

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: March 5, 2002**

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

DATE: February 26, 2002

TO: John Savage

FROM: Renee Sloan through Terry Lambeth

SUBJECT: AR 435: Adopt staff's proposal to revise the deadlines for public utilities and large telecommunications utilities to file annual construction budgets.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt revisions to Oregon Administrative Rules (OARs) 860-027-0015, 860-036-0810, and 860-037-0620 to extend the deadlines for utilities to file their annual construction budgets from December 1 to December 31.

DISCUSSION:

The Commission opened this rulemaking docket on December 4, 2001, to consider Staff's proposed revisions to OARs 860-027-0015, 860-036-0810, and 860-037-0620 to extend the deadlines for utilities to file their annual construction budgets.

Notice of the Proposed Rulemaking was filed with the Secretary of State on December 4, 2001, and notice was subsequently provided 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 January 2002 Oregon Bulletin.

There were no written comments nor was there a request for a public hearing as a result of the notice.

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The draft order and rules (Appendix A) are attached to this memo for your review (ATTACHMENT A). The rules proposed for adoption today are slightly different than those proposed at the November 20, 2001, Public Meeting in that they reflect housekeeping revisions to OAR 860-036-0810 which the Commission adopted in AR 425 on February 19, 2002. OAR 860-036-0810, as adopted in AR 425, is included with this memo as ATTACHMENT B.

PROPOSED COMMISSION MOTION:

Staff's proposal amending Oregon Administrative Rules revising the deadlines for public utilities and large telecommunications utilities to file annual construction budgets be adopted.

AR435

ORDER NO.

ENTERED

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 435

In the Matter of a Rulemaking Proceeding)
to Revise Oregon Administrative Rules) ORDER
860-027-0015, 860-036-0810, and 860-)
037-0620.)

DISPOSITION: RULES AMENDED

On December 4, 2001, the Public Utility Commission (Commission) opened a rulemaking proceeding (AR 435) to revise Oregon Administrative Rules 860-027-0015, 860-036-0810, and 860-037-0620 to extend the deadlines for utilities to file their annual construction budgets.

Notice of the Proposed Rulemaking was filed with the Secretary of State on December 4, 2001, and notice was subsequently provided 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 January 2002 *Oregon Bulletin*.

There were no written comments nor was there a request for a public hearing as a result of the notice.

Staff's proposal would affect large telecommunications utilities, gas utilities, electric utilities, water utilities with \$50,000 or more operating revenues, and wastewater utilities with \$50,000 or more operating revenues. Every year, several utilities request extensions for filing their annual construction budgets from December 1 to sometime later in December. There is no statute that establishes the filing date, and staff believes that December 31 would be a reasonable deadline. The changes would become effective in time for the 2003 construction budgets.

At its public meeting on March 5, 2002, the Commission approved Staff's recommendation to adopt the proposed amendments as set forth in Appendix A.

ORDER

IT IS ORDERED that:

1. Oregon Administrative Rules 860-027-0015, 860-036-0810, and 860-037-0620, as set forth in Appendix A, are adopted.
2. The rules shall become 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.

860-027-0015

New Construction Budget

Each energy and large telecommunications utility operating within Oregon ~~and having gross operating revenues of \$50,000 or more per annum~~ is required to file annually on or before December 31 on forms approved by the Commission information on new construction, extensions, and additions to the utility's property.

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

Stats. Implemented: ORS 756.105, 757.105 & 759.100

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 9-1998, f. & ef. 4-28-98 (Order No. 98-169); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-036-0810

New Construction Budget

(1) This rule applies to rate-regulated water utilities as defined in ORS 757.005 and ORS 757.061.

(2) Each rate-regulated water utility operating within Oregon and having gross operating revenues of \$50,000 or more per annum is required to file annually on or before December 31, on forms approved by the Commission, information on new construction, extensions, and additions to the property of the water utility.

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

Stats. Implemented: ORS 756.040, 756.105 & 757.105

Hist.: PUC 13-1997, f. & ef. 11-12-97 (Order No. 97-434); PUC 15-1998, f. & ef. 8-27-98 (Order No. 98-359); PUC 8-2002, f. & ef. 2-26-02 (Order No. 02-116)

860-037-0620

New Construction Budget

Each water/wastewater utility operating wastewater service within Oregon and having gross operating revenues of \$50,000 or more per annum is required to file annually on or before December 31, on forms approved by the Commission, information on new construction, extensions, and additions to the property of the water/wastewater utility.

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

Stats. Implemented: ORS 756.040, 756.105, 757.005, 757.061 & 757.105

Hist.: PUC 9-1999 (Temp), f. 10-22-99 & ef. 10-23-99 (Order No. 99-650); PUC 6-2000, f. 4-18-00 & ef. 4-20-00 (Order No. 00-194)