

**April 17, 2017**



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**Oregon Progressive Party  
Position on Bill at 2017  
Session of Oregon Legislature:**

**SB 909: Support Items 1, 2, and 8; Oppose Rest**

The Oregon Progressive Party supports parts of this bill, which:

1. Specifies that public utility that makes sales of electricity may not establish rate for any service that provides public utility with rate of return that exceeds 4.5 percent.
2. Changes procedures by which public utilities that make sales of electricity file rate schedules with Public Utility Commission.
3. Reduces public purpose charge collected from retail electricity consumers.
4. Makes changes to agreement entered into between commission and nongovernmental entity for purpose of expending moneys collected as part of public purpose charge.
5. Repeals provisions of law related to collection of surcharge for removal of Klamath River dams removal upon failure of relevant parties to begin dam removal.
6. Directs PacifiCorp to credit electric bill of each customer from which PacifiCorp collected surcharge in amount that equals total amount paid by customer as surcharge, plus four percent.
7. Prohibits Public Utility Commission from approving rate schedule established by public utility that makes sales of electricity if moneys collected pursuant to imposition of those rates would be used to remediate Superfund site.
8. Specifies that each Public Utility Commissioner and each employee of commission must enter into noncompetition agreement with state under which commissioner or employee may not be subsequently employed by public utility that makes sales of electricity for two years.

We support Items 1, 2, and 8, and we suggest that the prohibition on commissioners' or employees' subsequent employment with any public utility be extended to 5 years. We recall vividly how then sole-Commissioner John Lobdell resigned and promptly became a vice-president of Northwest Natural Gas Co., a utility regulated by the Oregon Public Utility Commission.

We oppose the rest of the items. The undersigned attorney disagrees with the analysis of Legislative Counsel on the constitutionality of Item 1. There is nothing inherently unconstitutional about a "reasonable rate of return" being set by a Legislature instead of being set by a Commission.

**Oregon Progressive Party**

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