

RESOLUTION No. 35771

Authorize the City Attorney to intervene and participate in the Oregon Public Utility Commission's review of the application of Scottish Power plc to exercise substantial influence over PacifiCorp. (Resolution)

WHEREAS, Scottish Power plc, ("Scottish Power") and PacifiCorp have filed an application with the Oregon Public Utility Commission for an order authorizing Scottish Power plc to exercise substantial influence over the policies and actions of PacifiCorp (UM 918), and,

WHEREAS, PacifiCorp is one of two private electric utilities serving customers within the City of Portland, Oregon, providing electricity services, and utility management, and,

WHEREAS, the City of Portland has broad authority under its home rule charter to oversee the activities of utilities within its boundaries, including through the establishment of franchises and the issuance of permits, and is also responsible for the orderly management of public rights-of-way within its boundaries, and,

WHEREAS, on October 2, 1986, the Council approved an ordinance granting a twenty-year franchise to PacifiCorp (Ordinance No 159059), and,

WHEREAS, The City's franchise with PacifiCorp establishes certain terms and conditions for the utility's use of the streets and public ways within the City for transmitting and distributing electrical energy and for constructing, operating and maintaining poles, conduits and other facilities, and,

WHEREAS, as one of the conditions of the franchise, PP & L agreed that it would not assign, transfer, lease or mortgage the franchise without the prior consent of the City (Ordinance 159059, Section 12), and,

WHEREAS, the City collects franchise fees from PacifiCorp to compensate for the utility's use of the public right-of-way within Portland, and assesses permit fees for specific projects in the right-of-way, and the City has concerns regarding the potential impact of this merger upon revenues received by the City, and,

WHEREAS, existing City policies encourage the conservation of resources, and the provision of services for low income consumers and small businesses, and,

WHEREAS, participation as a party in UM 918 would permit the City to (1) obtain important information regarding the terms of the merger, (2) evaluate the potential impact upon rates, services and other matters using information not otherwise readily available to persons with non-party status, (3) be informed of other parties' actions and comments in this proceeding, and (4) influence the outcome of the proceeding for the benefits of the citizens of Portland

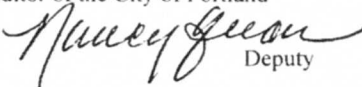
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Portland, that the City Attorney is hereby authorized and directed to intervene on behalf of the City as a full party in Oregon Public Utility Commission proceeding UM 918 (In the Matter of the Application of Scottish Power plc and PacifiCorp for an Order Authorizing Scottish Power plc to Exercise Substantial Influence Over the Policies and Actions of PacifiCorp) to present the City's views and protect its interests as necessary

Adopted by the Council,
Commissioner Erik Sten
Susan Anderson/B Walters
G:\FRANCH\PCFCRP BEW\SCIPWR\PRTYRES WPD
February 11, 1999

FEB 17 1999

Gary Blackmer

Auditor of the City of Portland

By  Deputy

248

Agenda No

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Title

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INTRODUCED BY	Filed	FEB 11 1999
Commissioner Enk Sten	Gary Blackmer Auditor of the City of Portland	
NOTED BY COMMISSIONER	By <u>Cory Kershner</u> Deputy	
Affairs	For Meeting of _____	
Finance and Administration	ACTION TAKEN	
Safety		
Utilities		
Works <u>EKS MKR</u>		
BUREAU APPROVAL		
Bureau Energy Office		
Prepared by SA/BEW/jtl Date 2/10/99		
Budget Impact Review		
<input type="checkbox"/> Completed <input type="checkbox"/> Not Required		
Bureau Head Susan Anderson, Director <u>Susan Anderson</u>		

Agenda		Four Fifths Agenda	Commissioners voted as follows	
Consent	Regular <input checked="" type="checkbox"/>		YEAS	NAYS
NOTED BY		Francesconi	Francesconi	<input checked="" type="checkbox"/>
City Attorney	<u>Benjamin Walters</u>	Hales	Hales	<input checked="" type="checkbox"/>
City Auditor		Saltzman	Saltzman	<input checked="" type="checkbox"/>
City Engineer		Sten	Sten	<input checked="" type="checkbox"/>
		Katz	Katz	<input type="checkbox"/>