

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: March 20, 2001**

REGULAR AGENDA \_\_\_ CONSENT AGENDA X EFFECTIVE DATE Upon filing  
Secretary of State

**DATE:** March 13, 2001

**TO:** Phil Nyegaard through Terry Lambeth, Cynthia Van Landuyt, Jerry Murray,  
and Lee Sparling

**FROM:** Renee Sloan

**SUBJECT:** AR 397 - Housekeeping Changes to Oregon Administrative Rules

**SUMMARY RECOMMENDATION:**

Adopt Staff's proposed revisions to rules in OAR Chapter 860 Divisions 022, 027, 029, 031, 032, 034, 035, 036, and 038 in AR 397.

**DISCUSSION:**

On January 9, 2001, the Commission opened a rulemaking proceeding to make housekeeping revisions to rules in OAR Chapter 860, Divisions 022, 027, 029, 031, 032, 034, 035, 036, and 038 to more accurately describe their current contents.

Notice of the Proposed Rulemaking was filed with the Secretary of State on January 9, 2001, and it was published in the February 1, 2000, *Oregon Bulletin*. There were no written comments nor was there a request for a public hearing as a result of the notice.

The amended rules being adopted today are identical to those proposed earlier, except 860-037-0010 was removed from this docket to be included in AR 405.

The attached staff memo dated January 2, 2001, explains the content and rationale for the revisions. Staff's draft order and Appendix A (rules) are also attached to this memo.

**STAFF RECOMMENDATION:**

Adopt Staff's proposed housekeeping revisions to rules in OAR Chapter 860 Divisions 022, 027, 029, 031, 032, 034, 035, 036, and 038 to more accurately describe their current contents.

Bill Warren  
January 2, 2001  
Page 2

Attachment

ORDER NO.

ENTERED

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 397

In the Matter of a Rulemaking to )  
Make Housekeeping Revisions to ) ORDER  
More Accurately Describe the )  
Current Contents of the Rules. )

**DISPOSITION: RULES AMENDED; RULE REPEALED**

On January 9, 2001, the Public Utility Commission opened a rulemaking proceeding to amend Oregon Administrative Rules in Chapter 860, Divisions 027, 029, 030, 031, 032, 034, 035, 036, and 038 to more accurately describe the current contents of the rules.

Notice of the Proposed Rulemaking was filed with the Secretary of State on January 9, 2001, and subsequently served on all interested parties. 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 February 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 March 20, 2001, public meeting, the Commission approved Staff's recommendation to adopt the proposed rules as set forth in Appendix A.

ORDER NO.

**ORDER**

IT IS ORDERED that:

1. Oregon Administrative Rules 860-027-0045, 860-027-0055, 860-027-0065, 860-029-0010, 860-030-0045, 860-031-0005, 860-031-0010, 860-031-0015, 860-031-0020, 860-031-0025, 860-031-0030, 860-031-0035, 860-031-0040, 860-032-0002, 860-032-0010, 860-032-0015, 860-032-0025, 860-032-0040, 860-032-0045, 860-032-0080, 860-032-0100, 860-034-0210, 860-034-0670, 860-034-0710, 860-035-0020, and 860-036-0010, as set forth in Appendix A, are adopted.
2. Oregon Administrative Rule 860-022-0031 is repealed.
3. The rules shall be effective upon filing with the Secretary of State.

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

BY THE COMMISSION:

\_\_\_\_\_  
**Vikie Bailey-Goggins**  
Commission Secretary

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.

**860-022-0031**

**OTA Model Tariff**

~~—(1) The Oregon Telecommunications Association Model Tariff dated May 1, 1987, is adopted and prescribed as a guideline tariff pertaining to definitions, rules, and regulations for all regulated telecommunications services.~~

~~—(2) Tariffs filed substantially following the Model Tariff definitions, rules, and regulations will be accepted without further review. Substantial deviations from the Model Tariff Form will require justification by the telecommunications public utility requesting the deviation.~~

~~—Stat. Auth.: ORS Ch. 183, 756 & 759~~

~~—Stat. Implemented: ORS 756.040~~

~~Hist.: PUC 9-1987, f. & ef. 10-6-87 (Order No. 87-994); PUC 12-1997, f. & ef. 10-30-97 (Order No. 97-413)~~

**860-027-0045**

**Uniform System of Accounts for Electric Utilities -- Major and Nonmajor**

(1) The Uniform System of Accounts prescribed for Public Utilities and Licensees by the Federal Energy Regulatory Commission, February 12, 1985, as amended through November 30, 1991, is hereby adopted and prescribed by the Commission.

(2) All electric utilities having multistate operations shall maintain records in such detail that the cost of property located in and business done in Oregon in accordance with geographic boundaries can be readily ascertained.

(3) All electric utilities having multistate operations shall file annually with the Commission, on or before April 1 of the ensuing year, their Oregon allocated results of operations for the calendar year reported, on the basis of allocation methods acceptable to the Commission.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

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

Stats. Implemented: ORS 756.105, 757.120, 757.125 & 757.135

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1985, f. & ef. 4-24-85 (Order No. 85-355); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-246)

**860-027-0055**

**Uniform System of Accounts for Gas Utilities -- Major and Nonmajor**

(1) The Uniform System of Accounts prescribed for Natural Gas Companies by the Federal Energy Regulatory Commission, February 12, 1985, as amended through November 30, 1991, is hereby adopted and prescribed by the Commission.

ORDER NO.

(2) All gas utilities having multistate operations shall maintain records in such detail that the cost of property located in and business done in Oregon can be readily ascertained.

