

# D R A F T

## SUMMARY

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

Relating to public utilities; amending ORS 757.005.

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

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

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

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

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

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

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

1 (b) As used in this chapter, “public utility” does not include:

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

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

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

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

16 (ii) From *[any]* **an** energy resource to fewer than 20 residential customers  
17 so long as the corporation, company, individual or association of individuals  
18 serves only residential customers;

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

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

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

24 (E) *[Any]* **A** *[person]* **corporation, company, individual or association**  
25 **of individuals** furnishing heat, but not delivering electricity or natural gas  
26 to its customers, except:

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

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

31 (F) Notwithstanding subparagraph (E) of this paragraph, any corporation,

1 company, [*partnership,*] individual or association of individuals furnishing  
2 heat to a single thermal end user from an electric generating facility, plant  
3 or equipment that is physically interconnected with the single thermal end  
4 user.

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

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

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

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