CUB
CITIZENS UTILITY BOARD

THE BEAR FACTS

The Citizens' Utility Board of Oregon
newsletter for members and friends

2637 S.W. WATER
PORTLAND, OR 97201

P.O. BOX 6345
PORTLAND, OR 97228

(503) 227-1984

Governor signs Lifeline Bill

House Bill 2663 established a Lifeline plan to assist low-income Oregonians with their telephone bills

CUB lobbyist reviews the Legislature

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July 1, 1987

Legislature caves in to pressure from utilities

When it comes to utility issues, political power and influence mean more than common sense and good public policy. This is one of the lessons of the 1987 legislature. Private utilities have long been one of the most powerful special interest lobbies in Salem and this year was no exception. Clear examples of the utilities' power and influence are provided by Legislative action on two bills: Senate Bill 708 and House Bill 3245.

(See page 3 for article on HB 3245.)

INTERVENOR FUNDING REJECTED

Senate Bill 708 was CUB's priority bill this session. This bill would have given the Public Utility Commission the authority to reimburse groups like CUB for their attorney and expert witness costs in a utility rate case if the group had made a substantial contribution in the proceeding. Known as ''intervenor funding'' in states that have such a program, the purpose is to encourage more public participation in utility rate cases. Oregon is one of the few states in the country that doesn't have public representation funded either through tax dollars or an assessment on utilities.

SB 708 had the support of CUB, OSPIRG, the National Federation of Independent Business, the Solar Energy Association of Oregon, the Oregon PUC, and Governor Neil Goldschmidt. Not surprisingly, the bill was strongly opposed by every private utility in the state.

On May 11, by a 17-12 vote, the Senate passed SB 708. 14 Democrats and 3 Republicans voted for the bill, while 3 Democrats and 9 Republicans voted against it. (One Republican opponent was not there for the vote.)

After Senate passage, the bill was sent to the House, where it ran into trouble. House Republicans, led by Minority Leader Larry Campbell, were united in their opposition to the bill. (NOTE: Campbell is a former Pacific Northwest Bell district manager.) Because of a slim 2-vote Democratic majority, this intransigence on the part of House Republicans meant that

with numerous other tax checkoff bills.

Because of these problems in the House, CUB supporters in the Senate tried another approach. The provisions of SB 708 were added to a bill which had already passed the House.

Two versions of HB 2145 went from the Senate committee to the Senate floor. One version, the ''majority'' report, included intervenor funding. The other version, the ''minority'' report, did not. Attention focused on 2 of the 3 Senate Republicans that had previously supported SB 708. (The third, Nancy Ryles, had resigned to become a Public Utility Commissioner.) If these Senators could be convinced to support the minority report, the utilities would have the votes to stop intervenor funding in the Senate. Under tremendous pressure, the former Republican supporters of intervenor funding sided with the utilities. The minority report passed by a 16-14 vote.

That vote essentially killed intervenor funding. The defeat of intervenor funding had become the priority mission for the utilities in the Legislature. Once again, their power and influence stopped a good consumer bill.

Despite the setback, CUB can be proud of its work this session. We knew at the beginning that it would be an uphill battle. By all accounts, CUB's efforts kept intervenor funding alive far longer than was expected. Many thanks go to those CUB members who wrote or called their legislators in support of SB 708.

Lifeline victory helps low-income consumers with telephone bills

The 1987 Legislature took a big step to help low-income Oregonians pay rising phone bills with the passage of House Bill 2663. The bill establishes a comprehensive ''lifeline'' plan that is a significant improvement over a program currently in effect.

The current ''Oregon Telephone

high deposits are a major barrier that has kept many low-income families from being able to afford a phone in the first place. HB 2663 requires Oregon phone companies to adopt programs to avoid this burden. It also prevents phone companies from ter-

Senate Majority Leader Bill Bradbury was one of CUB's strongest supporters in the Legislature.

of House Republicans meant that every Democrat in the House had to support SB 708 in order for it to pass. Such was not the case.

