Senate Bill 68

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-
session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request
of Governor Kate Brown 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 as introduced.

Increases annual fee imposed on public utilities and telecommunications providers for purpose of
defraying costs of Public Utility Commission.
Declares emergency, effective on passage.

A BILL FOR 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.

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.

LC 538
(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 pro-
vider.

(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 com-
mission 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 en-
gaged 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.