

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT**

**PUBLIC MEETING DATE: December 20, 2005**

**REGULAR** \_\_\_\_\_ **CONSENT**  X  **EFFECTIVE DATE** \_\_\_\_\_  Upon Filing with the Secretary of State

**DATE:** December 2, 2005

**TO:** Public Utility Commission

**FROM:** Vikie Bailey-Goggins

**THROUGH:** Lee Sparling, Marc Hellman, Michael Dougherty, and Terry Lambeth

**SUBJECT:** AR 502: Amends OAR 860-011-0080(15)(d) to increase the late statement fee for water utilities.

**STAFF RECOMMENDATION:**

Adopt amendments to OAR 860-011-0080(15)(d) to raise the late statement fee for water utilities from \$25 to \$40.

**DISCUSSION:**

ORS 756.310 requires gas utilities, electric companies, telecommunications providers, and water utilities to pay annual fees to the Commission and submit annual fee statements by April 1. The minimum annual fee due from water utilities is \$10.

Commission Order 03-409 (AR 460) imposed \$100 late statement fees on gas utilities, electric companies, telecommunications providers, and water utilities to encourage more timely filings of their annual fee statements. The late statement fee for water utilities was reduced to \$25 in Order 04-753 (AR 487).

Recently, Utility Program staff learned that Department of Revenue, for collection purposes, will not pursue balances under \$50. A few water utilities owe the \$10 annual fee, \$25 late statement fee, and a small amount of statutory late payment penalties (at 2 percent per month), for totals of less than \$50 each. Increasing the late statement fee to \$40 would make an additional collection option available to the Commission and would also serve as more of an incentive or penalty and perhaps encourage more timely filing and payments.

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**PROPOSED COMMISSION MOTION:**

The Commission amend OAR 860-011-0080(15)(d) to increase the late statement fee for water utilities to \$40.

Attachment

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 502

In the Matter of a Rulemaking to Increase     )  
the Late Statement Fee for Water Utilities.     )

ORDER

**DISPOSITION: RULE AMENDED**

ORS 756.310 requires gas utilities, electric companies, telecommunications providers, and water utilities to pay annual fees to the Commission and submit annual fee statements by April 1. The minimum annual fee due from water utilities is \$10. The late statement fee for water utilities was reduced from \$100 to \$25 in Order 04-753 (AR 487).

Recently staff learned that Department of Revenue, for collection purposes, will not pursue balances under \$50. A few water utilities owe the \$10 annual fee, \$25 late statement fee, and a small amount of statutory late payment penalties (at 2 percent per month), for totals of less than \$50 each, leaving the balances too low to send to Department of Revenue for collections.

Increasing the late statement fee to \$40 would make an additional collection option available to the Commission. Companies that do not file annual fee statements generally do not pay their annual fees. Therefore, if the \$40 were added to the minimum annual gross revenue fee of \$10, the sum would meet the \$50 threshold for collections, and the Commission's collection ability would be improved. The \$15 increase would also serve as more of an incentive to avoid the penalty and perhaps encourage more timely filing and payment by the water utilities.

Notice of the Proposed Rulemaking was filed with the Secretary of State on October 14, 2005, and notice was subsequently provided to all interested persons on the Commission's rule changes list. The notice was provided to the appropriate legislators as required by ORS 183.335 on October 12, 2005. The notice set out the rule amendment proposed by Commission Staff, and included a Statement of Need, Statutory Authority, and Fiscal and Economic Impact. The notice was published in the November 2005 *Oregon Bulletin*.

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

At its public meeting on December 20, 2005, the Commission adopted the proposed rule amendment as set forth in Appendix A.

**ORDER**

IT IS ORDERED that the modification to the rule as set forth in Appendix A, attached to and made part of this order, is adopted and becomes effective upon filing with the Secretary of State.

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

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**Lee Beyer**  
Chairman

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**John Savage**  
Commissioner

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**Ray Baum**  
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.

**860-011-0080**

**Schedule of Fees and Charges**

Unless otherwise provided, the Commission will impose the following fees and charges:

(1) Photocopies:

(a) No charge for 20 pages or less, in excess of 20 pages, per page: 25 cents (for example, if 21 pages requested, charge would be \$5 minimum plus 25 cents, for a total of \$5.25).

(b) Other government agencies, per page from first page: 05 cents.

(2) Certification of true copies of public documents (per document certification): \$10.

(3) Maps of specific area boundaries: \$15.

(4) Hearing transcripts: At cost. A copy of a public hearing transcript shall be supplied to a party without cost upon the filing with the Commission of a satisfactory affidavit of indigency, pursuant to ORS 756.521. Such a request shall be filed on a form supplied by the Commission and contain information for the Commission to use to determine the eligibility of the requesting party.

(5) Statistical reports (second and subsequent copies): \$15.

(6) Facsimile transmission (FAX) charges: No charge for first 15 pages transmitted; additional pages, per page: \$1.

(7) Audio recordings: \$5 per package.

(8) Staff research time: At cost.

(9) Annual subscription to all Commission orders or notices of specific hearings will be provided under the following schedule. Subscribers will be notified of renewal requirements on a yearly basis.

Orders: \$100; Hearing Notices: \$50.

Administrative Rules update service: \$75.

(10) Computer services: At cost.

(11) Billing: The Commission may require cash payment before honoring any request. Billings for unpaid balances may accompany mailed copies.

(12) Waiver of fees: No fee shall be charged or collected for copies of published documents furnished to or provided for routine requests for one copy of a Commission order, administrative rules, and general publications. Requests for additional copies will be subject to applicable charges.

(13) Late Fees and Penalties:

(a) Check Returned for Non-Sufficient Funds: \$25.

(b) Costs Incurred by the Commission to Collect Past-Due Amounts: At Cost.

(14) Late Payments:

(a) Interest on Annual Fees: None.

(b) Interest on Residential Service Protection Fund (RSPF): 9 percent per Annum.

(c) Penalty on Annual Fees: 2 Percent per Month.

(d) Penalty on RSPF: 9 percent of Unpaid Fee, up to \$500 maximum per reporting period.

(15) Late Statements and Reports:

- (a) Electric Company Annual Fee Statement: \$100.
- (b) Gas Utility Annual Fee Statement: \$100.
- (c) Telecommunications Providers Annual Fee Statement: \$100.
- (d) Water Utility Annual Fee Statement: ~~\$2540~~.
- (e) RSPF Report: \$100.

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

Stats. Implemented: ORS 756.040 & 756.500 through 756.575

Hist.: PUC 10-1994, f. & ef. 7-21-94 (Order No. 94-1127); PUC 1-1996, f. & ef. 2-21-96 (Order No. 96-043); PUC 3-1996, f & ef. 7-19-96 (Order No. 96-181); PUC 15-1997, f. & ef. 11-20-97 (Order No. 97-443); PUC 16-1998, f. & ef. 10-12-98 (Order No. 98-410); PUC 18-2004, f. & ef. 12-30-04 (Order No. 04-753); PUC 7-2005, f. & ef. 11-30-05 (Order No. 05-1229)