

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: December 3, 2001**

REGULAR **CONSENT** **X** **EFFECTIVE DATE** **Upon filing with
Secretary of State**

DATE: November 26, 2001

TO: Phil Nyegaard

FROM: Thien-Huong Palmer through David Sloan, Lance Ball and
Tom Barkin

SUBJECT: AR 423: Adoption of amendments to OAR 860-026-0035 relating to
reports of promotional activities and concessions.

STAFF RECOMMENDATION:

Adopt Staff's proposed amendments to OAR 860-026-0035.

DISCUSSION:

At its August 7, 2001, Public Meeting, the Public Utility Commission (PUC) opened docket AR 423, a rulemaking proceeding to revise Oregon Administrative Rule 860-026-0035 to exclude all large telecommunications utilities from the requirement of annual reporting of the cost and benefits of each promotional activity and concession.

The Commission filed Notice of the Proposed Rulemaking with the Secretary of State on September 6, 2001, and subsequently served it on all interested parties. The notice was published in the October 1, 2001, *Oregon Bulletin*.

The amendment proposed for adoption today is identical to the amendment proposed at the August 7, 2001, Public Meeting. The draft order and rule (Appendix A) are attached to this memo for your review.

PROPOSED COMMISSION MOTION:

Staff's proposed amendments to OAR 860-026-0035 be adopted.

ORDER NO. DRAFT

ENTERED

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 423

In the Matter of a proposed rulemaking)
opened as a result of AR 395 (Triennial) ORDER
Rules Review) to amend Oregon)
Administrative Rule 860-026-0035.)

DISPOSITION: RULE AMENDED

At its August 7, 2001, Public Meeting, the Public Utility Commission (PUC) opened docket AR 423, a rulemaking proceeding to amend Oregon Administrative Rule 860-026-0035 to exclude all large telecommunications utilities from the requirement of annual reporting of the cost and benefits of each promotional activity and concession.

The Commission filed Notice of the Proposed Rulemaking with the Secretary of State on September 6, 2001, and subsequently provided notice to all interested persons on the Commission's rule changes list. 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 October 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 December 3, 2001, Public Meeting, the Commission approved Staff's recommendation to adopt the proposed rule as set forth in Appendix A.

ORDER

IT IS ORDERED that:

1. Oregon Administrative Rule 860-026-0035, as set forth in Appendix A, is adopted.
2. The amended rule shall be effective upon filing with the Secretary of State.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

Joan H. Smith
Commissioner

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.

860-026-0035

Reports of Promotional Activities and Concessions for Energy Utilities

(1) Each energy ~~or large telecommunications~~ utility shall file, concurrently with the annual report required by law, a report of each promotional activity and concession of the utility and its affiliates during the preceding calendar year. The report shall show the amounts expended with respect to each promotional activity and concession and a statement of the benefits achieved from each.

(2) In reporting on each promotional activity or concession under this rule, an energy ~~or large telecommunications~~ utility shall employ the lowest practicable subprogram for budget and accounting purposes.

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

Stat. Implemented: ORS 756.105

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 2-1993, f. & ef. 1-8-93 (Order Nos. 92-1793 & 93-035); PUC 9-1998, f. & ef. 4-28-98 (Order No. 98-169); PUC 18-1998, f. & ef. 10-12-98 (Order No. 98-408); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)