

ENERGY SUPPLIER ASSESSMENT RULES

330-075-0005

Purpose

These rules specify the form and content of information regarding Oregon gross operating revenues and energy sales to be submitted to the Department of Energy by energy resource suppliers. Such submittals are pursuant to ORS 469.421 as amended by Oregon Laws 2009, Chapter 753. The information will be used to calculate annual assessments on energy resource suppliers.

Stat. Auth.: ORS 183 & ORS 469

Stats. Implemented: ORS 469.421

Hist.: DOE 3-1981(Temp), f. & ef. 8-26-81; DOE 4-1981(Temp), f. & ef. 9-14-81; DOE 5-1981(Temp), f. & ef. 11-2-81; DOE 7-1982, f. & ef. 5-3-82; DOE 6-1984, f. & ef. 5-10-84

330-075-0010

Timing

(1) Annual Assessment for the 2009 calendar year. The energy supplier assessment based on 2008 operating revenue shall be assessed to energy resource suppliers who supply electricity, natural gas or petroleum products in Oregon.

(2) Special Assessment. For the purposes of assessing the special assessment, the department may collect information relating to the annual gross operating revenue from all energy resource suppliers who supply, generate, transmit or distribute electricity, natural gas or petroleum products in Oregon. The submission deadline of May 2009 is extended to allow reporting and special assessment of gross operating revenues from the 2008 calendar year. Reporting forms shall be provided by the Department to energy resource suppliers who have not previously reported 2008 revenues, with a submission deadline of two weeks following the distribution of forms. The information shall be used to determine the gross operating revenue for that supplier ratio.

(3) For the purposes of determining the assessment under ORS 469.421 and these rules, the director will enter an order establishing the amount assessed to each energy resource supplier. Any assessment shall not be considered due and payable until the director enters an order. Penalties may be assessed by the director on amounts remaining due 60 days following the distribution of a copy of the order to an energy resource supplier.

330-075-0015

Definitions

For the purposes of OAR division 330, division 75, unless otherwise specified, the following definitions shall apply:

- (1) "Department" means the Oregon Department of Energy.
- (2) "Director" means the Director of the Oregon Department of Energy.
- (3) "Electric Utility" has the meaning given that term in ORS 469.300.
- (4) "Energy Resource Supplier" has the meaning given that term in ORS 469.421.
- (5) "Gross Operating Revenue" has the meaning given that term in ORS 469.421.
- (6) "Imported" relates to natural gas and petroleum products and includes those products not produced or salvaged from the earth or waters of the State of Oregon.
- (7) "Natural Gas Utility" means a person engaged in or authorized to engage in the business of transmission or distribution of natural or synthetic gas.
- (8) "Petroleum Products" means those petroleum products subject to assessments under Section 3(4) and Section 5(4) of Oregon Laws 1981, Chapter 792. These products include:
 - (a) Crude petroleum;
 - (b) Fuel oil (distillate and residual);
 - (c) Kerosene;
 - (d) Liquefied petroleum gases;
 - (e) Motor vehicle fuel (when used as fuel for agricultural purposes); and
 - (f) Petroleum coke (when used as fuel in metal processing). "Petroleum products" does not include fuels subject to the requirements of Section 3 of Article IX of the Oregon Constitution, ORS 319.020 relating to aircraft and motor vehicle fuel, and ORS 319.530.
- (9) "Petroleum Supplier" has the meaning given that term in ORS 469.421.
- (10) "Person" has the meaning given that term in ORS 469.300.
- (11) "Proprietary Information" means information in which its owner has an important, established financial or competitive interest and value. Proprietary information shall be determined by these indicators:

- (a) Whether the information is treated as confidential by its owner;
 - (b) Whether its owner has made the information available to others, and the reason for such disclosure;
 - (c) The potential for competitive advantage that the information provides;
 - (d) The cost of developing the information;
 - (e) The potential for financial or competitive loss to its owner if the information is disclosed;
 - (f) Whether the information legally is protected by patents or copyrights, etc.
- (12) "Retail Sales" means sales to the ultimate consumer.
- (13) "Ultimate Consumer" means a customer who purchases energy for his own use and not for resale.
- (14) "Utility" has the meaning given that term in ORS 469.300.
- (15) "Wholesale sales" means sales of electricity, natural gas or petroleum products for subsequent resale.

