

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2242**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and line 3 and insert “756.010, 757.072 and 757.230.”.

3 Delete lines 5 through 25 and insert:

4 **“SECTION 1.** ORS 756.010 is amended to read:

5 “756.010. As used in ORS chapters 756, 757, 758 and 759, except as other-
6 wise specifically provided or unless the context requires otherwise:

7 “(1) ‘Commission’ means the Public Utility Commission of Oregon.

8 “(2) ‘Commissioner’ means a member of the Public Utility Commission of
9 Oregon.

10 “(3) ‘Customer’ includes the patrons, passengers, shippers, subscribers,
11 users of the service and consumers of the product of a public utility or
12 telecommunications utility.

13 **“(4) ‘Environmental justice’ means equal protection from environ-
14 mental and health hazards and meaningful public participation in de-
15 cisions that affect the environment in which people live, work, learn,
16 practice spirituality and play.**

17 **“(5) ‘Environmental justice communities’ includes communities of
18 color, communities experiencing lower incomes, tribal communities
19 and other communities traditionally underrepresented in public pro-
20 cesses, including but not limited to seniors, youth and persons with
21 disabilities.**

1 “[~~(4)~~] (**6**) ‘Municipality’ means any city, municipal corporation or quasi-
2 municipal corporation.

3 “[~~(5)~~] (**7**) ‘Person’ includes individuals, joint ventures, partnerships, cor-
4 porations and associations or their officers, employees, agents, lessees,
5 assignees, trustees or receivers.

6 “[~~(6)~~] (**8**) ‘Public utility’ has the meaning given that term in ORS 757.005.

7 “[~~(7)~~] (**9**) ‘Rate’ means any fare, charge, joint rate, schedule or groups of
8 rates or other remuneration or compensation for service.

9 “[~~(8)~~] (**10**) ‘Service’ is used in its broadest and most inclusive sense and
10 includes equipment and facilities related to providing the service or the
11 product served.

12 “[~~(9)~~] (**11**) ‘Telecommunications utility’ has the meaning given that term
13 in ORS 759.005.

14 **“SECTION 2.** ORS 757.230 is amended to read:

15 “757.230. (1) The Public Utility Commission shall provide for a compre-
16 hensive classification of service for each public utility, and such classifica-
17 tion may take into account the quantity used, the time when used, the
18 purpose for which used, the existence of price competition or a service al-
19 ternative, the services being provided, the conditions of service, **differential**
20 **energy burdens on low-income customers and other economic, social**
21 **equity or environmental justice factors that affect affordability for**
22 **certain classes of utility customers**, and any other reasonable consider-
23 ation. Based on such considerations the commission may authorize classi-
24 fications or schedules of rates applicable to individual customers or groups
25 of customers. The service classifications and schedule forms shall be designed
26 consistently with the requirements of ORS 469.010. Each public utility is
27 required to conform its schedules of rates to such classification. If the
28 commission determines that a tariff filing under ORS 757.205 results in a rate
29 classification primarily related to price competition or a service alternative,
30 the commission, at a minimum, shall consider the following:

1 “(a) Whether the rate generates revenues at least sufficient to cover rel-
2 evant short and long run costs of the utility during the term of the rates;

3 “(b) Whether the rate generates revenues sufficient to insure that just and
4 reasonable rates are established for remaining customers of the utility;

5 “(c) For electric and natural gas utilities:

6 “(A) Whether it is appropriate to incorporate interruption of service in
7 the utility’s rate agreement with the customer; and

8 “(B) Whether the rate agreement requires the utility to acquire new re-
9 sources to serve the load; and

10 “(d) For electric utilities, for service to load not previously served, the
11 effect of the rate on the utility’s average system cost through the residential
12 exchange provision of the Pacific Northwest Electric Power Planning and
13 Conservation Act of 1980, Public Law 96-501, as amended.

14 “(2) The commission may prescribe such changes in the form in which the
15 schedules are issued by any public utility as may be found to be expedient.
16 The commission shall adopt rules which allow any person who requests no-
17 tice of tariff filings described under subsection (1) of this section to receive
18 such notice.”.

