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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

UM 1011

In the Matter of a Legal Standard for        )  
Approval of Mergers.                                )                                ORDER

**DISPOSITION: INVESTIGATION OPENED**

At its January 23, 2001, public meeting, the Public Utility Commission of Oregon (Commission) considered a Staff recommendation to open an investigation, pursuant to ORS 756.515, to determine the legal standard for Commission approval of mergers under ORS 757.511.

If a company wishes to acquire an investor owned utility providing heat, light, or power service in Oregon, the company is required to file an application seeking Commission approval pursuant to ORS 757.511. The language of ORS 757.511 states that the transaction must serve the public utility's customers in the public interest. To date the Commission has not adopted a legal standard for this public interest requirement. To establish a legal standard, the Commission would have to determine whether an applicant must show that consumers would experience net benefits from the transaction, or whether an applicant must merely show that consumers would likely not be harmed by the transaction.

Staff's recommendation was accompanied by a memorandum, attached as Appendix A to this order, which fully sets out its reasoning.

The Commission voted to adopt Staff's recommendation.

**ORDER**

IT IS ORDERED that an investigation is hereby opened, pursuant to ORS 756.515, to determine the legal standard for Commission approval of mergers under ORS 757.511.

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. The request must be filed with the Commission within 60 days of the date of service of this order and must comply with the requirements in 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(2). A party may appeal this order to a court pursuant to applicable law.