Representative Rocky Barilla, a first-term Democrat from Salem, was the "swing" vote on the House Environment & Energy Committee. Barilla would not support intervenor funding, stating it "would increase costs to consumers." Barilla sponsored an amendment that would allow CUB to receive funds from an income tax checkoff on personal income tax returns. This amendment required the bill to be referred to the House Revenue Committee, where it "died"

The current "Oregon Telephone Assistance Program" (OTAP) gives low-income elderly Oregonians a $4 reduction in their monthly bill. HB 2663 expands the program to include all low-income Oregonians and allows the PUC to set a higher rate break than $4. Under the current OTAP program, a person must be certified to receive Food Stamps to be eligible for assistance. HB 2663 allows the possiblity of a 'self-certification' program where phone customers certify themselves for eligibilty. A similar program in California drastically reduces program administrative costs.

Expensive installation charges and

minating service if the lack of a phone endangers the health of the customer.

HB 2663 also requires the PUC to develop a program to purchase and distribute telecommunications equipment to persons who are deaf or are speech impaired.

The lifeline program will be funded by a monthly surcharge of up to 15 cents per residential and business phone line. The hearing impaired program will be funded by a surcharge of up to 10 cents per line.

CUB is proud its role in passing the lifeline bill because it helps to ensure universal telephone service for all Oregonians.

A Lobbyist reviews the good & bad in '87 Legislature

Editor's Note: Eric Stachon, CUB's Vice-Chairperson, spent most of the last six months lobbying the Oregon Legislature on behalf of CUB. The following ratings are his personal opinions based on his experiences and do not necessarily reflect CUB's organizational position.

CUB Heroes

Senator Bill Bradbury: As Senate Majority Leader and long-time CUB supporter, Senator Bradbury did everything he could to try to get intervenor funding passed. He also took the lead in the Senate in representing consumers on all utility issues.

Senator Jim Hill: Senator Hill chaired the Senate Business, Housing and Finance Committee, where most utility legislation in the Senate was discussed. Senator Hill led the Senate floor fight for intervenor funding and, like Bradbury, worked right up to the end trying to get intervenor funding passed into law.

Senator Grattan Kerans: In 1983, as Speaker of the House, Kerans sponsored the first CUB bill in the legislature. Kerans' speeches on the Senate floor on behalf of intervenor funding powerfully illustrated his continued support of CUB.

Representative Nancy Peterson: Support for the CUB ballot measure was one of Peterson's main campaign issues when she first ran for the Legislature in 1984. The strength of her support has not diminished and Representative Peterson remains CUB's strongest supporter in the House.

Representative Ron Eachus: In his second term, Representative Eachus has become the legislature's most knowledgeable member on utility issues. Eachus played a major role in drafting the telephone lifeline bill which passed overwhelmingly. Eachus also led the fight against PP&L's anti-public power bill, HB 3245.

CUB Supporters

The following Senators supported CUB's intervenor funding bill despite strong utility opposition:

Jane Cease
Bill McCoy
Joyce Cohen
Rod Monroe
Joan Dukes
Frank Roberts
Bill Frye
Nancy Ryles
Larry Hill
Cliff Trow
John Kitzhaber
Jan Wyers

If only they had the chance

Some of CUB's strongest supporters in the House included:

Judith Bauman
Carl Hosticka
Dave Dix
Dave McTeague
Bill Dwyer
Larry Sowa
Wayne Fawbush
Dick Springer
Judie Hammerstad
Al Young
Tom Hanlon

Biggest Disappointments

Representative Rocky Barilla: While claiming to be a CUB supporter, Representative Barilla played a key role in killing intervenor funding in the House. To add insult to injury, Barilla also led the fight in the House for passage of the PP&L-sponsored HB 3245 (see article on page 3).

Majority Leader Shirley Gold and Speaker of the House Vera Katz: In these leadership positions, Gold and Katz could have played key supportive roles for intervenor funding. Instead, they chose to submit to utility pressure. With the outcome of intervenor funding in doubt in the House, Gold and Katz opposed a vote by the full House on the issue. This meant that members of the House did not have to go on record as opposing CUB's bill.

Senators Jeannette Hamby and Bill Olson: Senators Hamby and Olson originally voted for SB 708, the intervenor funding bill. However, when a vote on intervenor funding came up again later on the Senate floor, Hamby and Olson switched their votes . . . effectively killing intervenor funding for this session. Integrity was in short supply in this Legislature.

