Utility Regulation Generally

Chapter 757


LAW REVIEW CITATIONS: 1 WLJ 203.

757.005

NOTES OF DECISIONS

1. In general


The state had power to create a commission to exercise its regulatory power over public utilities. Portland R.R., Light & Power Co. v. Portland, (1914) 210 Fed 667.


2. Application to particular concerns


Assuming that the chapter applies to irrigation companies, it is applicable only to those that engage in the furnishing of water to all who may apply for it. De Pauw Univ. v. Pub. Serv. Comm., (1917) 247 Fed 183.


The fact that private corporation was authorized by its charter to engage in the business of a public utility does not ipso facto make it such. Id.

3. Municipally owned utilities


A water works plant was municipally owned, where it appeared that the city purchased the right of way and paid $12,000 for its construction, though, as an additional consideration, it gave the constructor the right to operate the plant for a period of 20 years. Id.

The exemption of municipally owned or operated utilities from state regulation extends to utilities rendering services several miles beyond the city limits. Yamhill Elec. Co. v. City of McMinnville, (1929) 130 Or 309, 274 P 118, 280 P 504.


ATTY. GEN. OPINIONS: Company furnishing water for domestic purposes to purchasers of certain realty as a public utility, 1924-26, p 510; jurisdiction of commissioner over mutual utilities, 1930-32, p 563; scope of term "public utilities corporation," 1932-34, p 137; mutual water company as a public utility, 1932-34, p 496; Portland Electric Power Company as a public utility, 1934-36, p 396; American District Telegraph Company as a public utility, 1934-36, p 411; distribution of electric energy by a corporation to its members as public utilities business, 1936-38, p 277; cooperative telephone line as subject to Federal Communications Act or the commissioner's rules, 1940-42, p 197; Bonneville project as subject to Oregon law, 1940-42, p 515; whether or not a corporation distributing electrical energy is to be classed as a public utility as depending on whether it holds itself out as willing to serve the public, 1944-46, p 329; whether a privately owned and operated airport is a public utility, 1944-46, p 442; what constitutes a "public utility," 1950-52, p 145; exceptions to licensing law for electrical installations, 1954-56, p 195; approval of stock issue pursuant to stock option agreement between public utility and employees, prior to 1961 amendment, 1960-62, p 108; authority for municipal utility transmission line over a river, 1962-64, p 24; telephone cooperative as a public utility, 1966-68, p 188.

LAW REVIEW CITATIONS: 25 OLR 159; 47 OLR 20.

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NOTES OF DECISIONS

Order which adopted the National Electrical Safety Code.
of Bureau of Standards, including future amendments, was an unconstitutional delegation of legislative authority and void. Hillman v. No. Wasco County P.U.D., (1958) 213 Or 204, 323 P2d 664.

Public Utility Commissioner has authority to adopt particular edition of the National Electrical Safety Code as standard (dicta). Id.

ATTY. GEN. OPINIONS: Section as conflicting with electric code, 1938-40, p 157.

LAW REVIEW CITATIONS: 1 WLJ 148, 152.

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Where the commissioner orders payments to be stopped which were made by a telephone subsidiary to the parent company for necessary services furnished by the parent, basing the order on disapproval of the method of contracting rather than the expenditures themselves, such order exceeded statutory authority. Pacific Tel. & Tel. Co. v. Flagg, (1950) 189 Or 370, 220 P2d 522.


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NOTES OF DECISIONS
Under similar statute factors to be taken into consideration in determining the value of a utility included the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates, and the sum required to meet operating expenses. Pacific Tel. & Tel. Co. v. Wallace, (1938) 158 Or 210, 75 P2d 942.

Property that was neither used nor useful to the public service could not properly be included in the valuation. Id.


ATTY. GEN. OPINIONS: Valuation by commissioner of property acquired by public utility issuing bonds therefor, 1942-44, p 83.

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ATTY. GEN. OPINIONS: Duty of foreign utility corporation that had sold its Oregon operative properties to file balance sheet, 1926-28, p 513.

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ATTY. GEN. OPINIONS: Whether the Bonneville Power project is subject to state regulation, 1940-42, p 515.

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In establishing rates, property jointly used must be allocated on the basis of use. Pacific Tel. & Tel. Co. v. Hill, (1961) 229 Or 437, 365 P2d 1021, 367 P2d 790.

The commissioner may use any formula supported by findings in the separation of property serving more than one use. Id.

There was no basis in the record for determination that use of interstate service was more valuable than use of intrastate service. Id.


ATTY. GEN. OPINIONS: Right of utility to establish new rate schedule or to increase existing schedule, 1926-28, p 531.

LAW REVIEW CITATIONS: 1 WLJ 209, 210, 211.

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ATTY. GEN. OPINIONS: Reduction of rates when utility company is being undersold in a certain locality by a competitor, 1948-50, p 245.

LAW REVIEW CITATIONS: 1 WLJ 209.

757.220


LAW REVIEW CITATIONS: 1 WLJ 209.

757.225

NOTES OF DECISIONS
The fact that a city council has prescribed a rate other than the scheduled one does not authorize the utility to vary its charge. California-Ore. Power Co. v. City of Grants Pass, (1913) 203 Fed 173.

Where rates are in excess of the lawfully filed schedule of rates, the patron must seek redress by proceeding directly in the courts. McPherson v. Pac. Power & Light, (1956) 207 Or 433, 296 P2d 932.


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NOTES OF DECISIONS
Two letters specifying rates filed with the commissioner fulfilled the requirements of a valid schedule and order.

NOTES OF DECISIONS
This section did not require the commissioner to hold a hearing before ordering an emergency rate adjustment. McPherson v. Pac. Power & Light, (1956) 207 Or 433, 296 P2d 932.


LAW REVIEW CITATIONS: 1 WLJ 213.

ATTY. GEN. OPINIONS: Effect upon this section of 1931 amendment of OC 61-261 [ORS 221.420]. 1930-32, p 647.

ATTY. GEN. OPINIONS: Examination of income tax returns in possession of State Tax Commission by the commissioner or a complainant, 1956-58, p 91.


ATTY. GEN. OPINIONS: Jurisdiction of Federal Communications Commission in matter of merger of telegraph companies, and as to interstate messages, and exclusive jurisdiction of State Public Utility Commissioner over intrastate messages, 1942-44, p 325; reduction of rates when utility company is being undersold in a certain locality by a competitor, 1948-50, p 245.

NOTES OF DECISIONS
This section did not prevent the commission from permitting a utility to make a charge for hydrant service, though the franchise provided that such service shall be free. City of Hillsboro v. Pub. Serv. Comm., (1920) 97 Or 320, 187 P 617, 192 P 390.

ATTY. GEN. OPINIONS: Reduction of rates when utility company is being undersold in a certain locality by a competitor, 1948-50, p 245.

ATTY. GEN. OPINIONS: Approval of stock issue pursuant to stock option agreement between public utility and employees, prior to 1961 amendment, 1960-62, p 108.

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ATTY. GEN. OPINIONS: Valuation of property to utility issuing bonds for acquisition thereof, 1942-44, p 83; approval of stock issue pursuant to stock option agreement between public utility and employees, prior to 1961 amendment, 1960-62, p 108.

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LAW REVIEW CITATIONS: 1 WLJ 208.

ATTY. GEN. OPINIONS: Exclusive jurisdiction of Federal Communications Commission in the matter of merger of telegraph companies, and as to interstate messages, and exclusive jurisdiction of State Public Utility Commissioner over intrastate messages, 1942-44, p 325.


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