

**A-Engrossed**  
**House Bill 2053**

Ordered by the House March 22  
Including House Amendments dated March 22

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)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies base on which fee imposed on electric companies to support Public Utility Commission operations is determined.

**A BILL FOR AN ACT**

1  
2 Relating to utility fees; amending ORS 756.310.

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

4 **SECTION 1.** ORS 756.310 is amended to read:

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

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

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

24 [(b) *The fees established by the commission for different electric companies shall bear the same*  
25 *approximate relationship as the gross revenue fees per kilowatt-hour delivered to end users paid by*  
26 *electric companies in 1997. The commission shall adopt rules for allocation of a company's fee among*  
27 *the company's retail customer classes so that the fees established for different classes bear the same*  
28 *approximate relationship as the gross revenues per kilowatt-hour paid by those classes in 1997. After*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 *December 31, 2000, the commission may establish or allow fees that are the same by customer classes*  
 2 *for all such companies, provided that the approximate relationship between customer classes referred*  
 3 *to in this subsection shall be maintained.]*

4 [(4)] (2) In each calendar year the percentage rate of the fee required to be paid by public  
 5 utilities[, *except electric companies,*] shall be determined by orders entered by the commission on or  
 6 after March 1 of each year[, *and notice thereof*]. **Notice of the orders** shall be given to each utility.  
 7 The utility shall pay to the commission the fee or portion thereof so computed upon the date spec-  
 8 ified in [*such notice, which date*] **the notice. The date of payment** shall be at least 15 days after  
 9 the date of mailing [*such*] **of the notice.**

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

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

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

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

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

36 [(7)] (5) The commission may use any of its investigatory and enforcement powers provided un-  
 37 der this chapter for the purpose of administering and enforcing the provisions of this section.

38 [(8)] (6) As used in this section:

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

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

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