CUB Opponents

The following Senators voted against CUB every chance they had:

John Brenneman
Tony Meeker
Peter Brockman
Glenn Otto
Lenn Hannon
Jim Simmons
'CUB' Houck
Mike Thorne
Ken Jernstedt
Gene Timms
Bill Kennemer
Mae Yih
Bob Kintigh
Bill Bloom

The following Representatives voted against intervenor funding in committee:

Andy Anderson
Eldon Johnson
George Gilman
Fred Parkinson

Telecommunications in Oregon

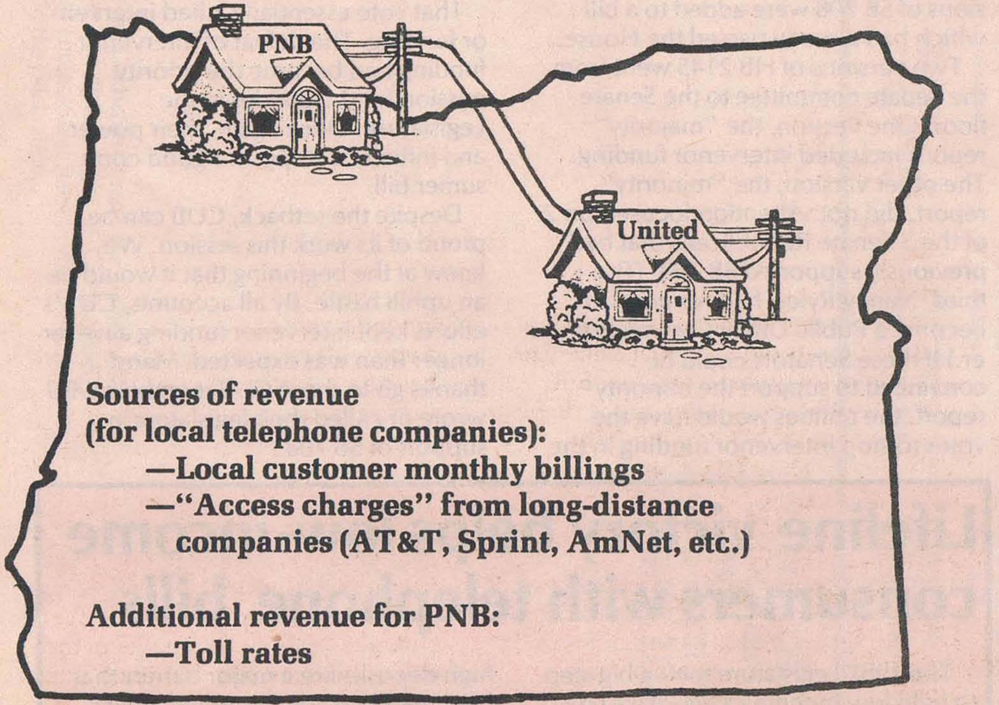
How the PUC decides your local phone rates

by Rion Bourgeois
CUB volunteer attorney

The major players in the telecommunications industry in Oregon fall into three groups: Pacific Northwest Bell (PNB); the independent telephone companies, such as United Telephone, General Telephone, and Continental Telephone; and the "interexchange carriers" like AT&T, American Network, and U.S. Sprint.

The independent telephone companies provide only local service. The interexchange carriers provide only long distance service. PNB provides both local service and intra-LATA long distance service. Oregon is divided into two LATA's: Southern Oregon and Northern Oregon/Vancouver.

No competition is allowed for local customers. Each local phone company (PNB and the independent telephone companies) is assigned a geographical area for which they are granted a monopoly. No other company can provide local service in that area.



When you make a long distance call in Oregon, the long distance company must pay for access to the local telephone company in the area to which you are calling. These charges are eventually passed on to you, the consumer. (See article below.)

Since the phone company is granted a monopoly by the state, it must also obtain approval from the state of the rates it charges to its customers. These rates must be filed with and approved by the Public Utility Commission (PUC). The rates are called tariffs.

Which costs will the company be allowed to pass on to ratepayers?