(3) All gas utilities having multistate operations shall file annually with the Commission, on or before April 1 of the ensuing year, their Oregon allocated results of operations for the calendar year reported, on the basis of allocation methods acceptable to the Commission.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

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

Stats. Implemented: ORS 756.105, 757.120, 757.125 & 757.135

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1985, f. & ef. 4-24-85 (Order No. 85-355); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-246)

**860-027-0065**

**Uniform System of Accounts for Steam Heat Utilities – Class A, B, and C**

The Uniform System of Accounts for Steam Heat Utilities, January 1, 1938, copies of which are on file with the Secretary of State, is hereby adopted and prescribed by the Commission for all Class A, B, and C Steam Heat Utilities.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

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

Stats. Implemented: ORS 756.105, 757.120, 757.125 & 757.135

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order 74-307)

**860-029-0010**

**Definitions for Electric Interconnection**

(1) “Avoided costs” means the electric utility’s incremental costs of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, the electric utility would generate itself or purchase from another source and shall include any costs of interconnection of such resource to the system.

(2) “Back-up power” and “stand-by power” mean electric energy or capacity supplied by a public utility to replace energy ordinarily generated by a qualifying facility’s own generation equipment during an unscheduled outage of the facility.

(3) “Capacity” means the average output in kilowatts (kW) committed by a qualifying facility to an electric utility during a specific period.

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(4) “Capacity costs” mean the costs associated with supplying capacity; they are an allocated component of the fixed costs associated with providing the capability to deliver energy.

(5) “Cogeneration” means the sequential generation of electric energy and useful heat from the same primary energy source or fuel for industrial, commercial, heating, or cooling purposes.

(6) “Cogeneration facility” means a facility which produces electric energy and steam or other forms of useful energy (such as heat) by cogeneration which are used for industrial, commercial, heating, or cooling purposes. Such a facility must be at least 50 percent owned by a person who is not an electric utility, an electric holding company, an affiliated interest, or any combination thereof.

(7) “Commission” means the Public Utility Commission of Oregon.

(8) “Costs of interconnection” means the reasonable costs of connection, switching, dispatching, metering, transmission, distribution, equipment necessary for system protection, safety provisions, and administrative costs incurred by an electric utility directly related to installing and maintaining the physical facilities necessary to permit purchases from a qualifying facility.

(9) “Demand” means the average rate in kilowatts at which electric energy is delivered during a set period, to be determined by mutual agreement between the electric utility and the customer.

(10) “Electric utility” means a nonregulated utility or a public utility as defined in ORS 758.505.

(11) “Energy” means electric energy, measured in kilowatt hours (kWh).

(12) “Energy costs” means:

(a) For nonfirm energy, the incremental costs associated with the production or purchase of electric energy by the electric utility, which include the cost of fuel and variable operation and maintenance expenses, or the cost of purchased energy;

(b) For firm energy, the combined allocated fixed costs and associated variable costs applicable to a displaced generating unit or to a purchase.

(13) “Firm energy” means a specified quantity of energy committed by a qualifying facility to an electric utility.

(14) “Index rate” means the lowest avoided cost approved by the Commission for a generating utility for the purchase of energy or energy and capacity of similar characteristics including on-line date, duration of obligation, and quality and degree of reliability.

(15) “Interruptible power” means electric energy or capacity supplied by a public utility to a qualifying facility subject to interruption by the electric utility under certain specified conditions.

(16) “Nonfirm energy” means:

(a) Energy to be delivered by a qualifying facility to an electric utility on an “as available” basis; or

(b) Energy delivered by a qualifying facility in excess of its firm energy commitment.

NOTE: The rate for nonfirm energy may contain an element representing the value of aggregate capacity of nonfirm sources.

(17) “Maintenance power” means electric energy or capacity supplied by a public utility during scheduled outages of a qualifying facility.

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(18) “Nonregulated utility” means an entity providing retail electric utility service to Oregon customers that is a people’s utility district organized under ORS Chapter 261, a municipal utility operating under ORS Chapter 225, or an electric cooperative organized under ORS Chapter 62.

(19) “Primary energy source” means the fuel or fuels used for the generation of electric energy. The term does not include minimum amounts of fuel required for ignition, start-up, testing, flame stabilization, and control uses; the term does not include minimum amounts of fuel required to alleviate or prevent unanticipated equipment outages and emergencies which directly affect the public health, safety, or welfare.

(20) “Purchase” means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(21) “Public utility” means a utility regulated by the Commission under ORS Chapter 757, that provides electric power to customers.

(22) “Qualifying facility” means a cogeneration facility or a small power production facility as defined by these rules.

(23) “Rate” means any price, charge, or classification made, demanded, observed, or received with respect to the sale or purchase of electric energy or capacity or any rule, regulation, or practice respecting any such price, charge, or classification.

(24) “Sale” means the sale of electric energy or capacity or both by a public utility to a qualifying facility.

(25) “Small power production facility” means a facility which produces electric energy using as a primary energy source biomass, waste, solar energy, wind power, water power, geothermal energy, or any combination thereof. Such facility must be at least 50 percent owned by a person who is not an electric utility, an electric utility holding company, an affiliated interest, or any combination thereof. Only small power production facilities which, with any other facilities located at the same site, have power production capacities of 80 megawatts or less, are covered by these rules.

(26) “Supplementary power” means electric energy or capacity supplied by a public utility, regularly used by a qualifying facility in addition to that which the facility generates itself.

(27) “System emergency” means a condition on a public utility’s system which is likely to result in imminent, significant disruption of service to customers, in imminent danger of life or property, or both.

(28) “Time of delivery” means:

(a) In the case of capacity, when the generation is first on line and capable of meeting the capacity commitment of the qualifying facility to the electric utility under the terms of its contract or other legally enforceable obligation.

(b) In the case of firm energy and depending upon the contract between the parties, either:

(A) When the first kilowatt-hour of energy is able to be delivered under the commitment of the qualifying facility; or

(B) When each kilowatt-hour is delivered under the commitment of the qualifying facility.

