

# Senate Bill 1547

Sponsored by Senator OLSEN, Representative SMITH; Senator JOHNSON, Representative WILLIAMSON (Presession filed.)

## 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 **as introduced**.

Clarifies that term "public utility" does not include people's utility district or electric cooperative for purpose of being regulated by Public Utility Commission.

## A BILL FOR AN ACT

1  
2 Relating to public utilities; amending ORS 757.005.

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

4 **SECTION 1.** ORS 757.005 is amended to read:

5 757.005. (1)(a) As used in this chapter, except as provided in paragraph (b) of this subsection,  
6 "public utility" means:

7 (A) *[Any]* **A** corporation, company, individual[,] **or** association of individuals, or *[its]* **the** lessees,  
8 trustees or receivers **of a corporation, company, individual or association of individuals**, that  
9 owns, operates, manages or controls all or a part of *[any]* **a** plant or equipment in this state for the  
10 production, transmission, delivery or furnishing of heat, light, water or power, **either** directly or  
11 indirectly to or for the public, whether or not *[such]* **the** plant or equipment or **a** part *[thereof]* **of**  
12 **the plant or equipment** is wholly **located** within *[any]* **a** town or city.

13 (B) *[Any]* **A** corporation, company, individual or association of individuals*[, which]* **that:**

14 (i) Is party to an oral or written agreement for *[the]* payment by a public utility*[,]* for service,  
15 managerial construction, engineering or financing fees*[, and having]*; **and**

16 (ii) **Has** an affiliated interest with the public utility.

17 (b) As used in this chapter, "public utility" does not include:

18 (A) *[Any plant owned or operated by a municipality]* **A municipal utility, a people's utility**  
19 **district or an electric cooperative.**

20 (B) *[Any]* **A** railroad, as defined in ORS 824.020, or *[any]* **an** industrial concern *[by reason of the*  
21 *fact]* that *[it]* furnishes, without profit to itself, heat, light, water or power to the inhabitants of  
22 *[any]* **a** locality where there is *[no municipal or public utility plant]* **not a plant owned, operated,**  
23 **managed or controlled by a public utility, a municipal utility, a people's utility district or an**  
24 **electric cooperative** to furnish the *[same]* **heat, light, water or power.**

25 (C) *[Any]* **A** corporation, company, individual or association of individuals providing heat, light  
26 or power:

27 (i) From *[any]* **an** energy resource to fewer than 20 customers, if *[it]* **the corporation, company,**  
28 **individual or association of individuals** began providing service to a customer prior to July 14,  
29 1985;

30 (ii) From *[any]* **an** energy resource to fewer than 20 residential customers so long as the cor-  
31 poration, company, individual or association of individuals serves only residential customers;

**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 (iii) From solar or wind resources to any number of customers; or

2 (iv) From biogas, waste heat or geothermal resources for nonelectric generation purposes to any  
3 number of customers.

4 (D) A qualifying facility on account of sales made under the provisions of ORS 758.505 to  
5 758.555.

6 (E) *[Any]* A *[person]* **corporation, company, individual or association of individuals** furnish-  
7 ing heat, but not delivering electricity or natural gas to its customers, except:

8 (i) As provided in ORS 757.007 and 757.009; or

9 (ii) With respect to heat furnished in municipalities *[which]* **that** on January 1, 1989, had a  
10 municipally owned system that was furnishing steam or other thermal forms of heat to its customers.

11 (F) Notwithstanding subparagraph (E) of this paragraph, any corporation, company,  
12 *[partnership,]* individual or association of individuals furnishing heat to a single thermal end user  
13 from an electric generating facility, plant or equipment that is physically interconnected with the  
14 single thermal end user.

15 (G) *[Any]* A corporation, company, *[partnership,]* individual or association of individuals that  
16 furnishes natural gas, electricity, ethanol, methanol, methane, biodiesel or other alternative fuel to  
17 any number of customers for use in motor vehicles *[and]* **if the corporation, company, individual**  
18 **or association of individuals** does not furnish any utility service described in paragraph (a) of this  
19 subsection.

20 (H) An electricity service supplier, as defined in ORS 757.600.

21 (2) *[Nothing in]* Subsection (1)(b)(C) of this section *[shall prohibit]* **does not prohibit** third party  
22 financing of acquisition or development by a utility customer of energy resources to meet the heat,  
23 light or power requirements of that customer.

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