposed by Commission Staff, and included a Statement of Need, Statutory Authority, Principal Documents Relied Upon, and Fiscal and Economic Impact. The notice was published in the October 1, 2001, *Oregon Bulletin*.

No written comments were filed and no request was made for a public hearing as a result of the notice.

At its December 3, 2001, Public Meeting, the Commission approved Staff's recommendation to adopt the proposed rule as set forth in Appendix A.

**ORDER**

IT IS ORDERED that:

1. Oregon Administrative Rule 860-026-0035, as set forth in Appendix A, is adopted.
2. The amended rule shall be effective upon filing with the Secretary of State.

Made, entered, and effective \_\_\_\_\_.

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**Roy Hemmingway**  
Chairman

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**Lee Beyer**  
Commissioner

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**Joan H. Smith**  
Commissioner

A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

**860-026-0035**

**Reports of Promotional Activities and Concessions for Energy Utilities**

(1) Each energy-~~or large telecommunications~~ utility shall file, concurrently with the annual report required by law, a report of each promotional activity and concession of the utility and its affiliates during the preceding calendar year. The report shall show the amounts expended with respect to each promotional activity and concession and a statement of the benefits achieved from each.

(2) In reporting on each promotional activity or concession under this rule, an energy-~~or large telecommunications~~ utility shall employ the lowest practicable subprogram for budget and accounting purposes.

Stat. Auth.: ORS Ch. 183, ~~&~~ 756 & 757

Stat. Implemented: ORS 756.105

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 2-1993, f. & ef. 1-8-93 (Order Nos. 92-1793 & 93-035); PUC 9-1998, f. & ef. 4-28-98 (Order No. 98-169); PUC 18-1998, f. & ef. 10-12-98 (Order No. 98-408); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)