There are specific rates for each of the services provided by the phone company, including residential flat rate local service, business flate rate local service, measured service, Touch-Tone, call-waiting, and other services.

If a local telephone company wants to increase its rates, it must file the tariffs in a rate case before the PUC. Other parties, like CUB, may intervene to contest the proposed rates. There are three basic issues to be decided in these cases:

★ What are the costs which the company will incur, that will be allowed to be passed on to the ratepayers? These costs can include equipment, telephone lines, employee salaries, advertising, lobbying expenses, transactions with affiliated companies, and legal expenses to prevent CUB from inserting notices in the phone bill envelopes.

★ How much revenue will be generated by the proposed rates? (This figure is the number of customers for each service times the rate for each service.

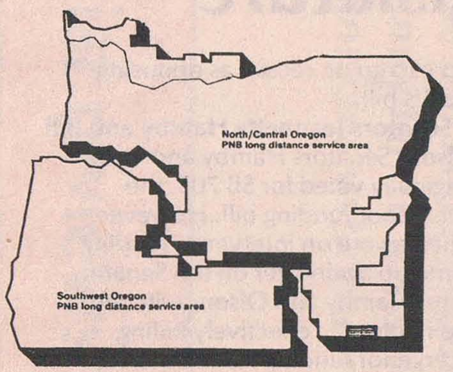
★ How much should revenue exceed cost in order for the shareholders or owners to receive a reasonable rate of return on their investment?

If the company, the PUC staff, and intervenors (such as CUB) can not agree on these issues, then the PUC Commissioners must decide the case.

A recent example of a local telephone rate case is the United Telephone Company rate case in November 1985 (referred to as Docket No. UT 41). United based their case on their costs, revenues, and economic conditions for the first half of 1985. CUB intervened, and requested that United provide information on United's costs, revenues, and economic conditions for all of 1985, including decreasing interest and inflation rates. When United provided the information, it became clear that they did not need a rate increase, and they withdrew their rate case.

Local, long distance rates: how they interact

In contrast to local telephone service which is monopolized, long distance or toll service is competitive. AT&T, AmNet, Sprint and other long distance companies compete for customers on high density long distance routes like Portland to Eugene, Portland to Seattle, SanFrancisco to New York. In addition, Pacific Northwest Bell (PNB) is allowed to compete for long distance customers and provide intraLATA toll service. (Oregon is divided into two LATAs - or calling areas - PNB can provide long distance service within the LATA, but not from one area to another.)

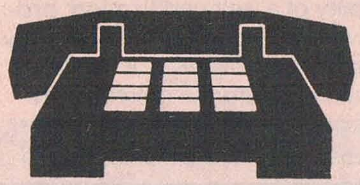


As competitive providers of toll service, the long distance carriers are not required to obtain approval of their rates. They are allowed to charge what the market will bear. PNB, as a provider of both a monopoly and a competitive service, must still file and obtain approval of its toll rates to prevent the company from subsidizing its competitive services with its monopolized services.

How long distance companies gain access to local lines

In order for a long distance interexchange carrier' like AT&T or Sprint to complete a call for one of its customers, it must gain access to the equipment of the local telephone company. The equipment of the local company is called the local exchange. Long distance companies are called interexchange carriers.

For example, if you live in Portland



you obtain local service from PNB which has a monopoly for local service in Portland. However, you may subscribe to a variety of long distance companies. If you subscribe to AmNet and decide to make a long distance call to Hood River, your call would begin in the PNB local exchange in Portland, be carried over long distance circuits rented by PNB to AmNet (at a bulk rate discount), and end in the United local exchange in Hood River. In addition to paying PNB for the use of the long distance circuits, AmNet must also pay United and PNB for access to their local exchanges. These "access charges" are eventually passed on to you, the consumer, as part of the long distance carrier's toll rate.

A local telephone company therefore has two sources of revenue to pay for the local exchange: the revenues from its monthly billings to its local customers; and access charges charged to interexchange carriers like AmNet for access to the local exchange.

