

ACCEPTANCE

RECEIVED  
MAY 4 9 10 AM 1972

GEORGE YERKOVICH, AU.  
CITY OF PORTLAND, OR

Portland, Oregon, ~~April 27~~ 1972

GEORGE YERKOVICH  
Auditor of the City of Portland.  
Room 202, City Hall  
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 134416, passed by the Council April 26, 1972, consenting to exchange of certain property within the City between Portland General Electric Company and Pacific Power & Light Company on certain conditions in order to permit reduction of poles and wires and duplication of facilities in various areas of the City,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

PACIFIC POWER and LIGHT COMPANY

[CORPORATE SEAL]

*A. C. Bartholomew*  
name title Senior Vice President

920 SW 6th Avenue, Portland, OR 97204  
Address

Approved as to form:

*McRooking*  
City Attorney

\*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

RECEIVED  
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GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.  
BY *[Signature]*

# ACCEPTANCE

Portland, Oregon,.....April 27.....1972

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Auditor of the City of Portland  
Room 202, City Hall  
Portland, Oregon 97204

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Very truly yours,

[CORPORATE SEAL]

PORTLAND GENERAL ELECTRIC COMPANY  
*[Signature]*  
name title *[Title]*  
521 SW Alder Street, Portland, OR 97204  
Address

Approved as to form:

*[Signature]*  
-----  
City Attorney 5-35-72

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February 10, 1972

The Honorable Connie McCready  
Utilities Commissioner  
City of Portland, City Hall  
1220 S. W. Fifth Avenue  
Portland, Oregon 97204

Dear Commissioner McCready:

Portland General Electric Company and Pacific Power & Light Company have completed a study of the separation of their facilities in and about the City of Portland.

Our study has resulted in a mutually agreed upon plan whereby each company would serve specified areas within the City of Portland. A copy of this plan is attached. The plan, when put into effect, will immediately discontinue any addition of duplicating electrical facilities and will make possible the removal of existing duplicated facilities in conjunction with future scheduled construction. Both of these actions will result in an improvement in the appearance of electric utility services in the City of Portland.

This plan is also compatible with previous separations of facilities which were accomplished by authority of city ordinances and will result in the total separation of all electric utility facilities in the City.

Inasmuch as the attached plan of separation is a necessary and essential first step in improving the appearance of the electrical facilities in Portland, we hereby request your approval of this plan so that we may proceed to execute an agreement for the required exchanges of plant, property, and customers.

Sincerely,

cc: A. C. Bartholomew  
E. E. Smith

PORTLAND GENERAL ELECTRIC COMPANY

By W L Cary  
Operations Planning Manager

Dated 2-10-72

PACIFIC POWER & LIGHT COMPANY

By George E. Freck  
Portland District Manager

Dated 2-10-72

Attachment

A PLAN FOR THE SEPARATION OF ELECTRIC FACILITIES  
PORTLAND GENERAL ELECTRIC COMPANY AND  
PACIFIC POWER & LIGHT COMPANY  
FEBRUARY 9, 1972

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Pacific Power & Light Company (PP&L) and Portland General Electric Company (PGE) each own facilities and provide electric utility service within a certain territory in and around the City of Portland, which territory is more particularly outlined as Parcels A, B and C on the attached map.

Parcel A being more particularly described as follows:

Beginning at the point of intersection of the South line of the North Portland Harbor with the centerline of the Pacific Highway No. 1 (Minnesota Freeway); running thence Southerly, along the centerline of said Highway No. 1, to the centerline of the Stadium Freeway Highway No. 61; thence Southwesterly, along the centerline of said Highway No. 61 to the Easterly Harbor line of the Willamette River; thence Southeasterly, along said Harbor line, to the extended centerline of N. E. Flanders; thence East, along the centerline of N. E. Flanders, to the centerline of Columbia River Highway No. 2 (Banfield Freeway); thence Easterly, along the centerline of said Highway No. 2, to the centerline of N. E. 78th Avenue; thence South, along the centerline of N. E. 78th Avenue, to the centerline of S. E. Stark Street; thence East, along centerline of S. E. Stark Street, to the centerline of S. E. 122nd Avenue; thence North along the centerline of S. E. 122nd Avenue - N. E. 122nd Avenue - and centerline extended, to the South line of the Columbia River; thence Northwesterly, along the South line of the Columbia River, to the point of beginning. It is understood that the 78th Avenue boundary between the Banfield Freeway and Stark is subject to adjustment either west or east in order to achieve a balance of revenues being exchanged.

