

**PUBLIC UTILITY COMMISSION OF OREGON**  
**STAFF REPORT**  
**PUBLIC MEETING DATE: March 6, 2001**

REGULAR AGENDA                        **CONSENT AGENDA**   X                      EFFECTIVE DATE   NA  

**DATE:** February 27, 2001

**TO:** Bill Warren

**FROM:** Terry Lambeth through Cynthia Van Landuyt and Phil Nyegaard

**SUBJECT:** Docket AR 406, Housekeeping Changes to Affiliated Interest Rules

**SUMMARY RECOMMENDATION:**

Open a rulemaking docket to make the attached housekeeping revisions to the affiliated interest rules to clearly differentiate between energy utilities, large telecommunications utilities, and small telecommunications utilities. These changes are consistent with staff's proposals in dockets AR 398 and AR 400.

**DISCUSSION:**

The attached document includes revisions that would add modifiers to describe the utilities so the affiliated interest rules can be read out of context. Staff's proposal would replace "utility" with "small telecommunications utility" in OAR 860-034-0396, and replace "utility" with "energy or large telecommunications utility" in OARs 860-027-0040, 860-027-0041, and 860-027-0100.

These changes are consistent with staff's proposals in dockets AR 398 and AR 400. However, the attached rules were under revision in docket AR 396 at the time dockets AR 398 and AR 400 were opened.

On December 26, 2000, I sent the electric, gas, telecommunications utilities, and telecommunications cooperatives a copy of staff's proposals in dockets AR 398 and AR 400. No requests for further revisions to the attached rules were received.

**Background.** Many rules do not use terms to clearly differentiate themselves from similar rules in other divisions. Staff proposes to revise the rules to more clearly differentiate between consumer-owned utilities, electric service suppliers, electric utilities, gas utilities, large telecommunications utilities, small telecommunications utilities, telecommunications cooperatives, other telecommunications providers, and other public utilities.

Staff divided the proposed changes into the following dockets to make the large number of revisions easier to manage:

AR 397 and AR 399: For all entities, more accurately describe the current contents of the rules. The Commission opened these dockets at its Public Meeting on January 9, 2001.

AR 398, AR 400, AR 402, AR 409, and AR 410: For all entities, more clearly identify the parties to whom the rules apply. The Commission opened these dockets at its Public Meeting on February 6, 2001.

AR 401 and AR 413: For all entities, clarify the safety and pole attachment standards. These dockets will be the subjects of separate Public Meeting memoranda.

AR 406: Rules that could have been included in dockets AR 398 or AR 400 but were under revision in docket AR 396. *This docket is the subject of this memorandum.*

AR 407: Add OAR 860-032-0056 to implement ORS 759.700 through 759.720, Information Delivery Service. This docket is the subject of a separate memorandum on today's Public Meeting agenda.

AR 408: Revise the rules related to duplication of facilities and allocation of territory. This docket will be the subject of a separate memorandum.

Staff does not expect the proposed revisions to be controversial or to require hearings or workshops.

**STAFF RECOMMENDATION:**

Open a rulemaking docket to make the attached housekeeping revisions to the affiliated interest rules to clearly differentiate between energy utilities, large telecommunications utilities, and small telecommunications utilities.

Attachment