

Enrolled
Senate Bill 561

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

CHAPTER

AN ACT

Relating to public utilities; amending ORS 757.247.

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

SECTION 1. ORS 757.247 is amended to read:

757.247. *[(1) The Public Utility Commission may authorize a public utility to file and place into effect tariff schedules establishing rates or charges for renewable energy generation facilities, or for energy conservation measures, services or payments, provided to individual property owners or customers. Application of the schedule shall be subject to agreement between the public utility and the property owner or customer receiving service at the time the renewable energy generation facilities or conservation measures, services or payments are initially provided.]*

[(2) A tariff schedule under this section may include provisions for the payment of the rates or charges over a period of time and for the application of the payment obligation to successive property owners or customers at the premises where the renewable energy generation facilities or conservation measures or services were installed or performed or with respect to which the payments were made.]

(1) The Public Utility Commission may authorize a public utility, upon application of the utility, to file and place into effect a tariff schedule establishing rates or charges for the cost of energy resource measures provided to an individual property owner or customer pursuant to an agreement entered into between the individual property owner or customer and the public utility. Energy resource measures provided under this section may include:

- (a) The installation of renewable energy generation facilities on the property of property owners or the premises of customers;**
- (b) The implementation of energy conservation measures, including measures that are not cost-effective;**
- (c) The installation of equipment or devices or the implementation of measures that enable demand reduction, peak load reduction, improved integration of renewable energy generation or more effective utilization of energy resources;**
- (d) Loans for the purposes described in paragraphs (a) to (c) of this subsection; and**
- (e) Direct payments to third parties for the purposes described in paragraphs (a) to (c) of this subsection.**

(2) Subject to the agreement entered into between the individual property owner or customer and the public utility, a tariff schedule placed into effect under this section may include provisions for:

- (a) The payment of the rates or charges over a period of time;**
- (b) Except as provided in subsection (5) of this section, a reasonable rate of return on any investment made by the public utility;**

(c) The application of any payment obligation to successive owners of the property to which the energy resource measure is attached or to successive customers located at the premises to which the energy resource measure is attached; and

(d) The application of the payment obligation to the current property owner or customer alone, secured by methods agreed to by the property owner or customer and the public utility.

(3) Application of a tariff schedule under this section is subject to approval by the commission.

~~[(3)]~~ (4) If a payment obligation applies to successive property owners or customers as described in subsection (2)(c) of this section, a public utility shall record a notice of *[any]* the payment obligation *[required of a property owner or customer under this section]* in the records maintained by the county clerk under ORS 205.130. The commission may prescribe by rule other methods by which the public utility shall notify property owners or customers of *[any]* such payment *[obligation]* obligations.

~~[(4)]~~ (5) A public utility may use moneys obtained through a rate established under ORS 757.603 (2)(a) to provide a renewable energy generation *[facilities]* facility to a property *[owners or customers]* owner or customer under this section. A public utility may not charge interest to a property owner or customer for *[facilities]* a renewable energy generation facility acquired with moneys obtained through a rate established under ORS 757.603 (2)(a).

(6) Agreements entered into and tariff schedules placed into effect under this section are not subject to ORS 470.500 to 470.710, 757.612 or 757.689.

Passed by Senate April 30, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 30, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State