(29) “Time the obligation to purchase the energy capacity or energy and capacity is incurred” means the earlier of:

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(a) The date on which a binding, written obligation is entered into between a qualifying facility and a public utility to deliver energy, capacity, or energy and capacity; or

(b) The date agreed to, in writing, by the qualifying facility and the electric utility as the date the obligation is incurred for the purposes of calculating the applicable rate.

Stat. Auth.: ORS Ch. 183, 756, 757 & 758

Stats. Implemented: ORS 756.040 & 758.505 through 758.555

Hist.: PUC 9-1981, f. & ef. 10-29-81 (Order No. 81-755); PUC 7-1982, f. & ef. 7-21-82 (Order No. 82-514); PUC 21-1984, f. & ef. 9-25-84 (Order No. 84-742); PUC 5-1986, f. & ef. 5-15-86 (Order 86-488); PUC 14-1987, f. & ef. 11-19-87 (Order 87-1154); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016)

**860-030-0045**

**Definitions for Energy Conservation**

For the purpose of these rules, the following terms shall have the following definitions, unless the context clearly indicates otherwise:

(1) “Automatic control system” means devices, including but not limited to: wide dead band thermostats, which regulate lighting, heating, ventilating, air conditioning, or other energy loads automatically based on time, temperature, humidity, pressure, or load limiting measures. Equipment associated with automatic control systems includes, but is not limited to: automatic dampers, wiring, electronic circuitry, relays, valves, and other equipment which produces a reduction in energy consumption or demand.

(2) “BTU” means a British Thermal Unit, the amount of energy required to raise the temperature of a one-pound mass of water one degree Fahrenheit.

(3) “Commercial building” means a public building as defined in ORS 456.746 and other commercial structures as defined by energy utility tariff.

(4) “Commercial building customer” means the owner or tenant of a commercial building who is responsible for paying fuel costs to an energy utility which provides electricity or gas energy to the building.

(5) “Commercial energy audit” means the service provided to a commercial building customer which includes on-site data gathering, energy use analysis, and a report to the customer recommending energy conservation measures, and an estimate of the cost/benefit of those measures.

(6) “Commercial energy auditor” (or “Level I Auditor”) means a person who is qualified through general training and experience and who has demonstrated a general knowledge of heat transfer principles, construction terms and components, energy efficient operations and maintenance procedures, boiler and furnace efficiency improvements, infiltration controls, envelope weatherization, heating, ventilating, and air conditioning (HVAC) systems, electric control systems, lighting systems, solar insulation, and applicable energy conservation measures.

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(7) “Commercial energy specialist” (or “Level II Auditor”) means a person who is qualified through specialized training and experience, who has demonstrated knowledge and abilities of a qualified commercial energy auditor, and who can in addition:

(a) Perform calculations of energy use analysis;

(b) Perform calculations of energy efficiencies of HVAC, lighting, plumbing, water, steam, control, or electrical systems; and

(c) Can prepare technical reports of net energy savings for energy conservation measures.

(8) “Conservation services” means those services specified in ORS 469.865 and 469.885.

(9) “Commission” means the Public Utility Commission of Oregon.

(10) “Energy use analysis” means estimates of energy consumed by various systems and components of a building including, but not limited to: envelope, lighting, HVAC, and hot water.

(11) “Energy conservation measure” has the meaning specified in ORS 469.860(1)(e).

(12) “Envelope weatherization” includes, but is not limited to: insulation of ceiling, walls, floors, ducts, or pipes, and installation of storm or thermal windows and doors.

(13) “Furnace and boiler efficiency improvements” means replacement burners, furnaces, or boilers of the same energy type which, due to their design, reduce energy use due to an increase in combustion efficiency, improved heat generation or reduced heat losses, automatic vent dampers, automatic ignition devices, replacement filters, and cleaning and combustion efficiency adjustments.

(14) “Heat recovery devices” means those devices or equipment which recover heat from commercial use by capturing, storing, transferring, and using heat content of liquid or gaseous streams to reduce the need for additional energy resources. Devices include, but are not limited to: recuperators, heat wheels, regenerators, heat exchangers, and economizers.

(15) “Heating, ventilating, and air conditioning (HVAC) system modifications” includes, but is not limited to: improving control and use of outside air, adjusting temperature and humidity of supply air, reducing energy use of reheat systems and exhaust hoods, and replacement air conditioning systems of the same energy type which reduce the amount of energy use due to an increase in efficiency.

(16) “Infiltration controls” means caulking, weather stripping, dampers, sealants, air locks, revolving doors, and gaskets used to reduce air leaks in a building shell.

(17) “Improved operations and maintenance measures” means any energy conservation measure which is presumed cost-effective because there is little or no cost associated with the measure, so the simple payback period is generally less than one year. Operations and maintenance measures include, but are not limited to: temperature setbacks, water flow reductions, reduced use of ancillary systems or reduced energy use when a building is unoccupied, repairing air duct leaks, and steam system and furnace or boiler maintenance.

(18) “Lighting system improvements” means devices and actions which reduce overall indoor or outdoor lighting energy consumption while maintaining satisfactory lighting levels. Devices and actions include, but are not limited to: reducing light levels to acceptable minimum levels; installation of task lighting, local switching, time control, and sensing devices; and installation of more efficient lamps.

ORDER NO.

(19) “Net energy savings” means the BTU savings from a conservation measure, taking into account interactions of other known consumption measures being implemented and impacts on all energy sources and systems in the building.

(20) “Simple payback period” means the estimated total installed costs of an energy conservation measure divided by the estimated first year dollar savings to the customer resulting from the measure.

(21) “Solar water heaters” means water heating devices, either active or passive, designed to heat water with radiant energy from the sun.

(22) “Utility” or “energy utility” shall have the meaning given to an “investor-owned utility” in ORS 469.631 or to a “public utility” under ORS 757.005, which provides natural gas or electric service for heat, light, or power and is regulated by the Commission under ORS Chapter 757.

