

ITEM NO. CA15

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: April 17, 2001**

REGULAR AGENDA ___ CONSENT AGENDA X EFFECTIVE DATE Upon filing with
Secretary of State

DATE: April 9, 2001

TO: Phil Nyegaard

FROM: Renee Sloan through Terry Lambeth and Cynthia Van Landuyt

SUBJECT: Docket AR 409

SUMMARY RECOMMENDATION:

Adopt Staff's proposed amendments in AR 409.

DISCUSSION:

At its February 6, 2001, public meeting, the Commission opened this rulemaking proceeding to revise the exemptions in OARs 860-021-0000, 860-022-0000, 860-023-0000, 860-026-0000, and 860-027-0000. Staff's proposal adds electricity service suppliers and competitive telecommunications providers to the list of exemptions and changes the rules from "exceptions" to "applicability."

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

The amendments proposed for adoption today are identical to the ones proposed at the February 6, 2001, Public Meeting. The draft order and rule (Appendix A) are attached to this memo for your review.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the proposed amendments in AR 409.

Attachment

ORDER NO.

ENTERED

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 409

In the Matter of a Rulemaking Proceeding)
to Make Housekeeping Changes to Oregon)
Administrative Rules, Chapter 860, Divisions)
021 through 028.)
ORDER

DISPOSITION: RULE AMENDED

On February 6, 2001, the Public Utility Commission opened docket AR 409, a rulemaking proceeding to revise the exemptions in Oregon Administrative Rules 860-021-0000, 860-022-0000, 860-023-0000, 860-026-0000, and 860-027-0000. Staff's proposal adds electricity service suppliers and competitive telecommunications providers to the list of exemptions and changes the rules from "exceptions" to "applicability."

The Commission filed Notice of the Proposed Rulemaking with the Secretary of State on February 9, 2001, and subsequently served it 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 March 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 April 17, 2001, public meeting, the Commission approved Staff's recommendation to adopt the proposed rule as set forth in Appendix A.

ORDER NO.

ORDER

IT IS ORDERED that:

1. Oregon Administrative Rules 860-021-0000, 860-022-0000, 860-023-0000, 860-026-0000, and 860-027-0000, as set forth in Appendix A, are adopted.
2. The amended 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.

860-021-0000

Exemptions Applicability of Division 021

The rules contained in this Division ~~do not~~ apply to: energy utilities and large telecommunications utilities, as defined in OAR 860-021-0008.

- ~~— (1) Unincorporated associations and cooperative corporations.~~
- ~~— (2) Telecommunications utilities partially exempt from regulation under ORS 759.040 (see Division 034 requirements).~~
- ~~— (3) Water utilities (see Division 036 requirements).~~
- ~~— (4) Water/wastewater utilities (see Division 037 requirements).~~

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

Stats. Implemented: ORS 756.040, 759.030, 759.040 & 759.045

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 14-1997, f. & ef. 11-20-97 (Order No. 97-442); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); PUC 14-2000, f. & ef. 8-23-00 (Order No. 00-458)

860-022-0000

Exemptions Applicability of Division 022

The rules contained in this Division ~~do not~~ apply to: energy utilities and large telecommunications utilities, as defined in OAR 860-022-0001.

- ~~— (1) Unincorporated associations and cooperative corporations.~~
- ~~— (2) Telecommunications utilities partially exempt from regulation under ORS 759.040 (see Division 034 requirements).~~
- ~~— (3) Water utilities (see Division 036 requirements).~~
- ~~— (4) Water/wastewater utilities (see Division 037 requirements).~~

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

Stats. Implemented: ORS 756.040, 759.030, 759.040 & 759.045

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 14-1997, f. & ef. 11-20-97 (Order No. 97-442); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); PUC 14-2000, f. & ef. 8-23-00 (Order No. 00-458)

860-023-0000

Exemptions Applicability of Division 023

The rules contained in this Division ~~do not~~ apply to: energy utilities, large telecommunications utilities, and telecommunications carriers, as defined in OAR 860-023-0001.

- ~~— (1) Unincorporated associations and cooperative corporations.~~
- ~~— (2) Telecommunications utilities partially exempt from regulation under ORS 759.040 (see Division 034 requirements).~~
- ~~— (3) Water utilities (see Division 036 requirements).~~
- ~~— (4) Water/wastewater utilities (see Division 037 requirements).~~

Stat. Auth.: ORS Ch. 183, 756, 757 & 759
Stats. Implemented: ORS 756.040, 759.030, 759.040 & 759.045
Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 14-1997, f. & ef. 11-20-97 (Order No. 97-442); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); PUC 14-2000, f. & ef. 8-23-00 (Order No. 00-458)

860-026-0000

Exemptions Applicability of Division 026

The rules contained in this Division ~~do not~~ apply to: **energy utilities and large telecommunications utilities, as defined in OAR 860-026-0005.**

- ~~(1) Unincorporated associations and cooperative corporations.~~
- ~~(2) Telecommunications utilities partially exempt from regulation under ORS 759.040 (see (see Division 034 requirements).~~
- ~~(3) Water utilities (see Division 036 requirements).~~
- ~~(4) Water/wastewater utilities (see Division 037 requirements).~~

Stat. Auth.: ORS Ch. 183, 756, 757 & 759
Stats. Implemented: ORS 756.040, 759.030, 759.040 & 759.045
Hist.: PUC 14-1997, f. & ef. 11-20-97 (Order No. 97-442); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); PUC 14-2000, f. & ef. 8-23-00 (Order No. 00-458)

860-027-0000

Exemptions Applicability of Division 027

The rules contained in this Division ~~do not~~ apply to: **energy utilities and large telecommunications utilities, as defined in OAR 860-027-0001.**

- ~~(1) Telecommunications utilities partially exempt from regulation under ORS 759.040 (see Division 034 requirements).~~
- ~~(2) Water utilities (see Division 036 requirements).~~
- ~~(3) Unincorporated associations and cooperative corporations.~~
- ~~(4) Water/wastewater utilities (see Division 037 requirements).~~

Stat. Auth.: ORS Ch. 183, 756, 757 & 759
Stats. Implemented: ORS 756.040, 759.030, 759.040 & 759.045
Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 4-1995, f. & ef. 6-19-95 (Order No. 95-516); PUC 2-1996, f. & ef. 4-18-96 (Order No. 96-102); PUC 14-1997, f. & ef. 11-20-97 (Order No. 97-442); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); PUC 14-2000, f. & ef. 8-23-00 (Order No. 00-458)