Sources of revenue for PNB

Since PNB provides both local service and intraLATA toll service, it has three major sources of revenue: Local revenue received from monthly billings to local customers; access charges from interexchange carriers; and toll revenues received from monthly billings to its long distance customers. When PNB files a rate case, it seeks approval of three types of rates: local, access charges, and long distance rates. Since its local customers are monopolized and cannot change to another company, PNB would prefer to maximize its local rates.

Under former Public Utility Commissioner Gene Maudlin, the local rates for PNB customers were allowed to increase in proportion to long distance rates until PNB's local customers were paying the highest rates in the West. PNB could then keep its toll rates down, to the advantage of a select few customers who generated large monthly long distance bills.

Local rates went up, large customer long distance rates went down

This policy reached its zenith under a rate case proposed by PNB and local telephone companies which allowed the phone companies to increase their local rates by $2 per month beginning in January of 1986. The companies were also supposed to reduce their access charges by appropriate amounts so that the independent companies would not receive any additional revenue.

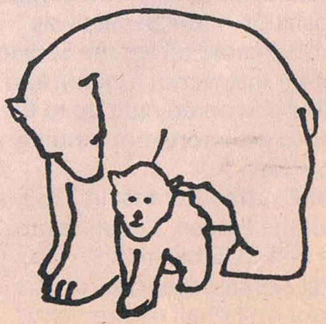
Unlike the independent telephone companies, PNB wanted to increase its local rates more than it decreased its access charges and toll rates. At PNB's request and without a public hearing, Commissioner Maudlin granted PNB a $19.4 million annual local rate increase, but only required the company to decrease its access charges and toll rates by $8 million annually.

PNB and Independents ordered to reduce rates

CUB protested this unfair rate increase and participated in hearings before the PUC to demand that all local telephone customers in Oregon receive a rate reduction, and that PNB customers receive a refund of the amount they had been overcharged. Because of CUB's intervention, PNB's residential customers received an average refund of $14.94, and all local telephone ratepayers in Oregon received a rate reduction of approximately $2 per month.

Because of the companies' overearnings, PNB was ordered by Commissioner Charles Davis to reduce its rates by $45 million annually. A close examination of your local phone bill will reveal savings in many areas. For residential customers, your local bill will soon reflect a decrease of $2 per month. If you have touch-tone service, the charge of 55 cents per month will disappear from your bill. Extended Area Service in the Portland area (also called Multiple Exchange Service) will become optional and the cost of $2.28 per month will disappear if you choose not to take this service.

The cost of a local Portland line will decrease as much as $4.83 per month, going from $20.88 down to $16.05. The cost for connecting a new line goes down from $31 to $12 per residential line, and from $48 to $31 for a business line.

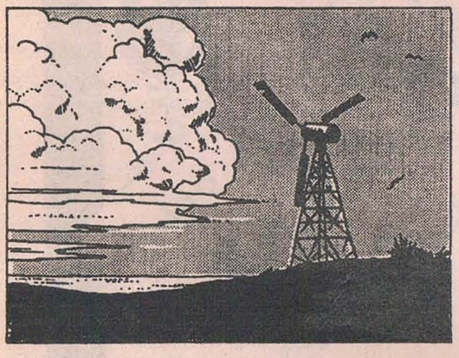


PGE case closes — decision expected in August

Hearings in the Portland General Electric Company (PGE) general rate case have come to a close, more than a year after PGE asked for a $67 million revenue requirement increase.

CUB has been an intervenor and has played a dominant role in the case on behalf of consumers. The case came to a close with formal hearings held in Salem May 19th through May 27th. A final decision in the case is expected from the PUC in early August.

On behalf of CUB, Attorney John Stephens and Expert Witness Thomas Power participated in over 16 hearings and conferences, took legal depositions of 11 PGE employees, and examined thousands of pages of PGE documents.



CUB presented testimony which argued that:

1) PGE should be required to return to ratepayers some $60 million of Investment Tax Credit benefits;

2) PGE ratepayers should receive 100 percent of the benefits of a $100 million after-tax profit PGE received on a sale of power from its Boardman plant; and

3) PGE's Coalstrip No. 4 plant in Montana should be either kept out of the rate base entirely, or should be placed in the rate base on a reduced basis.

If CUB's position is accepted in this case, PGE's rates would drop in excess of $25 million. CUB believes its participation will have a substantial impact on the outcome of this case in benefits to consumers.