(23) “Water heating heat pumps” means water heating devices designed to heat water by extracting energy from the surrounding ambient environment, including air, earth, and ground water.

Stat. Auth.: ORS Ch. 183, 469, 756 & 757

Stats. Implemented: ORS ~~756.040~~ & 469.631 through 469.645 & 756.040

Hist.: PUC 10-1982, f. & ef. 9-30-82 (Order No. 82-685); PUC 15-1985, f. & ef. 10-1-85 (Order No. 85-896); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016); PUC 17-1998, f. & ef. 10-12-98 (Order No. 98-409)

**Division 031**

**Inspection of Gas Pipeline Operator Facilities and Waiver of Safety Standards**

**860-031-0005**

**Inspection of Gas Pipeline Operator Facilities**

(1) Priority in inspections will be given to those systems and plants with greater risk potential. The following factors will be considered in determining potential risk: the size of the plant or system and the number of customers it serves, the ratio of total pipe to cathodically protected pipe, the ratio of total pipe to coated pipe, the leaks per mile of main, the percentage of unaccounted-for gas volume, and the number of past accidents.

(2) Inspections will include reviews of the operator’s standard practices and records concerning design, construction, operation, maintenance, inspection, emergency procedures, and damage prevention programs. Field inspections may include, but are not limited to: checks of cathodic protection levels, construction practices, barricading or protection of equipment from damage, witnessing operational checks of overpressure protection and regulating equipment, odorization, leak surveys, and other field functions. Any documentation, records, or physical evidence necessary to support allegations of noncompliance may be obtained by the investigator during the inspection or at any later date.

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

ORDER NO.

Stats. Implemented: ORS 756.040 & 757.039

Hist.: PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016)

**860-031-0010**

**Verbal Notice of Probable Violation to a Gas Pipeline Operator**

When an evaluation of an operator's records, practices, or facilities indicates that the operator is not in compliance with a pipeline safety regulation, the investigator will informally discuss the probable violation of the regulation with the operator whenever practical before concluding the inspection. The operator may take on-site corrective action during the inspection or during the concluding interview at the facility when a probable violation exists. Whenever a probable violation is found, the investigator will issue a written inspection report pursuant to OAR 860-031-0015.

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

Stats. Implemented: ORS 756.040 & 757.039

Hist.: PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016)

**860-031-0015**

**Written Notice of Probable Violation to a Gas Pipeline Operator**

(1) As soon as practical after an inspection where a probable violation was noted, a written inspection report listing all violations found will be issued. The report will contain a notice that a probable violation exists, a short description of the probable violation, and a citation to the rule(s) in point. The report will specify reasonable times for the operator to submit a response and to correct the violation. If the probable violation was corrected at the time of the inspection or concluding interview, the corrective action will be noted in the inspection report.

(2) The operator's written response pursuant to OAR 860-031-0020 must be received by the Commission's gas pipeline safety section within the time specified in the inspection report. If no written response is received within such time, the probable violation will be taken to be admitted.

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

Stats. Implemented: ORS 756.040 & 757.039

Hist.: PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016)

**860-031-0020**

**Responses Open to the Gas Pipeline Operator**

(1) After receiving the citation, the gas pipeline operator may:

ORDER NO.

- (a) Correct the violation within the time allotted in the inspection report and notify the Commission's gas pipeline safety section of the action taken; or
  - (b) Submit a written plan of action indicating the action to be taken to correct the probable violation, including a schedule and the date when the completion of corrective action is anticipated; or
  - (c) Request an informal conference with the Commission's gas pipeline safety section.
- (2) If the plan of action is rejected, or if the operator selects the third option, an informal conference will be scheduled.

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

Stats. Implemented: ORS 756.040 & 757.039

Hist.: PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016)

**860-031-0025**

**Informal Conference for a Probable Violation by a Gas Pipeline Operator**

A date, time, and place for the informal conference will be arranged. At the conference the operators may explain their positions and may present alternatives for remedying the probable violation. The operators and the gas pipeline safety staff may agree on a plan to remedy the probable violation.

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

Stats. Implemented: ORS 756.040 & 757.039

Hist.: PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016)

**860-031-0030**

**Referral to the Commission of a Probable Violation by a Gas Pipeline Operator**

After receiving a response from the operators and after holding the informal conference, if any, or after receiving no response within the time specified in the inspection report, the Commission's gas pipeline safety staff will determine whether to refer the case to the Commission for formal action. In such case, the staff shall notify the Commission of the response chosen by the operators and the result of the informal conference, if any.

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

Stats. Implemented: ORS 756.040 & 757.039

Hist.: PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016)

**860-031-0035**

**Civil Penalties for Gas Pipeline Operator Violations**

ORDER NO.

Civil penalties for failure to comply with gas pipeline safety rules or regulations shall be based on the gravity of the violation, the extent of the operators' past violations, and other matters as justice may require.

NOTE: ORS 756.180 provides for the enjoining of a violation of the public utility laws. ORS 757.991 provides for penalties for failure to comply with gas pipeline safety rules or regulations of \$10,000 per day, to a maximum of \$500,000 for any related series of failures.

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

Stats. Implemented: ORS 756.040 & 757.039

Hist.: PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016); PUC 12-1999, f. & ef. 11-18-99 (Order No. 99-709)

**860-031-0040**

**Waivers of Gas Pipeline Safety Standards**

(1) Upon application by an operator, the Commission may grant a waiver from compliance with the gas pipeline safety regulations for intrastate pipeline transportation. The application shall include a statement of reasons why the regulations are not appropriate and why a waiver is consistent with gas pipeline safety. The Commission may grant a waiver if:

(a) The noncompliance does not entail a significant risk to the operator's employees or the public;

or

(b) The degree of risk does not justify the expense of bringing the system into compliance.