Parcel B being more particularly described as follows:

Beginning at the point of intersection of the extended centerline of S. W. Jefferson Street with the centerline of Pacific Highway No. 1 W. (S. W. Harbor Drive); running thence Southerly, along centerline of said Highway No. 1 W, to centerline of the connection of Stadium Freeway Highway No. 61 with the Pacific Highway No. 1, North Bound; thence Northeasterly, along the centerline of said North-bound connection, to the Westerly Harbor Line of the Willamette River; thence Northerly, along said Harbor line, to the extended centerline of S. W. Jefferson Street; thence Westerly, along said extended centerline, to the point of beginning.

Subject to the necessary approvals, it is proposed that Parcel C and PP&L's Rainier District be served by PGE. Parcel C shown on the attached map is the Portland exclusion area as shown on Map "D" and described in Appendix "A" of Oregon State P. U. C. J. C. Hill Order #39026 dated January 21, 1963, with the exception of Parcels A and B as described above.

Upon approval of the City of Portland, the Public Utility Commissioner of Oregon and any other regulatory authority, if any, having jurisdiction, PGE will transfer to PP&L all of the electric distribution plant of PGE, including distribution substations, poles, lines, transformers, meters, easements, and accessory plant and equipment situated within Parcels A and B, and will acquire in exchange therefor all of the electric distribution plant of PP&L, including distribution substations, poles, lines, transformers, meters, easements, and accessory plant and equipment situated within Parcel C and PP&L's Rainier District.

In order to provide for the proper operation and integrity of the transmission systems of both PGE and PP&L, the parties will exchange such transmission facilities as may be necessary to accomplish such purpose.

Upon the approval of the necessary regulatory authorities, the appropriate department of each company will arrange for the exchange of electrical plant involved. Conveyances will be made by appropriate Bills of Sale. Necessary mortgage releases will be obtained.

This plan is based on equal exchanges of revenues from the sales of electric energy, and these revenues are based on 1970 year-end revenue data.

Exchange of customers and equipment will be programmed in an orderly manner so as to minimize customer inconvenience.

There will be no sale or exchange of streetlighting facilities or accounts in Portland.

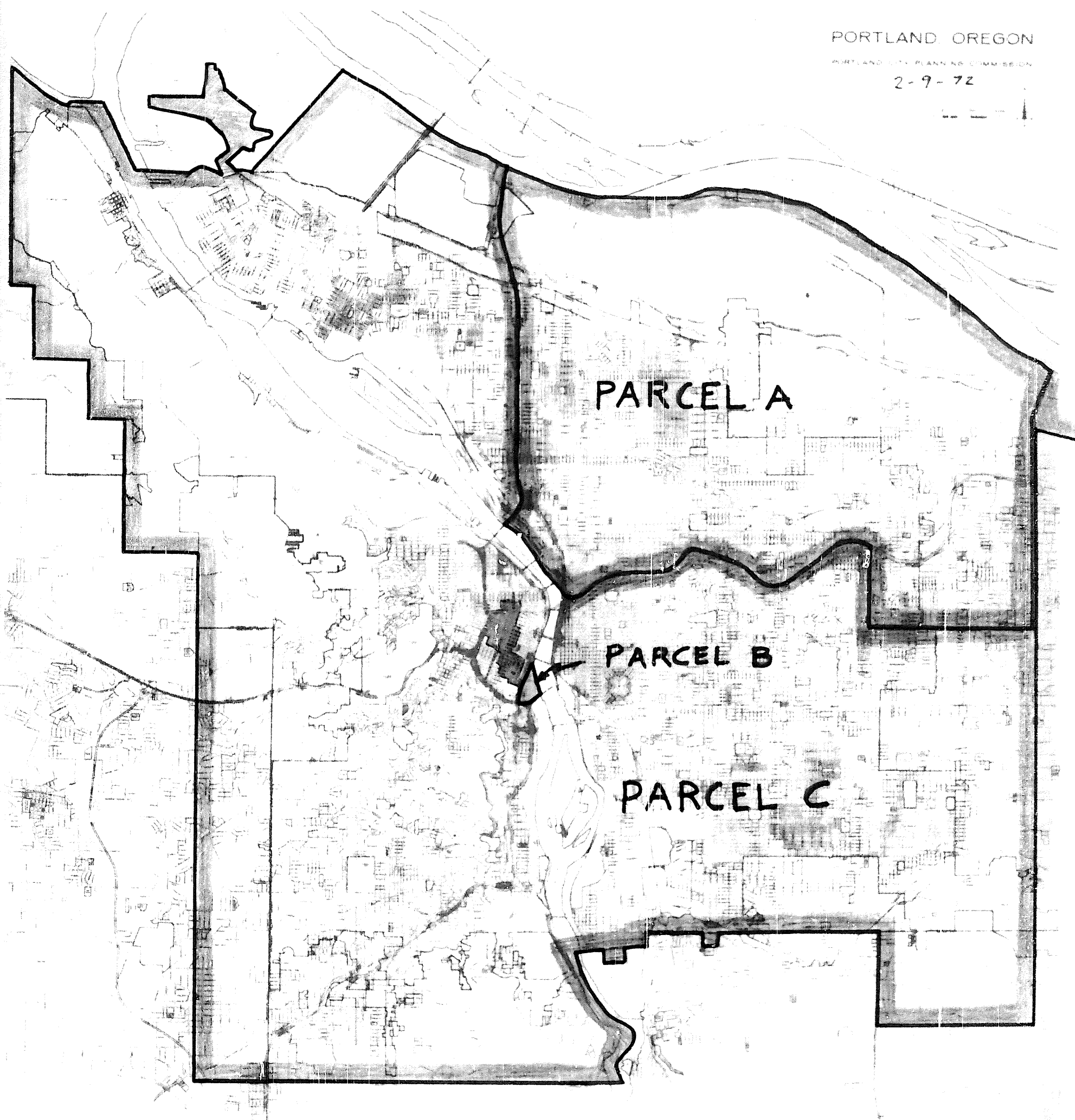
As PP&L does not have a filed tariff equivalent to PGE's Schedule 89, PGE shall not transfer to PP&L any customers in Parcel A now served on Schedule 89. All existing Schedule 89 customers within Parcel A will continue to be served by PGE.