CUB seeks new Board Members

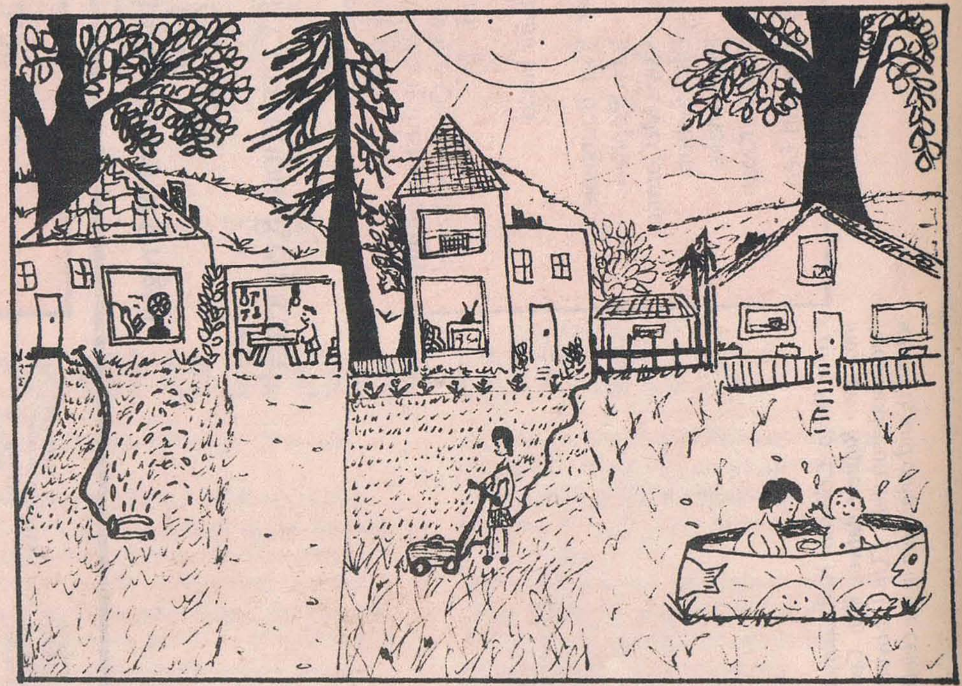
The Citizens' Utility Board is now taking applications to fill 3 vacant positions on the CUB Board of Governors. One of the positions is in Congressional District 2, and two are in District 4. All CUB members in these districts are eligible to apply for the positions.

The CUB Board will appoint new members to fill the remainder of the terms which were vacated by Charles Montee of Pendleton, Chris Palmer of Myrtle Point, and Kurt Harlan of Eugene. Both Montee's and Harlan's positions will end in June 1988, Palmer's position ends in June 1989.

Normally, Board members are elected to the Board by CUB members in an election. However, when a position is vacated in mid-term, the Board is required to appoint a person to fill the vacancy within 90 days.

CUB Board members serve as volunteers and are required to attend monthly meetings throughout the state. In addition, members may be asked to serve on committees.

Interested CUB members may obtain application forms by writing the CUB office at 2637 SW Water Ave., Portland, OR 97201, or by calling 227-1984. Application forms are due back at the CUB office by 5:00 p.m. on July 15th. CUB is encouraging women and members of minority groups to apply.



Legislature takes sides in public/private power battle

The battle between public and private power utilities in Oregon is at least 50 years old . . . and it's likely to continue for quite some time. But private utility attacks on public power may never get uglier or more embarassing than they did this Legislative session.

The focus of the most recent battle involves a dispute between the Emerald People's Utility District and Pacific Power & Light. Emerald PUD, which serves part of Lane County, was created in 1976 by a vote of former PP&L customers. Emerald owns distribution and transmission facilities, but no power plants. For years, Emerald has expressed an interest in 4 hydroelectric dams that PP&L owns on the North Umpqua River. The way was cleared for Emerald last Novem-

authority to amend the Constitution; amendments can only be approved by a vote of the people. PP&L apparently has no interest in having Oregonians decide the matter.

HB 3245 suspends The Constitution for a two-year period and has a "retroactive" effective date.