(2) If the Commission decides to grant a waiver, it shall issue the waiver under such terms and conditions as are appropriate, with a statement of reasons for granting the waiver. The waiver shall contain a recital that it is subject to the approval of the Secretary of Transportation of the United States Department of Transportation. If the Commission denies the waiver, it shall notify the applicant of the reasons for the denial.

(3) The Commission shall give the Secretary of Transportation of the United States Department of Transportation written notice 60 days before the effective date of the waiver. If, before the effective date of the waiver, the Secretary objects in writing to the granting of the waiver, the Commission's action granting the waiver will be stayed. The Commission may present the case for the waiver to the Secretary, who, in such case, shall determine finally whether the requested waiver will be granted. If the Commission does not present the case for the waiver to the Secretary, the grant of the waiver shall be withdrawn and the waiver shall be denied.

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

Stats. Implemented: ORS 756.040 & 757.039

Hist.: PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016)

**860-032-0002**

**Notice and Procedures for a Proceeding Initiated Under Division 032**

(1) All notices initiating a proceeding under this Division, including, but not limited to, applications, petitions, complaints, and other pleadings, shall be served on all telecommunications providers and all persons on the Commission's telecommunications mailing list. Any person wishing to be included on the list shall submit his/her name and address to the Public Utility Commission of Oregon, Administrative Hearings Division, 550 Capitol Street NE, Suite 215, Salem, Oregon 97301-2551.

(2) Except as otherwise provided, every proceeding under this Division shall follow the procedures in ORS 756.500 et seq. and the Commission's rules of procedure.

(3) Any person submitting information under the Commission's rules may request that the information be held in confidence pursuant to the public records law, ORS 192.500.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.020 & 759.025

Hist.: PUC 27-1985 (Temp), f. & ef. 12-19-85 (Order No. 85-1203); PUC 16-1986, f. & ef. 11-17-86 (Order No. 86-1159); PUC 1-1990, f. & cert. ef. 2-6-90 (Order No. 90-96); PUC 10-1998, f. & ef. 4-28-98 (Order No. 98-170); PUC 8-1999, f. & ef. 10-18-99 (Order No. 99-632); PUC 4-2000, f. & ef. 2-9-00 (Order No. 00-068)

**860-032-0010**

**Classification of Applicants as Telecommunications Providers**

(1) Pursuant to ORS 759.020, there shall be two classifications of telecommunications providers:

- (a) Telecommunications utility; and
- (b) Competitive provider.

(2) The Commission shall classify an applicant for a certificate of authority pursuant to ORS 759.020.

(3) A telecommunications provider may file a petition with the Commission under OAR 860-032-0005 to change its classification. On the Commission's own motion, and after notice and opportunity for hearing, the Commission may change a telecommunications provider's classification upon finding the provider no longer qualifies for the classification previously assigned or qualifies for a different classification.

(4) Local exchange telecommunications service provided by a telecommunications utility or a cooperative within the boundaries of local exchanges belonging to another telecommunications utility or cooperative, which exchanges are defined pursuant to ORS 759.005(2)(c), shall be considered the operations of a competitive provider, and may only be provided pursuant to a certificate of authority granted by the Commission under ORS 759.020. Such service shall be considered operations of a competitive provider without regard to the manner the provider treats those operations.

(5) Telecommunications services provided by a telecommunications utility or a cooperative pursuant to a certificate of authority granted under ORS 759.020, wherein the provider was classified as a

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competitive provider for purposes of providing those services, shall be considered the operations of a competitive provider without regard to the manner the provider treats those operations.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.005, 759.020 & 759.030

Hist.: PUC 27-1985 (Temp), f. & ef. 12-19-85 (Order No. 85-1203); PUC 16-1986 f. & ef. 11-17-86 (Order No. 86-1159); PUC 10-1998, f. & ef. 4-28-98 (Order No. 98-170); PUC 4-2000, f. & ef. 2-9-00 (Order No. 00-068)

**860-032-0015**

**Cancellation or Suspension of a Telecommunications Provider's Certificate**

(1) The Commission may cancel or suspend a certificate of authority to provide telecommunications service upon a finding that:

(a) The certificate holder intentionally filed an application containing incomplete, inaccurate, false, or misleading information or otherwise misrepresented the services or territory the applicant intends to serve, the applicant's ownership, affiliates of the applicant, or the applicant's assets or other information presented to the Commission;

(b) The certificate holder has failed to comply with the terms and conditions of the certificate;

(c) The certificate holder intentionally provided to the Commission incomplete, inaccurate, false, or misleading information; or

(d) The certificate holder failed to pay the annual PUC fee, as required by OAR 860-032-0095.

(2) If the Commission finds a telecommunications provider has violated section (1) of this rule, the Commission may, by order, cancel or suspend the authority in its entirety or the authority to provide a particular service. Upon suspension or cancellation, the telecommunications provider shall be prohibited from providing the services specified in the order.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040, 756.320, 759.020 & 759.050

Hist.: PUC 27-1985 (Temp), f. & ef. 12-19-85 (Order No. 85-1203); PUC 16-1986, f. & ef. 11-17-86 (Order No. 86-1159); PUC 10-1998, f. & ef. 4-28-98 (Order No. 98-170); PUC 4-2000, f. & ef. 2-9-00 (Order No. 00-068)

**860-032-0025**

**Petition to Exempt Services from Regulation**

(1) Upon petition by a telecommunications utility and upon notice and hearing, except as provided in section (7) of this rule, the Commission shall exempt a service from regulation in whole or in part, if the Commission finds price and service competition exists.

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(2) Upon petition by any person, including a telecommunications utility, and upon notice and hearing, except as provided in section (7) of this rule, the Commission may exempt a service from regulation in whole or in part, if the Commission finds:

- (a) Price or service competition exists;
  - (b) The service is subject to competition; or
  - (c) The public interest no longer requires full regulation of the service.
- (3) Prior to making a finding under sections (1) or (2) of this rule, the Commission shall consider:

(a) The extent to which services are available from alternative telecommunications providers in the relevant market;

(b) The extent to which the services of alternative telecommunications providers are functionally equivalent or substitutable at comparable rates, terms, and conditions;

- (c) Existing economic or regulatory barriers to entry; and
- (d) Any other factors deemed relevant by the Commission.

