CITIZENS UTILITY BOARD

THE BEAR FACTS

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

921 SW Morrison #550
Portland, OR 97205

P.O. Box 6345
Portland, OR 97228

Feb/Mar 1990
Volume 5, Number 1

CUB supporters speak out on shutoff rules

Inside:

- You can be elected to Board!
- Trojan fines raise questions

CUB
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CUB supporters speak out on shutoff rules

CUB members and many community organizations turned out to support CUB's proposed rules changes regarding utility service policies at Public Utility Commission hearings held in December in Salem and Portland. These policies include shutoff procedures, criteria for charging deposits, late payment fees, time payment plans, medical certificates, and the process for resolving disputes and complaints. All customers of regulated gas, electric and telephone utilities are affected by these policies.

Organizations which have endorsed CUB's proposal include the Oregon Alliance for Progressive Policy, Oregon Public Employees Union, Oregon State Council of Senior Citizens, United Seniors of Oregon, Gray Panthers, Governor's Commission on Senior Services, and the Oregon Human Rights Coalition.

Since the hearings took place, CUB has participated in two PUC work sessions. The purpose of the work sessions is to attempt to reach compromises between CUB, the utilities, and the PUC. The work sessions were followed by a final round of written comments on the proposals.

Board members Kathy Weaver and Judy Schilling have represented CUB in the PUC proceedings, and have worked in coalition with the Low Income Consumers Union on developing a proposal which is fair and reasonable.

Some of the rules changes which CUB has proposed are:

Notice of disconnection: Extends the 72-hour shutoff notice to 5 business days; requires that the utility inform the customers of their rights in a language they can understand; and requires that tenants be given notice of a shutoff in the event that their landlord fails to pay their bill.

Deposits: Limits deposits to no more than a one-month average bill; limits deposit requirement to only those customers who have been shut off during the prior 12 months and did not pay their arrearage or sign a Time Payment Agreement.

Equal Payment Plans: Allows utility customers to sign an equal payment plan at any time during the year (currently equal payment plans can only be started during the summer);

Medical Certificates: Authorizes other health care professionals (besides doctors only) to sign medical certificates for ratepayers whose health would be seriously endangered by termination of utility service. (Many rural areas suffer from a shortage of doctors, making it nearly impossible for some people to obtain medical certificates under the present system.) Also allows a medical certificate to be used to restore service to a household whose service has been disconnected. (Current rules allow for medical certificates only to prevent a shut-off, not to restore service.)

The CUB Board of Governors wishes to thank all of the organizations and individuals which gave their support to CUB's proposal. In addition to voting to endorse the proposals, many people also wrote letters of support to the PUC, testified at the public hearings, and helped to publicize the issues.

The PUC is expected to issue their final decision on these rules this Spring.

US West rate cut granted, stalled

Yet another phone rate cut has been stalled by US West! In December, the Public Utility Commission ordered US West to cut its rates by $24 million. This rate cut was to be in the form of a 5 percent across the board decrease for all classes of ratepayers. However, US West has succeeded in stalling this rate cut by challenging the PUC order in court.

The original order, signed by the PUC in September, approved an agreement between US West and Pacific Northwest Bell (PNB) which transferred responsibilities for white and yellow pages directories to an affiliated company, US West Direct. The agreement provided that US West customers would pay "publishing fees" to the local phone company for the right to publish directories.

"Despite PNB's representation that the public would benefit from the publishing agreement and asset transfer, US West formulated a corporate plan that would result in the cat's out of the bag now and they're scrambling like crazy to get the cat back in. CUB and the PUC are trying to keep the facts before the public."

If the court upholds the PUC's order the effect will be a rate reduction of $24,057,000 for US West's Oregon residential and business customers. One-party residential customers in Portland, for example, would receive a local service credit of 79 cents a

The original order, signed by the PUC in December, directed US West to reduce its Oregon revenues effective January 1st. The new rates were to be reflected as a credit on customers' bills.

US West initially filed a petition to extend the amount of time it had to comply with the PUC order by 60 days. US West also asked the commission to extend the effective date of the order to February 27th, 1990.

The PUC denied US West's petition saying that the rate cut was necessary to "protect utility ratepayers from unjust and unreasonable exactions." The commission recognized that it may take time for the company to implement customer credits, but ruled that the effective date for the credit should remain Jan. 1 for service rendered on and after that date.

"Making the necessary tariff changes," the commission said in its news release, "should not prove too burdensome, however, since the order calls for an equal percentage reduction in rates."

After the Commission denied US West's request for an extension, US West filed a court appeal which seeks to reverse the rate decrease.

