

Enrolled
House Bill 2053

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Public Utility Commission)

CHAPTER

AN ACT

Relating to utility fees; amending ORS 756.310.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 756.310 is amended to read:

756.310. (1) Subject to the provisions of subsections [(3), (5) and (6)] **(3) and (4)** of this section, each public utility and telecommunications provider shall pay **a fee** to the Public Utility Commission in each **calendar** year [such fee as]. **The amount of the fee shall equal the amount that** the commission finds and determines to be necessary, **together** with the amount of all other fees paid or payable to the commission by such public utilities and telecommunications providers in the current calendar year, to defray the costs of performing the duties imposed by law upon the commission [in respect to such] **with respect to the** public utilities and telecommunications providers, [respectively,] and to pay [such] **those** amounts as may be necessary to obtain matching funds to implement the program referred to in ORS 824.058.

[(2) In each calendar year the fee per kilowatt-hour delivered to end users required to be paid by each electric company that is a public utility shall be determined by orders entered by the commission on or after March 1 of each year and notice thereof shall be given to each electric company. The company shall pay to the commission the fee or portion thereof so computed on the date specified in the notice, which date shall be at least 15 days after the date of mailing the notice.]

[(3)(a) The average fee payable under subsection (1) of this section by each electric company shall not exceed eighteen-hundredths of one mill per kilowatt-hour applied to kilowatt-hours delivered in the preceding calendar year or portion thereof but in no case shall the fee be less than \$10. If appropriate to meet the conditions of paragraph (b) of this subsection, fees for customer classes may exceed these limitations.]

[(b) The fees established by the commission for different electric companies shall bear the same approximate relationship as the gross revenue fees per kilowatt-hour delivered to end users paid by electric companies in 1997. The commission shall adopt rules for allocation of a company's fee among the company's retail customer classes so that the fees established for different classes bear the same approximate relationship as the gross revenues per kilowatt-hour paid by those classes in 1997. After December 31, 2000, the commission may establish or allow fees that are the same by customer classes for all such companies, provided that the approximate relationship between customer classes referred to in this subsection shall be maintained.]

[(4)] **(2)** In each calendar year the percentage rate of the fee required to be paid by public utilities[, except electric companies,] shall be determined by orders entered by the commission on or after March 1 of each year[, and notice thereof]. **Notice of the orders** shall be given to each utility.

The utility shall pay to the commission the fee or portion thereof so computed upon the date specified in [*such notice, which date*] **the notice. The date of payment** shall be at least 15 days after the date of mailing [*such*] **of the notice.**

[(5) The fee payable under subsection (1) of this section by each public utility, except electric companies, shall not exceed twenty-five hundredths of one percent of such utility's gross operating revenues derived within this state in the preceding calendar year or portion thereof, but in no case shall the fee be less than \$10.]

(3) The fee payable under subsection (1) of this section by each public utility may not be less than \$10, or more than twenty-five hundredths of one percent of the utility's gross operating revenues derived within this state in the preceding calendar year. For the purpose of this subsection, the gross operating revenues of an electric company do not include revenues from sales of power for resale to the extent that the revenues from those sales exceed an amount equal to 25 percent of the total revenues received by the electric company from sales of electricity to end users in the preceding calendar year.

[(6)(a)] **(4)(a)** For a telecommunications provider, the fee payable under subsection (1) of this section shall be a percentage amount not to exceed twenty-five hundredths of one percent of the provider's gross retail intrastate revenue for each calendar year, but [*in no case shall the fee*] **may not** be less than \$100. The percentage amount shall be determined by order of the commission not less than 60 days prior to the calendar year upon which the fee is based. The fee shall be payable to the commission not later than April 1 of the year following that calendar year.

(b) A telecommunications provider shall collect the fee payable under subsection (1) of this section by charging an apportioned amount to each of the provider's retail customers. The amount of the charge shall be described on the retail customer's bill in a manner determined by the provider.

(c) In the event a telecommunications utility has an approved rate that includes the fee required under subsection (1) of this section and separately charges retail customers for the fee described in this section, at the time the utility begins collecting the charge the utility shall file with the commission a rate schedule reducing rates in an amount projected to equal the amount separately charged to customers.

[(7)] **(5)** The commission may use any of its investigatory and enforcement powers provided under this chapter for the purpose of administering and enforcing the provisions of this section.

[(8)] **(6)** As used in this section:

(a) "Electric company" means any entity that is a public utility under ORS 757.005 that is engaged in the business of distributing electricity to retail electric customers in Oregon.

(b) "Retail customer" does not include a purchaser of intrastate telecommunications services who is a telecommunications provider, telecommunications cooperative, interexchange carrier or radio common carrier.

(c) "Telecommunications provider" means any entity that is a telecommunications utility or a competitive telecommunications provider as defined in ORS 759.005.

Passed by House March 28, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 16, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State