(4) Petitions filed under sections (1) and (2) of this rule shall contain:

- (a) The petitioner's name and address;
- (b) A copy of the petitioner's certificate of authority, if any;
- (c) The service or portion of a service proposed to be exempted from regulation;
- (d) Documentation which demonstrates the petition meets the requirements in sections (1), (2), and

(3) of this rule;

(e) The telecommunications utility's revenues from and costs of providing the service, the long-range incremental cost of the service, the cost allocation to regulated and unregulated activities for future rate-making treatment, and supporting documentation. The information submitted under this paragraph may be submitted in confidence;

(f) A statement from each joint telecommunications provider of the service that it agrees to the exemption; or

(g) A statement from the petitioner indicating how the exemption will affect the rates and services of all affected joint telecommunications providers of the service.

(5) The Commission may attach reasonable conditions to an exemption granted under this rule and may amend or revoke any such order under ORS 756.568.

(6) Except as provided in section (7) of this rule, after notice and hearing, and upon a finding that the circumstances under which the service was exempted no longer exists or the public interest requires reregulation of the service, the Commission may reregulate a service which has been exempted under this rule.

(7) If no objections are filed to proposals under sections (1), (2), or (6) of this rule, or with agreement of the parties, the Commission may waive the requirement for hearing.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040 & 759.030

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Hist.: PUC 27-1985 (Temp), f. & ef. 12-19-85 (Order No. 85-1203); PUC 16-1986, f. & ef. 11-17-86 (Order No. 86-1159); PUC 10-1998, f. & ef. 4-28-98 (Order No. 98-170); PUC 4-2000, f. & ef. 2-9-00 (Order No. 00-068)

**860-032-0040**

**Subsidies for Telecommunications Service**

(1) Before determining the need for or the sources of a subsidy to telecommunications ~~service~~ providers, the Commission shall investigate and hold hearings. The Commission shall consider:

(a) The need to secure and maintain high-quality universal telecommunications service at just and reasonable rates for all customer classes;

(b) The need to encourage innovation through a balanced program of regulation and competition; and

(c) The effect of changing technology on pricing methods.

(2) Any person may petition the Commission to require telecommunications providers to subsidize services provided by a telecommunications utility.

(3) The Commission shall, by order, identify the revenue source of any fund needed to provide the subsidy and prescribe the manner of collection and distribution of the fund.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.015 & 759.030

Hist.: PUC 27-1985 (Temp), f. & ef. 12-19-85 (Order No. 85-1203); PUC 16-1986, f. & ef. 11-17-86 (Order No. 86-1159); PUC 13-1998, f. & ef. 5-7-98 (Order No. 98-190); PUC 4-2000, f. & ef. 2-9-00 (Order No. 00-068)

**860-032-0045**

**Petitions for Alternative Access by Customers of Shared ~~Telecommunications~~ Service Providers**

(1) Any person whose only access to local exchange telecommunications service is a shared ~~telecommunications~~ service provider may petition the Commission for an order requiring the shared ~~telecommunications~~ service provider to make available to the petitioner alternative facilities or conduit space at reasonable terms, conditions, and prices for the purpose of establishing alternative access to local exchange telecommunications service.

(2) The petition shall include:

(a) The name and address of the petitioner;

(b) The name and address of the shared ~~telecommunications~~ service provider;

(c) The type of services required by the petitioner; and

(d) The petitioner's statement indicating a willingness to pay a reasonable fee to the shared ~~telecommunications~~ service provider for alternative access.

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(3) The shared-~~telecommunications~~ service provider shall establish one or more points of interconnection to provide alternative access as a result of a petition under this rule. A point of interconnection is a location where facilities of the shared-~~telecommunications~~ service provider may be connected to the facilities of a telecommunications utility or competitive telecommunications provider. The Commission will determine appropriate points of interconnection as necessary in the course of considering a petition for alternative access.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stat. Implemented: ORS 759.030

Hist.: PUC 27-1985 (Temp), f. & ef. 12-19-85 (Order No. 85-1203); PUC 16-1986, f. & ef. 11-17-86 (Order No. 86-1159); PUC 13-1998, f. & ef. 5-7-98 (Order No. 98-190)

**860-032-0080**

**Definition of Gross Retail Intrastate Revenue for Purposes of Annual Fees Payable to the Commission by a Telecommunications Provider**

“Gross retail intrastate revenue” means the total amount derived from intrastate retail service before uncollectibles or expenses. Gross retail intrastate revenues shall be accrued in accordance with generally accepted accounting principles during the calendar year. For purposes of determining the annual fees payable to the Commission by telecommunications providers under OARs 860-021-0036, 860-032-0095, and 860-034-0095:

(1) “Gross retail intrastate revenue” includes all revenue paid by or on behalf of a final customer for the following services: Centrex; directory and operator services including yellow pages; extended area service; features and advanced services including custom calling, vertical service, custom local area signaling service, market expansion lines, remote call forwarding, toll restriction, and voice messaging; interexchange and long distance services when the call or signal originates and terminates in Oregon; and local service including subscriber line charge and universal service fund (USF) distributions from the federal USF, Oregon USF, and Residential Service Protection Fund.