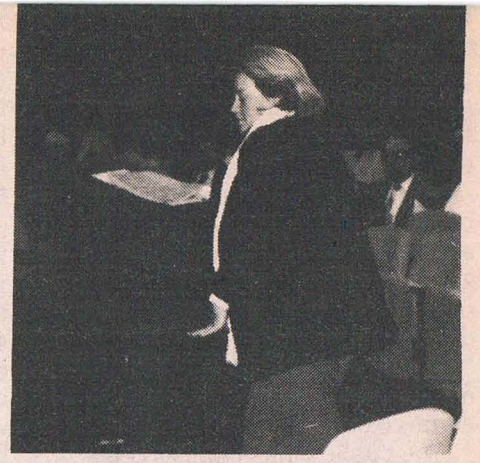
CUB attorney Rion Bourgeois said that US West's overearnings came about as a result of excess profits earned by the company due to corporate tax cuts made by Congress. At the same time, US West tried to show a derease in their revenues with a scheme involving publishing of the yellow pages.

In the original rate reduction order, the commission criticized US West Communications for attempting to withhold from its Oregon customers the benefits of a telephone directory publishing agreement with US West Direct, an affiliated corporation. US West Communications (formerly Pacific Northwest Bell) entered into an agreement in 1984 to transfer publishing transfer, US West formulated a corporate strategy in 1986 to divert directory profits from ratepayers to stockholders," the commission said in its order. "The company acknowledged that the strategy would cause local rates to increase, but nevertheless concluded that it should pursue the goal of flowing as many dollars to the shareholders as possible, while minimizing the risk of imputations from regulatory agencies."

The commission said publishing of directories is a necessary part of adequate phone service and that revenues from the directories help keep local phone rates affordable.

"US West is trying to keep a lid on the facts," Bourgeois said. "But the local service credit of 79 cents a month, reducing the bill from $19.83 to $19.04.

The five percent rate decrease ordered by the Commission is a temporary rate design. The PUC is currently considering how the $24 million rate cut should be divided between business and residential customers on a permanent basis. CUB has argued that the rate cut should be shared between businesses and residential customers while the PUC staff has proposed that the lion's share of the rate cut be given to businesses. The Commissioners instituted the temporary rate design because they wanted the rate cut to be effective as soon as possible, but had not yet made a decision on the final rate design.



Oregon Human Rights Coalition representative Donna Babbitt testifies in support of CUB's proposal for fair utility policies at a PUC hearing.

Ratepayer Update

Here's an update on the status of the utility proceedings in which CUB is involved:

US West Refund (PUC Docket no. UT43): Last Fall, the PUC announced a $10 million refund of US West ratepayers (an average refund to residential customers of $8.40), as a result of a CUB motion. US West is currently stalling that refund in court.

US West Social Contract (PUC Docket no. UT80): In this proceeding, US West is seeking to drastically change the manner in which it is regulated. US West's plan includes automatic annual rate increases based on a price index. CUB has strongly opposed this plan before the Public Utilty Commission. Hearings took place in July 1989, and the PUC has not yet issued a decision.

US West Rate Case (PUC Docket no. UT85): In December 1989, the PUC ordered US West to reduce its rates by $24 million. US West has taken the PUC to court, stalling this rate cut. (See article above)

Yellow Pages revenues: US West has developed a scheme to send all of its profits from the yellow pages directly to its stockholders instead of using those profits to offset rates. The PUC has refused to allow this plan to go through, so US West is taking the PUC to court. CUB is a party to the court case, urging the court to uphold the PUC's decision. (If US West is allowed to carry out this scheme, rates are estimated to increase by 5%.)

Utility Service Policies (PUC Docket no. AR193): CUB has proposed sweeping changes to the rules governing utility shutoffs, deposits, time payment agreements, medical certificates, late payment fees, and the process for resolving disputes and complaints. Public hearings were held in December, and the PUC is currently considering this case. A decision is expected in the Spring.

Portland General Electric Rate Case (PUC Docket no. UE47/48): Last summer, as a result of CUB's action, the PUC ordered PGE to refund $37 million to its ratepayers. PGE has taken the PUC to court to stop the refund.

Total refunds and reductions awarded to ratepayers, but being stalled by PGE and US West: $71 million!