Stat. Auth.: ORS 183 & ORS 469

Stats. Implemented: ORS 469.421

Hist.: DOE 3-1981(Temp), f. & ef. 8-26-81; DOE 4-1981(Temp), f. & ef. 9-14-81; DOE 5-1981(Temp), f. & ef. 11-2-81; DOE 7-1982, f. & ef. 5-3-82; DOE 6-1984, f. & ef. 5-10-84

330-075-0025

Energy Resource Suppliers Gross Operating Revenue Reporting Requirements

(1) Energy resource suppliers with one or more locations or service areas in Oregon shall complete and submit the appropriate Department-supplied form or forms based on the suppliers energy type. The information provided on the forms shall when appropriate: Contain information relating to total gross operating revenue derived from the energy resource supplier's operations within Oregon during the most recently completed calendar year. Energy resource suppliers whose energy generation, transmission or distribution activities within Oregon are undertaken to directly supply the suppliers operations at the same location and not for the primary purpose of distribution or sale, shall report only gross operating revenue from supplying, generating, transmitting or distributing energy to another person when the person is not an energy resource supplier; and

a) Contain gross operating revenues relating to wholesale and retail sales by the petroleum supplier of distillate fuel oil within Oregon during the most recently completed calendar year.

(2) Except as provided in OAR 330-075-0035, every energy resource supplier with one or more locations in Oregon shall submit a completed Department-supplied form on or before May 1 of each year. Forms shall be considered submitted as of the post mark date or receipt at the Department, whichever is earlier.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 183 & ORS 469

Stats. Implemented: ORS 469.421

Hist.: DOE 3-1981(Temp), f. & ef. 8-26-81; DOE 4-1981(Temp), f. & ef. 9-14-81; DOE 5-1981(Temp), f. & ef. 11-2-81; DOE 7-1982, f. & ef. 5-3-82; DOE 6-1984, f. & ef. 5-10-84

330-075-0035

Extension of Submission Deadline

(1) Any energy resource supplier which finds it cannot meet the deadline set forth in OAR 330-075-0025 may apply to the Director for an extension of time. The written application shall include the following:

- (a) The reasons why the deadline cannot be met;
- (b) The measures being taken to comply with the deadline; and
- (c) The date on which the energy resource supplier intends to submit the required form(s).

(2) A petition for extension of time must be submitted no later than 15 days before the deadline from which an extension is sought.

(3) The Director may grant an extension of not more than fifteen days if:

- (a) The energy supplier makes a showing of hardship caused by the deadline;
- (b) The energy supplier provides reasonable assurance that the energy supplier can comply with the revised deadline; and
- (c) The extension of time does not prevent the department from fulfilling its statutory responsibilities.

Stat. Auth.: ORS 183 & ORS 469

Stats. Implemented: ORS 469.421

Hist.: DOE 3-1981(Temp), f. & ef. 8-26-81; DOE 5-1981(Temp), f. & ef. 11-2-81; DOE 7-1982, f. & ef. 5-3-82; DOE 6-1984, f. & ef. 5-10-84

330-075-0040

Proprietary Information

An energy resource supplier may request that information submitted pursuant to OAR 330-075-0010 to 330-075-0035 be treated by the Director as proprietary information and maintained in confidence. Any such request shall be made at the time the information is submitted. Such request shall comply with the procedure set forth in 330-010-0005 to 330-010-0030. The Director's decision on the request will be made in accordance with 330-010-0030.

Stat. Auth.: ORS 183 & ORS 469

Stats. Implemented: ORS 469.421

Hist.: DOE 3-1981(Temp), f. & ef. 8-26-81; DOE 5-1981(Temp), f. & ef. 11-2-81; DOE 7-1982, f. & ef. 5-3-82; DOE 6-1984, f. & ef. 5-10-84

330-075-0045

Retention of Supporting Documentation by Energy Resource Suppliers

Supporting documentation used by the energy resource supplier in compiling the information submitted pursuant to OAR 330-075-0010 to 330-075-0045 shall be kept available by the energy resource supplier for inspection by the Department for three years from the date of submission.

Stat. Auth.: ORS 183 & ORS 469

Stats. Implemented: ORS 469.421

Hist.: DOE 3-1981(Temp), f. & ef. 8-26-81; DOE 5-1981(Temp), f. & ef. 11-2-81; DOE 7-1982, f. & ef. 5-3-82; DOE 6-1984, f. & ef. 5-10-84