(2) “Gross retail intrastate revenue” excludes revenue from the following services: carrier billing and collection; carrier access; interstate interexchange and long distance services; internet service; payphone service sold to an end user; installation, maintenance, repair, lease rental, or sale of telecommunications equipment; and when provided by a radio common carrier: cellular, personal communications systems (PCS), radio paging, or other radio communications services.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.310

Hist.: PUC 13-1999, f. & ef. 12-7-99 (Order 99-734)

**860-032-0100**

**Collective Consideration of Oregon Intrastate Rate, Tariff, or Service Proposals**

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(1) Local exchange telecommunications utilities, unincorporated associations, and cooperative corporations may become members of the Oregon Exchange Carrier Association, Inc. The Association's rules of procedure shall be subject to approval by the Commission. The Association's rules of procedure shall provide for joint or collective consideration of proposals for changes in intrastate rates, tariffs, or conditions of service. The Association may file petitions and publish tariffs and may represent its members before the Commission. Membership in the Association by a local exchange telecommunications utility providing toll service shall be subject to approval by the Commission.

(2) All telecommunications rates, fares, charges, classifications, ~~and~~ rules, and regulations governing the practices and services of local exchange telecommunications utilities, unincorporated associations, and cooperative corporations who are subject to ORS 759.225 shall be filed with the Commission. Changes in all tariffs shall be submitted to the Commission subject to all the procedural requirements and protections presently associated with utility filings before the Commission.

(3) The Association shall not discourage independent proposals of members to be filed directly with the Commission, nor oppose at hearings any independent proposal of a member or nonmember telecommunications ~~service~~ provider.

(4) The Commission has the authority to supervise the activities of the Association. However, such supervision and advice shall not compromise the independent evaluation of any proposal that must be submitted to the Commission for final approval.

(5) To the extent that the Association is involved in the collection and redistribution of funds pursuant to Commission orders authorizing certain revenue sharing arrangements under common tariff, the Association shall maintain and provide to the Commission, in a timely manner, monthly and annual financial reports. These reports shall include:

(a) Budgetary estimates and forecasts for the fund administrator and all fund collections and distributions to each member local exchange carrier and the basis upon which the collection and distribution are budgeted;

(b) Actual expenditures of the fund administrator;

(c) Actual fund collections and distributions to each member local exchange carrier and the bases upon which the collection and distribution are made; and

(d) Budget-to-actual tracking reports for the fund administrator and for fund collections and distributions for each member local exchange carrier.

(6) Activities taken pursuant to this rule are deemed to be an integral and necessary part of state regulation of telecommunications service in Oregon and are in the public interest.

(7) The Association shall adopt rules to provide for broad participation by its members, interested persons, and nonmember telecommunications ~~service~~ providers in its deliberations. The rules shall provide procedures for notifying members and other persons of Association meetings and for providing meeting agendas to such persons.

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stats. Implemented: ORS 756.040 & 759.225

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Hist.: PUC 19-1986 (Temp), f. & ef. 12-15-86 (Order No. 86-1253); PUC 7-1987, f. & ef. 9-16-87 (Order No. 87-955); PUC 13-1997, f. & cert. ef. 11-12-97 (Order No. 97-434); PUC 2-1998, f. & cert. ef. 2-24-98 (Order No. 98-060); PUC 10-1998, f. & ef. 4-28-98 (Order No. 98-170)

**860-034-0210**

**Disconnection of Utility Service on Weekends and Holidays**

Utility service shall not be disconnected for nonpayment on or the day prior to a weekend or a state or utility-recognized holiday.

Stat. Auth.: ORS Ch. 183, 756, 759

Stat. Implemented: ORS 759.045

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185)

**860-034-0670**

**Extension of Time for a Request for an Exception Filed Under OAR 860-034-0650**

The Commission or a Hearings Officer may grant, upon a showing of good cause, a request to modify the filing dates set forth in OARs 860-034-0640 through 860-034-0660.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.220 & 759.225

Hist.: PUC 12-1994, f. & ef. 8-31-94 (Order No. 94-1242); PUC 12-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468)

**860-034-0710**

**Tariffs for Joint Rates or Rates Charged for Through Services of Type 2 Cooperatives**

Type 2 cooperatives shall, upon the Commission's request, provide copies of any schedules showing rates, tolls, and charges, including all rules and regulations that in any manner affect any joint rates or rates charged for through services.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040, **759.175**, 759.220 & 759.225

Hist.: PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468)

**Division 035**

**Open Network Architecture (ONA) for Telecommunications Providers**

**860-035-0020**

**Definitions for Open Network Architecture**

For purposes of this division:

- (1) “Access Element (AE)” means an unbundled component of a BSA.
- (2) “Aggregate CPNI” means summarized or aggregate noncustomer specific CPNI.
- (3) “Ancillary Service (ANS)” means a service, such as billing and collection service or Operations Support Systems (OSS), which is performed by a local exchange carrier to directly administer or support provision of the LEC’s basic and enhanced services. ANSs do not include the provision of common administration such as human resources, accounting, purchasing, inventory control, or other similar functions.
- (4) “Basic Service” means a service which provides transmission capacity for the movement of information. Basic services include data processing, computer memory or storage, switching techniques and other activities which facilitate the movement of information.
- (5) “Basic Service Element (BSE)” means an optional feature or function provided by a LEC as part of basic services. An optional feature or function can also be classified as a CNS.
- (6) “Basic Serving Arrangement (BSA)” means basic services provided by a LEC which link customers to and through the LEC’s network.
- (7) “Building Block” means an element or group of elements representing the smallest feasible level of unbundling capable of being tariffed and offered as a service.
- (8) “Collocation” means a service, offered by a LEC, which provides for placement and installation of a customer’s equipment, software, and databases on LEC premises. Premises include central offices, remote network facilities, or any other similar location owned by the LEC. The equipment, software, and databases are owned by the customer.
- (9) “Complementary Network Service (CNS)” means an optional feature or function provided by a LEC as part of basic services. An optional feature or function can also be classified as a BSE.
- (10) “Comparably Efficient Interconnection (CEI)” means the provisioning of interconnection and network functionalities to customers and the LEC’s own operations under the same rates, terms, and conditions, and on an unbundled and functionally equivalent basis.
- (11) “Customer” means a subscriber, user, or consumer of LEC services or an applicant for LEC services.
- (12) “Customer Proprietary Network Information (CPNI)” means individual customer data which a LEC accumulates in the course of providing basic services to the customer. CPNI includes types, quantities, and locations of services, billing amounts, repair information, calling patterns, and usage data. CPNI does not include listed name, address and telephone number, billed name, address, and telephone number, credit information, or information pertaining to enhanced or unregulated services supplied by a LEC.
- (13) “Enhanced Service” means a service which employs computer processing applications that act on the format, content, code, protocol or similar aspects of the customer’s transmitted information; provides the customer with additional, different, or restructured information; or involves customer

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interaction with stored information. Enhanced services include but are not limited to information retrieval services, voice messaging, and protocol translation between customer equipment or software.