PGE ignores safety, endangers Oregonians

By Lloyd Marbet

On July 8, 1989 Portland General Electric's (PGE) Radioactive Waste Supervisor found debris in the containment recirculation sump, a large drainage pit, which collects water in the bottom of the reactor containment building for use in Trojan's Emergency Core Cooling System (ECCS). Later that afternoon a Quality Operations Inspector examined the debris and concluded that: "a 2' x 3' flat iron bar metal frame, fiberglass and chalk insulation, metal banding and clips, pens, a spool of stainless steel wire, a bundle of stainless steel wire, a roll of duct tape, Masslin cloths, 18" wire wraps, weld rod stubs and a section of scaffolding had been in the sump prior to the 1989 Refueling Outage..."

On July 10, 1989 additional debris was found and removed from the sump. This eventually led to yet another inspection. At 9:30 am, on July 14, 1989, with the plant in Mode 4 the Resident Inspector, who was accompanied by a licensed Quality Operations inspector, a management representative, and a Radiation Protection Technician evaluated the cleanliness in a portion of the sump (Inspection of the pipe chase was not conducted at this time). The inspection identified still more debris.

It was later determined that for 14 years Portland General Electric failed to install fine mesh screens over the sump, which were supposed to be part of the original plant design.

In addition, PGE personnel were signing surveillance forms for inspections that were not done. As debris collected in this drainage pit, emergency pumps used to circulate water would have been stopped or damaged in the event of a loss of coolant accident.

Discovery of this major safety violation caused the Nuclear Regulatory Commission (NRC) to levy a $280,000 fine against Portland General Electric. While this was the 13th largest fine in NRC history it is merely symbolic when compared to total dividends earned by PGE stockholders. For example PGE paid $90,335,000 in dividends in 1988.

How can a major utility operate a nuclear plant with three resident inspectors ... and fail to discover a major saftey violation for 14 years? Especially a safety violation which could have been detected at any time by a visual inspection.

The Regulatory Response:

Following this sequence of events was the usual shuffle of utility management combined with proposed "action plans" and public relation statements on how safe operation is "now" of primary concern. It all sounds so familiar but the real story has yet to be told. How can a major utility operate a nuclear plant with three resident inspectors, two from the NRC and one from the Oregon Department of Energy (ODOE),and fail to discover a major safety violation for 14 years? Especially a safety violation which could have been identified at any time by a visual inspection.

On October 20th, Oregon's Energy Facility Siting Council (EFSC) held its first meeting in three months. On EFSC's agenda was ODOE's typical one page report analyzing this safety violation at Trojan. In response to questions from Siting Council members, Harry Moomey, ODOE's resident site inspector, shockingly revealed how the Trojan Nuclear Plant is regulated by the State of Oregon:

"As far as our particular program, we made a distinct move back a few years ago into the area of what we said we would look at, management. We made a conscious decision at that time not to go in and shake pipes and look for loose bolts ... As you can see, that in itself, carries a certain hazard ... But, I also bring up to you that it would not be my intention to change the program to go back in that direction. We could find a few things, but how many other things do we miss also."

What this translates into is the policy changes within the Oregon Department of Energy.

The Law:

While these regulatory changes would better address management procedures at Trojan they do not fully explain how we have arrived at this present crisis. The legislature created both the Energy Facility Siting Council and the Oregon Department of Energy to protect the health and welfare of the people of Oregon. Oregon Revised Statute (ORS) 469.310 gives EFSC and ODOE broad power over the siting, monitoring and regulating of Trojan.

It seems perfectly clear that EFSC, in conjunction with the Oregon Department of Energy, has ample authority to regulate Trojan to the maximum extent of the law. It could have ordered inspections at Trojan at any time it desired. Why then has EFSC failed in its regulatory responsibility?

The Treatment of the Public:

When EFSC was first created in the early 1970's it met monthly and received detailed reports from ODOE's staff on Trojan's ongoing operation. However, in the last seven years EFSC has streamlined its meeting process. Issues are sent to subcommittees for review and since the subcommittees operate outside of the public meetings law there is no requirement for public notification of subcommittee meetings. Therefore the public does not have an opportunity to discover what is going on.

In addition, for the entire time Governor Goldschmidt has been in office, EFSC, which by law is a seven member body, has operated with only five members and for a short time with only four. The quality of decision making has suffered because of this

Greenhouse Effect

Oregon aims to slow warming

By Mavis McCormic

Erratic weather patterns of the past few years have called attention

Oregon as envisioned by the state's departments of transportation, energy, forestry, and agri-culture.

to worldwide warming which scientists believe can be traced to human activities. Just as heat is retained in a greenhouse because radiation from the sun can enter but heat cannot escape, so the heat normally radiated from the earth's surface can be blocked by certain gases in the atmosphere. The amount of these gases is increasing largely because of fossil fuel burning. Carbon dioxide is the most important "greenhouse gas"; some others are methane, chlorofluorocarbons, and nitrous oxide.

