

**Enrolled**  
**Senate Bill 68**

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CHAPTER .....

AN ACT

Relating to fees imposed by the Public Utility Commission; creating new provisions; amending ORS 756.310; and declaring an emergency.

**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) and (4) of this section, each public utility and telecommunications provider shall pay a fee to the Public Utility Commission in each calendar year. 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 with respect to the public utilities and telecommunications providers.

(2) In each calendar year the percentage rate of the fee required to be paid by public utilities shall be determined by orders entered by the commission on or after March 1 of each year. 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 the notice. The date of payment shall be at least 15 days after the date of mailing of the notice.

(3) The fee payable under subsection (1) of this section by each public utility may not be less than \$10, or more than *[three-tenths]* **forty-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.

(4)(a) For a telecommunications provider, the fee payable under subsection (1) of this section shall be a percentage amount not to exceed *[three-tenths]* **thirty-five hundredths** of one percent of the provider's gross retail intrastate revenue for each calendar year, but 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.

(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.

(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.

**SECTION 2. The amendments to ORS 756.310 by section 1 of this 2019 Act apply to fees imposed by the Public Utility Commission on or after the effective date of this 2019 Act.**

**SECTION 3. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.**

Passed by Senate April 18, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 16, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State