19 On page 2, delete lines 1 through 23.

20 In line 24, delete “4” and insert “3”.

21 In line 37, after “low-income” insert “residential” and after “or” insert
22 “residential”.

23 On page 3, delete lines 8 through 37 and insert:

24 **“SECTION 4. Section 5 of this 2019 Act is added to and made a part
25 of ORS chapter 756.**

26 **“SECTION 5. (1) The Office of the Low-Income and Environmental
27 Justice Advocate is established in the Public Utility Commission. The
28 office is under the supervision and control of the Low-Income and
29 Environmental Justice Advocate, who is responsible for the perform-
30 ance of the duties, functions and powers of the office.**

1 **“(2) The commission shall organize the Office of the Low-Income**
2 **and Environmental Justice Advocate as a separate and independent**
3 **division of the commission and shall take all actions necessary to**
4 **avoid a conflict of interest or the appearance of a conflict of interest**
5 **on the part of the commission or the advocate in the discharge of the**
6 **responsibilities of the commission or the advocate, respectively. The**
7 **commission shall separately budget the compensation and expenses to**
8 **be paid for the office.**

9 **“(3) The commission shall appoint the Low-Income and Environ-**
10 **mental Justice Advocate, who will be responsible for representing**
11 **low-income and environmental justice communities in the proceedings**
12 **of the commission. The commission may delegate the duties to appoint**
13 **and supervise the advocate to an officer of the commission, if the**
14 **commission determines that the delegation is necessary to meet the**
15 **requirements of subsection (2) of this section. In appointing the advo-**
16 **cate, the commission shall consult with:**

17 **“(a) Members of the low-income and environmental justice com-**
18 **munities; and**

19 **“(b) The chairperson of the Environmental Justice Task Force, or**
20 **the chairperson’s designee.**

21 **“(4) The Low-Income and Environmental Justice Advocate shall be**
22 **a person who has:**

23 **“(a) Significant background and experience working in low-income**
24 **and environmental justice communities, with an emphasis on experi-**
25 **ence in evaluating the impacts of energy burdens on low-income and**
26 **environmental justice communities; and**

27 **“(b) Experience in proceedings before the commission or in similar**
28 **forums.**

29 **“(5) Subject to the availability of funds and the applicable pro-**
30 **visions of ORS chapter 240, the advocate may hire staff and execute**

1 contracts to carry out the duties, functions and powers of the office
2 and shall prescribe their duties and fix compensation or amounts.

3 “(6) If the advocate determines that any commission proceeding
4 may affect the interests of utility customers from low-income or en-
5 vironmental justice communities, the Office of the Low-Income and
6 Environmental Justice Advocate may, upon exercise of the independ-
7 ent judgement of the office, intervene as of right as an interested
8 party or otherwise participate in the proceeding.

9 “(7) The advocate shall convene a low-income and environmental
10 justice advisory group to advise the Office of the Low-Income and
11 Environmental Justice Advocate in the discharge of the duties of the
12 office.

13 “(8) The advocate shall participate as a division of the Public Utility
14 Commission in carrying out the responsibilities of the commission
15 under ORS 182.550.

16 “(9) Upon request by the Office of the Low-Income and Environ-
17 mental Justice Advocate, the Attorney General shall furnish to the
18 office such attorneys as the office finds necessary.

19 **“SECTION 6.** The Office of the Low-Income and Environmental
20 Justice Advocate shall provide a report on the activities of the office,
21 in the manner provided under ORS 192.245, to the interim committees
22 of the Legislative Assembly related to energy no later than December
23 1, 2021. The report:

24 “(1) Shall include a description and assessment of the work of the
25 office, including any major milestones accomplished by the office; and

26 “(2) May include recommendations, including recommendations for
27 legislation, for changes to the form or function of the office including,
28 but not limited to, recommendations for increasing the staff or other
29 resources available to the office.

30 **“SECTION 7.** (1) The Public Utility Commission shall establish a

1 public process for the purpose of investigating ways to address and
2 mitigate, through nonbypassable means, differential energy burdens
3 on classes of public utility customers and other inequities of
4 affordability and environmental justice. As part of the public process
5 established under this subsection, the commission shall:

6 “(a) Investigate the potential for demand response, weatherization
7 and other programs to reduce energy burdens and energy bills;

8 “(b) Investigate the potential for mitigation of energy burdens
9 through bill reduction measures or programs that may include, but
10 need not be limited to, establishing a bill credit program, a low-income
11 rate classification or a multifamily rate classification; and

12 “(c) Study best practices from around the country for delivery of
13 programs and creation of systems that mitigate differential energy
14 burdens.

15 “(2) As part of the public process established under subsection (1)
16 of this section, the commission shall provide the public with an op-
17 portunity to comment.

18 “(3) The commission shall incorporate the findings of the public
19 process established under subsection (1) of this section into the
20 commission’s report for the year 2020 that the commission is required
21 to provide to the Environmental Justice Task Force and to the Gov-
22 ernor under ORS 182.550.

23 “SECTION 8. (1) Section 6 of this 2019 Act is repealed on January
24 2, 2022.

25 “(2) Section 7 of this 2019 Act is repealed on January 2, 2021.”.

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