

ITEM NO.

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: August 7, 2001**

REGULAR AGENDA  X  CONSENT AGENDA      EFFECTIVE DATE \_\_\_\_\_

**DATE:** July 13, 2001

**TO:** Commissioners Roy Hemmingway, Joan Smith, and Roger Hamilton

**FROM:** Phil Nyegaard, Sam Petrillo, and Clark Jackson

**SUBJECT:** AR 395—Triennial Review of Administrative Rules

**SUMMARY RECOMMENDATION:**

We recommend the Commission adopt the staff recommendations to initiate rulemaking dockets or hold an investigation as described in the attached memoranda.

**DISCUSSION:**

On November 21, 2000, the Commission opened AR 395 for the purpose of reviewing its administrative rules, as required by ORS 183.545. This statute provides:

Each agency periodically, but not less than every three years, shall review all rules that have been issued by the agency. The review shall include an analysis to determine whether such rules should be continued without change or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize the economic effect on businesses and the effect due to size and type of business.

On November 28, 2000, the Commission filed its Notice of Periodic Review of Rules with the Secretary of State.

The Commission received proposals for rule changes from utility customers, Roats Water System, Northwest Natural Gas, Portland General Electric, PacifiCorp, Qwest, and Verizon. Staff has also recommended rule changes.

Staff has reviewed all of the requests for rule changes. The attached memoranda from staff describe and analyze the requests. A recommendation is made regarding each request. In cases where staff recommends a rule change, proposed language is provided. In a few cases, staff has recommended changes to similar rules in other divisions, even if a request for the change was not made. Such recommendations were made to ensure consistency among rules. A summary of staff's recommendations is provided below:

**SUMMARY OF STAFF RECOMMENDATIONS  
AR 395**

**Janice Fulker**

<b><u>Rule #</u></b>	<b><u>Description</u></b>	<b><u>Rulemaking ?</u></b>
011-0010	Filing of Documents	No
011-0025	Acceptable Filings	No
022-0005	Tariff Specifications	No
013-0060	Copies of Filings Required	No
013-0075	Tariff Filings and Final Briefs	No

**Phil Nyegaard**

<b><u>Rule #</u></b>	<b><u>Description</u></b>	<b><u>Rulemaking ?</u></b>
012-0010	Former Employees	Yes
012-0015	Ex Parte Contacts	No
014-0060	Testimony and Exhibits	No
013-0075	Tariff Filings and Final Briefs	Yes (Instead of 014-0060)

**Sam Petrillo**

<b><u>Rule #</u></b>	<b><u>Description</u></b>	<b><u>Rulemaking ?</u></b>
013-0040	Form and Size	No
013-0050	Time for Answers, Reply or Motion	Yes
014-0050	Official Notice	No
014-0065	Depositions	Yes
014-0070	Data Requests	Yes
014-0092	Proposed Orders	No
014-0096	Prior Rules	Yes

**Clark Jackson**

<b><u>Rule #</u></b>	<b><u>Description</u></b>	<b><u>Rulemaking ?</u></b>
021-0010	Information for Customers and Applicants	No
021-0017	Designation of Third Party	No
021-0021	Interruption of Service	Yes
021-0125	Due and Payable Period	Yes
021-0130	Meter Test	Yes
021-0200	Establishing Credit	Yes
021-0205	Deposit Payment Arrangements	Yes
021-0206	Payment Arrangements for Deposit	Yes
021-0210	Interest and Deposits	Yes
021-0215	Refund of Utility Deposits	No
021-0334	Transfer Billings	No
021-0335	Refusal of Service	Yes
021-0405	Notice of Pending Disconnection	No
021-0410	Emergency Medical Certificate	No
021-0415	Time Payment Agreements	No
021-0420	Disconnect Visit Charge	Yes
021-0505	Disconnection Procedures	No

021-0510	Emergency Medical Certificate	No
022-0017	Announcement of Tariff Changes	No
034-0090	Interruption of Service	Yes
034-0110	Due and Payable Period	Yes
034-0140	Establishing Credit	Yes
034-0150	Payment Arrangements	Yes
034-0160	Interest on Deposits	Yes
034-0250	Refusal of Service	Yes
036-0040	Establishing Credit	Yes
036-0050	Interest on Deposits	Yes
036-0080	Refusal of Service	Yes
036-0115	Customer Requested Meter Test	Yes
036-0125	Due and Payable Period	Yes
036-0245	Disconnection Procedures	Yes
037-0035	Establishing Credit	Yes
037-0045	Interest on Deposits	Yes
037-0075	Refusal of Service	Yes
037-0110	Due and Payable Period	Yes