Most observers have little doubt that the bill will be thrown out in court. The main purpose of the bill seems to be to harrass Emerald - to delay Emerald's eventual takeover of the dams and to increase Emerald's legal costs.

One can imagine the uproar if there was a bill to suspend, for 2 years, Constitutional provisions such as freedom of speech or religion. The vote on HB 3245 is testimony to PP&L's influence over the Legislature

Consumers' Council in England

By Mavis McCormic,
Board Member, Dist. 2

While in London recently, I inquired into the system for protecting consumers' interests in England, a country which has had a nationalized electrical supply system for forty years (the Central Electricity Generating Board). Information was furnished by Tony Boorman, Deputy Director of the Electricity Consumers' Council (ECC).

The Council serves utility consumers in England and Wales in many of the same ways that CUB does in Oregon; however, there are striking differences in financing, staff, and the actions which can be taken regarding rate changes.

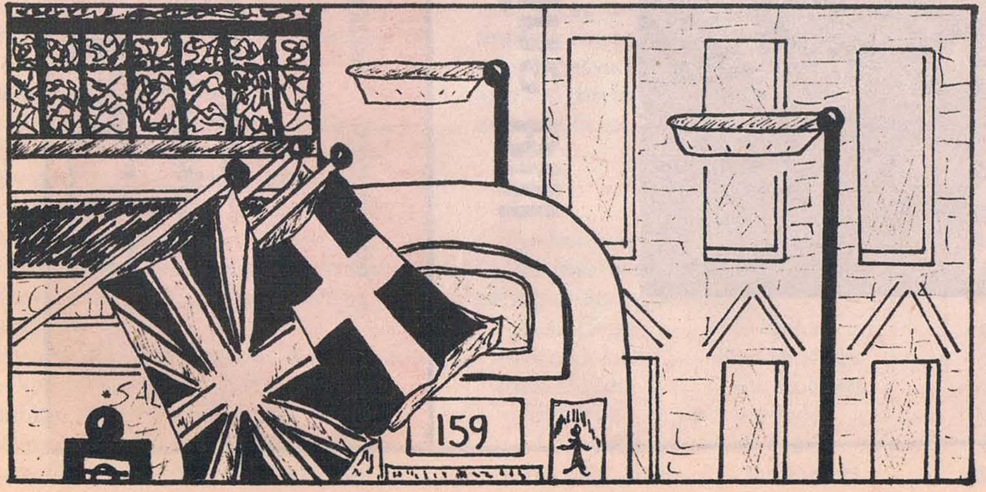
The ECC, which was established in 1977, is funded by the Government. For 1985/86 its budget was about $360,000, and several staff members were employed throughout the region. When electricity rate increases are proposed, the Council is consulted, but no rate hearings are held. This means there are no opportunities for intervening by legal action. While CUB members may envy the ECC's financing and larger staff, we do have some options not available to the ECC, such as public hearings and intervenor action.

Consumer education on energy conservation, monitoring energy use, meter accuracy tests, and safeguards from utility cutoffs are provided through a series of ECC bulletins.

Cutoffs for nonpayment of bills is a source of concern there as well as here, although only 10 percent of households heat with electricity in England. One additional method of handling utility payments is available there — the payment meter, which is a version of the old shillings in the slot system. It is one of the alternatives considered rather than stopping electric service. Two notices are given, suggestions for arranging payment are made, and a final 10 weeks are allowed before disconnection of utility service.

Just as the British gas industry has been denationalized or "privatised", the electricity industry will probably be taken out of government ownership soon. Mr. Boorman commented that such a change would not significantly affect the functioning of the ECC.

In the 1986 ECC Annual Report, Chairman John Hatch said, "The Government's privatisation programme has focussed attention on consumer councils. There is now, perhaps, a wider consensus than ever before that effective consumer councils are needed, where a corporation has market dominance and supplies basic necessities of life."



ber when the Oregon Supreme Court, in a unanimous ruling, stated that PUD's have the right to condemn dams on public waterways.

PP&L had House Bill 3245 introduced to prevent Emerald from acquiring the dams. The bill establishes a 2-year moratorium on PUD condemnation authority and requires the state's Energy Policy Review Committee to "study" the public/private power struggle.