(14) “Enhanced Service Provider (ESP)” means a person which supplies enhanced services by using ONA services furnished by a LEC, including the enhanced services operation of a LEC and an IXC acting as an ESP. An IXC acts as an ESP only when it provides enhanced services to customers separate from its provision of basic services.

(15) “Interexchange Carrier (IXC)” means a provider of basic services, except extended area service, between local exchanges.

(16) “Joint Marketing” means the offering of enhanced and basic services by a LEC to customers either through contact initiated by the LEC or through contact initiated by the customer.

(17) “LEC Affiliate” means a person separate from the LEC which is either an affiliated interest or another company in which the LEC owns a controlling interest.

(18) “Local Exchange Carrier (LEC)” means a telecommunications utility, unincorporated association, or cooperative corporation which provides basic services within the boundaries of exchange maps filed with and approved by the Commission, and provides basic service to nearby exchanges as part of extended area service. A LEC includes its employees and individuals under contract.

(19) “Nonstructural Safeguards” means measures to prevent unjust discrimination and cross-subsidy of a LEC’s enhanced service operations from the LEC’s basic services operations. These measures include accounting rules, service unbundling, imputation, service deployment requirements, joint marketing, and CPNI restrictions.

(20) “Open Network Architecture (ONA) Services” means Basic Serving Arrangements, Access Elements, Basic Service Elements, Complementary Network Services, Ancillary Services, Collocation, and Virtual Collocation as defined in this division.

(21) “Operations Support Systems (OSS)” means services which support various network operation functions such as service provisioning, performance monitoring, and maintenance. OSS can be classified as an ANS.

(22) “Person” includes individuals, joint ventures, partnerships, corporations and associations, and governmental entities, or their officers, employees, agents, lessees, assignees, trustees or receivers.

(23) “Structural Safeguards” means measures to prevent unjust discrimination and cross-subsidy of a LEC’s enhanced service operations from the LEC’s basic services operations by employing separate personnel and facilities for enhanced services or a separate LEC Affiliate for enhanced services.

(24) “Tariff(s)” means any document on file with the Commission which specifies rates, terms, and conditions for LEC services, including price lists and special contracts.

(25) “Unbundling” means disaggregation of a service into building blocks or groups of building blocks which are offered to customers as separate services.

(26) “Unhooking” means any activity by a LEC which encourages a customer or prospective customer of an ESP to switch to the LEC’s version of the same or substantially similar enhanced service

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at the time the ESP's customer contacts the LEC to obtain basic services which are necessary for operation of the enhanced service.

(27) "Virtual Collocation" means a service, offered by a LEC, which provides for placement and installation of customer selected equipment, software, and databases on LEC premises. Premises include central offices, remote network facilities, or any other similar location owned by the LEC.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 183.335 & 756.040

Hist.: PUC 13-1993, f. & ef. 6-23-93 (Order No. 93-852); PUC 9-1997, f. & ef. 4-17-97 (Order No. 97-119)

**Division 036**

**Regulation of Water Utilities and Associations**

**860-036-0010**

**Definitions for Water Utilities and Associations**

As used in this Division:

(1) "Applicant" means a person that:

(a) Applies for service with a utility; or

(b) Reapplies for service at a new or existing location after service has been discontinued.

(2) "Co-customer" means a person who meets the definition of "customer" and is jointly responsible with another person for payments for water utility service on an account with the water utility. If only one of the co-customers discontinues service in his/her name, the remaining co-customer shall retain customer status only if he/she reapplies for service in his/her own name within 20 days of such discontinuance provided the water utility actually contacts the co-customer or mails a written request for an application to the remaining co-customer within one business day of the discontinuance.

(3) "Commission" means the Public Utility Commission of Oregon.

(4) "Cooperative or association" means a cooperative corporation, unincorporated association, or homeowner association, as defined in ORS 757.005(1)(a)(A), that provides water service solely to its membership.

(5) "Customer" means a person who has applied for, been accepted, and is currently receiving service unless otherwise noted. Notwithstanding section (1) of this rule, a customer who voluntarily disconnects service and subsequently asks for service with the same water utility at a new or existing location within 20 days after disconnection retains customer status.

(6) "Formal complaint" means a written complaint filed with the Commission's Administrative Hearings Division.

(7) "Fully regulated" means a water utility that is not exempt under ORS 757.061.

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(8) “Public utility” has the meaning given the term in ORS 757.005. The term does not include people’s utility districts, municipalities, or cooperatives and homeowner associations that provide service solely to their membership.

(9) “Registered dispute” means an unresolved issue between a customer or applicant and a water utility that is under investigation by the Commission’s Consumer Services Division, but is not the subject of a formal complaint.

(10) “Utility” means all water utilities, except when a more limited scope is explicitly stated.

(11) “Water utility” means all water utilities that meet the definition of a public utility found in ORS 757.005.

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

Stats. Implemented: ORS 756.040 & 756.105

Hist.: PUC 13-1997, f. & ef. 11-12-97 (Order No. 97-434); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468)

**Division 038**

**Direct Access Regulation for Electric Companies, Electricity Service Suppliers, and Aggregators**