**Reed Harris**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
021-0050	Installation of Gas Service	Yes
021-0120	Meter Readings and Bill Forms	No
028-0010	Presentation and Destruction of Records	No

**Bob Sipler/Jerry Murray**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
021-0315	Emergency Disconnection	No
022-0058	Rental Reductions for Pole Attachments	No
022-0059	Rental Reductions for Pole Attachments	No
022-0120	Duty of Pole Users	No
022-0130	Sanctions for Having No Contact	No
022-0140	Sanctions for Having No Permit	No
022-0150	Sanctions for Violation of Other Duties	No
022-0180	Progressive Increases in Sanctions	No
024-0010	Construction Operation and Maintenance	No
028-0005	Reports	No

**Terry Lambeth**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
022-0040	Re: City Fees, Taxes (energy)	No
022-0042	Re: City Fees, Taxes (telco.)	No
022-0045	Re: Local Government Fees	No
027-0005	Utilities Required to File	No
027-0070	Annual Reports	No

**Woody Birko**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
023-0055	Retail Telco. Service Standards	No

**Dave Booth**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
025-0000	Exemptions	No
025-0001	Definitions	No
025-0005	Applicability and Formal Requirements	No
025-0010	Applications for Approval of Contracts	No
025-0015	Applications for Amendments to Contracts	No
025-0020	Application for Allocation of Service Territory	No
025-0025	Application for Allocation of Service Territory	No
025-0027	Application for Transfer Rights	No
032-0001	Definitions	No
032-0020	Notice of Intent to Abandon Service	No
032-0023	Price List Petitions	No
032-0035	Petition to Price List Services	No
032-0040	Subsidies for Telecommunications Service	No
032-0080	Definitions of Gross Revenue	No
032-0200	Essential Services	No

**Deborah Garcia**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
026-0022	Rate Case Advertising Expense	No (Investigation)
027-0001	Definitions	No

**Jim Stange**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
026-0025	Filing of Proposed Promotional Concessions	No
026-0030	Notice and Effective Date of Promotions	No

**Dave Sloan**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
026-0035	Reports	Yes
035-0090	Access to CPNI	No
035-0100	Joint Marketing	No

**Bryan Conway**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
027-0031	When Commission May Reregulate Fin.	Yes

**Tom Riordan**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
027-0050	Telco. Uniform System of Accounts	No
027-0052	Allocation of Costs	No
027-0100	Reporting of Affiliated Transactions	No

**Damara Paris**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
033-0035	OTAP Rates	Yes
033-0050	Link-Up America- Eligibility	Yes

**Kathy Miller**

<u>Rule #</u>	<u>Description</u>	<u>Rulemaking ?</u>
036-0040	Establishing Credit	No
036-0315	Adequate Pressure Required	Yes

**STAFF RECOMMENDATIONS:**

We recommend that the Commission adopt the various staff recommendations summarized above. The Commission should implement the recommendations as follows:

1. Open a rulemaking docket to revise OAR 860-012-0010 as recommended by Phil Nyegaard.
2. Open a rulemaking docket to revise OARs 860-013-0050, 860-013-0075, 860-014-0065, 860-014-0070, and 860-014-0096 as recommended by Sam Petrillo and Phil Nyegaard.
3. Open a rulemaking docket to revise OAR 860-021-0050 as recommended by Reed Harris.
4. Open one or more rulemaking dockets to revise the Consumer Services rules as recommended by Clark Jackson.
5. Open an investigation regarding OAR 860-026-0022 as recommended by Deborah Garcia.
6. Open a rulemaking docket to revise OAR 860-026-0035 as recommended by Dave Sloan.
7. Open a rulemaking docket to revise OAR 860-027-0031 as recommended by Bryan Conway.
8. Open a rulemaking docket to revise OARs 860-033-0035 and 860-033-0050 as recommended by Damara Paris.
9. Open a rulemaking docket to revise OAR 860-036-0315 as recommended by Kathy Miller.