The biggest flaw with the bill is that Emerald's right to acquire the dams is provided in the Oregon Constitution. The Legislature does not have the

Best Wishes to Charles Montee

CUB wishes to thank Charles Montee for his dedicated service to the Board of Governors. Montee, a Pendleton resident who was elected to the Board in 1986, resigned his postion following heart surgery this spring.

The Board of Governors wishes him a continued successful recovery!

JOIN CUB

I want to join CUB and help fight unfair utility rate increases. Enclosed is my annual membership contribution.

NAME: ______________________________

ADDRESS: ______________________________

CITY: ____________________ **ZIP:** __________

TELEPHONE ____________________

Amount of Annual Membership:

- ☐ **$25.00** Regular
- ☐ **$50.00** Contributing
- ☐ **$100.00** Sustaining
- ☐ **$5.00** Basic*
- ☐ __________ Other

*Can be waived in cases of financial hardship.

☐ **I AM ALREADY A CUB MEMBER, PLEASE ACCEPT MY ADDITIONAL CONTRIBUTION OF $______.**

☐ **PLEASE ACCEPT THE ENCLOSED CONTRIBUTION AS MY ANNUAL CUB MEMBERSHIP RENEWAL.**

Please make your check payable to Citizens' Utility Board

P.O. Box 6345; Portland, OR 97228

Solar '87

Portland will host Solar '87, an interdisciplinary solar technologies conference July 11-16, 1987. The conference is sponsored jointly by the American Solar Energy Society, Inc. (ASES) and the Solar Energy Society of Canada, Inc. (SESCI). About 800 conference attendees are expected from throughout the U.S. and Canada.

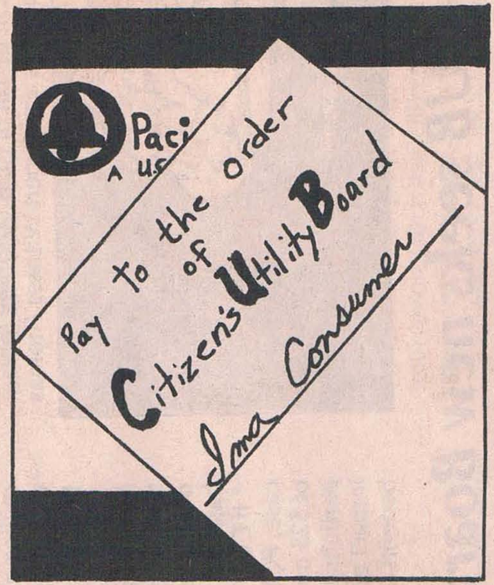
Solar '87 will consist of four days of refereed papers and symposia, keynote speakers, and exhibits.

All conference events will be held at the Hilton Hotel, located in downtown Portland at 921 SW 6th Ave. On-site registration for the conference and workshops will begin at 8:00 a.m. on Saturday, July 11, and will continue throughout the conference.

For information contact the Solar Energy Assiociation of Oregon at 2637 SW Water Ave., Portland, OR 97201, or phone 224-SUNS.

CUB Board of Governors

July 27, 1987
305 Main Street
Klamath Falls
12:30 p.m.



Thank you!

When those Pacific Northwest Bell refund checks came in the mail, many supporters remembered CUB and endorsed their checks over as a donation. CUB wishes to thank all of its members and supporters who remembered CUB's victory by donating their refunds or their expected savings in a "special appeal". CUB received over $6,000 in donations from grateful members.

CUB also wishes to thank all of our members who renewed their memberships in May and June. If you received a renewal notice in the mail, you still have time to send it in before getting a second notice.

CUB BOARD OF GOVERNORS

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The Bear Facts

The Bear Facts is the **bi-monthly** newsletter of the Oregon Citizens' Utility Board.

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Dorothy Krogh

Printing: The Sellwood Bee

Cover Photo: Governor Neil Goldschmidt signs the Lifeline bill into law. Representatives Ron Cease (right of Goldschmidt), Andy Anderson (left), CUB Lobbyist Eric Stachon (behind Goldschmidt), and others join in the celebration.