There will be no sale or exchange of facilities within those areas of downtown Portland in which facilities have been previously exchanged under duly authorized agreements.

PORTLAND OREGON

PORTLAND CITY PLANNING COMMISSION

2-9-72



PARCEL A

PARCEL B

PARCEL C

GREEN - PORTLAND GENERAL  
RED - PACIFIC POWER

## ORDINANCE NO. 134416

An Ordinance consenting to exchange of certain property within the City between Portland General Electric Company and Pacific Power & Light Company on certain conditions in order to permit reduction of poles and wires and duplication of facilities in various areas of the City.

The City of Portland ordains:

Section 1. The Council finds that both Portland General Electric Company and Pacific Power & Light Company operate electric power systems which serve patrons within the City; that both companies operate under non-exclusive franchises and that the obligation to supply properties within the City must remain binding upon both companies; that at the present time, however, in many areas of the City poles and wires are duplicated between the companies for service purposes which results in some areas in doubling the number of such poles and wires and appurtenances causing interference with view and some additional safety hazards which may result from accidental breakage of such wires or poles, and additional investment which increases the rate bases upon which said companies are entitled to earn a profit; that to reduce the visual impact of duplicating facilities, to promote safety, to promote economy, to simplify subsequent undergrounding and to work toward the lowest possible rates for users within the City, an interchange of properties between the companies should be permitted as hereinafter set forth; that Pacific Power & Light Company also provides service in and around Rainier, Oregon, in the area referred to in the tariffs of said company and on file with the Public Commissioner of Oregon, as its Rainier District; that exchange of properties between Portland General Electric Company and Pacific Power & Light Company has been proposed involving the systems of the companies in the City of Portland and in the Rainier District, so that, subject to exceptions agreed upon by the companies, the distribution systems and appurtenances and certain transmission lines used and useful in connection therewith may be confined in certain areas to one of said companies instead of both; that said exchange is intended to be arranged on the basis of revenues generated in the particular areas since such exchange will result in termination and removal of some of the poles and wires in the various areas; that in view of the current number of customers supplied by each of said companies within the City the exchange of properties authorized under this ordinance will not constitute all or the major portion of the electric plant or system within the City owned by each transferring company; now, therefore, the City does by this ordinance consent to the sale, transfer and exchange of plant and property between Portland General Electric Company and Pacific Power & Light Company as follows:



In Parcel "A," Pacific Power & Light Company may acquire the facilities of Portland General Electric Company as mutually agreed upon between said companies, said Parcel "A," being more particularly described as follows:

PARCEL "A" Beginning at the point of intersection of the south line of the North Portland Harbor with the centerline of the Pacific Highway No. 1 (Minnesota Freeway); running thence southerly along the centerline of said Highway No. 1, to the centerline of the Stadium Freeway Highway No. 61; thence southwesterly, along the centerline of said Highway No. 61 to the easterly harbor line of the Willamette River; thence southeasterly along said harbor line to the extended centerline of N. E. Flanders; thence East, along the centerline of N. E. Flanders to the centerline of Columbia River Highway No. 2 (Banfield Freeway); thence easterly along the centerline of said Highway No. 2, to the centerline of N. E. 78th Avenue; thence south along the centerline of N. E. 78th Avenue, to the centerline of S. E. Stark Street; thence East along centerline of S. E. Stark Street, to the centerline of S. E. 122nd Avenue; thence north along the centerline of S. E. 122nd Avenue - N. E. 122nd Avenue - and centerline extended to the south line of the Columbia River; thence northwesterly along the south line of the Columbia River, to the point of beginning. It is understood that the 78th Avenue boundary between the Banfield Freeway and Stark is subject to adjustment either west or east in order to achieve a balance of revenues being exchanged.

Section 2. Pacific Power & Light Company may acquire from Portland General Electric Company facilities within Parcel "B," as mutually agreed upon between said companies, said Parcel "B" being more particularly described as follows:

PARCEL "B" Beginning at the point of intersection of the extended centerline of S. W. Jefferson Street with the centerline of Pacific Highway No. 1 W (S. W. Harbor Drive); running thence southerly along centerline of said Highway No. 1 W, to centerline of the connection of Stadium Freeway Highway No. 61 with the Pacific Highway No. 1, North bound; thence north-easterly along the centerline of said North bound connection to the westerly harbor line of the Willamette River; thence northerly along said harbor line to the extended centerline of S. W. Jefferson Street; thence westerly along said extended centerline to the point of beginning.

ORDINANCE No.

Section 3. Portland General Electric Company may acquire from Pacific Power & Light Company its plant and property in the balance of the City and in the Rainier District, except for those areas of the City in the West side business district in which facilities have been previously exchanged under duly authorized agreements.

Section 4. The consents set forth in Section 1, 2 and 3 of this ordinance are expressly conditioned upon and subject to approval by the Public Utility Commissioner of Oregon and the Federal Power Commission to the extent that such regulatory authorities have jurisdiction or are required by law to approve or disapprove the same. In the event necessary approval of those regulatory authorities for such sale, transfer or exchange is not obtained, then the consent of the City Council given under this ordinance shall be deemed withdrawn and rejected.

Section 5. Exchange of customers and equipment shall be programmed in an orderly manner so as to minimize customer inconvenience. On or before December 31 of each year until completion, each company shall file with the City a work program for the succeeding year setting forth the areas where duplicating facilities will be eliminated.

Section 6. No sale or exchange of street lighting facilities in the City shall be made as a result of this ordinance.

Section 7. The companies shall obtain the appropriate mortgage releases.

Section 8. This ordinance shall not be deemed a waiver or reduction of the obligations of either Portland General Electric Company or Pacific Power & Light Company under their respective franchise authority and the terms and provisions of said franchises which remain in full force and effect.

Section 9. This ordinance shall not become effective until Portland General Electric Company and Pacific Power & Light Company each have filed with the City Auditor a document approved as to form by the City Attorney an acceptance of the terms and conditions of this ordinance.

Passed by the Council, APR 26 1972

Commissioner McCready  
April 14, 1972  
MCR/fg

  
PRESIDENT OF THE COUNCIL  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland

Calendar No. **1225**  
**1138**

**ORDINANCE No. 134416**

Title

An Ordinance consenting to exchange of certain property within the City between Portland General Electric Company and Pacific Power & Light Company on certain conditions in order to permit reduction of poles and wires and duplication of facilities in various areas of the City.

APR 13 1972

PASSED TO THIRD READING APR 26 1972

THE COMMISSIONERS VOTED AS FOLLOWS		
	Yeas	Nays
Anderson	1	
Goldschmidt	1	
Ivancie		—
McCready	1	
Schrunk		—

FOUR-FIFTHS CALENDAR	
Anderson	
Goldschmidt	
Ivancie	
McCready	
Schrunk	

Filed APR 14 1972

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By  *Gordon Crall*   
Deputy

INTRODUCED BY
<b>Commissioner McCready</b>

DRAWN BY
<b>MCR/fg</b>
Date <b>April 14, 1972</b>

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities <i>CA JH</i>
Works

City Attorney <i>mlr</i>
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NOTED BY THE CITY AUDITOR
<i>JC</i>
<i>MCC</i>

APPROVED
Date
By <b>City Engineer</b>
Date
By