The public's attention has been captured by six of the hottest years on record, which occured in the past decade, and by unusual weather patterns of droughts and floodings. Clima-tologists say such problems are likely first signs of global warming. The average global temperature has been rising since the 1800's — the time of the Industrial Revolution which brought about increased fuel use — and an accelerated rate of change with a temperature increase of as much as nine Fahrenehit degrees by the year 2050 is possible. Such a large and rapid change could have disastrous effects on civilization. The oceans rising would flood coastal cities, contaminate water supplies, disrupt agriculture, and destroy species which could not adapt rapidly enough.

While the problem is global, and inter-national conferences are being held to consider worldwide solutions, Oregon is proceeding with its own programs to reduce greenhouse gas emissions in the state.

With Oregonians making up only about one-hundredth of the nation's population, we are setting an example of rapid response. In 1989 a Governor's task force reported on the impacts of global warming in Oregon. Also last year, the state legislature passed a bill designed to reduce Oregon's greenhouse gas emissions by 20 percent by the year 2005. The bill was introduced by the Solar Energy Association of Oregon (SEA of O) and was supported by CUB.

The Oregon Department of Energy (ODOE) and SEA of O are now working with interested parties to implement the legislation. The first step is to determine the current rate of greenhouse gas emissions in Oregon. After the relative global warming effects of the different gases has been assesed, ways of reducing emissions to achieve the desired reductions will be sought. Currently, carbon dioxide is believed responsible for 80 percent of the total effect. To reduce Oregon's contribution to global warming by 20 percent will require changes in many fields — energy, trans-portation, agriculture, and others. Fortun-ately, many of the measures needed will have other beneficial effects as well.

More efficient use of energy will help the economy as well as the environment since Oregon is an energy importing state. The reduction of chloro-fluorocarbons released to the atmosphere is needed to reduce global warming but will also be helpful in the problem of ozone shield depletion. Reduction of air pollution would be an additional benefit from measures to reduce greenhouse gases. Replanting trees and slowing deforestation are beneficial measures for many reasons. Energy policies leading to greater use of alternative sources such as wind and solar may be developed rapidly.

Even if the magnitude and rate of global warming are over-estimated, counter-measures take time. Waiting for confirmation could mean being too late for effective action.

What this translates into is that ODOE does not do visual, hands on, site inspections at Trojan to ensure that quality assurance programs are being carried out by PGE. It relies on the assurances of PGE management and the written reports filed by the company. When members of EFSC asked Mr. Moomey whether it would be helpful to hire additional inspectors to work at Trojan he responded:

"I guess what I would say is I don't at this time believe that an increase of a few bodies to staff on our behalf of looking at the plant would make a monumental difference ... what that would do is bring forth more symptoms..."

What Mr. Moomey sadly characterized and apparently fails to understand is that while discovering symptoms might not be the cure for Portland General Electric's commitment to safety, it in fact might prevent major safety violations from turning into tragic accidents.

The Fine:

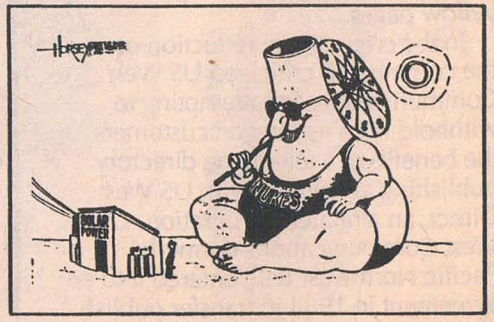
One might think that after such a serious failure in the regulatory process there would be radical changes in the manner in which Trojan is regulated. Instead it is business as usual! The Energy Facility Siting Council and the Oregon Department of Energy seem very concerned about PGE's management, yet they have chosen not to levy any substantive fines of their own. A multimillion dollar fine might have done wonders for PGE's management commitment to safety procedures.

But of primary importance is the need for real checks and balances and these can only be created from unannounced regulatory inspections after PGE performs the actual work on safety systems. These checks and balances should be made state law instead of being left to the discretion of apparent lack of interest. There have been no EFSC appointments from the environmental community since the Straub Administration.

If there had been a major pipe break at Trojan during the past 14 years the regulatory agencies responsible for protecting the people of Oregon would not have been adequately prepared to save the lives of those who for instance live 40 miles away in Portland or in Astoria. These agencies are still not prepared!

Oregonians should demand that our legislature at least make it a priority to require EFSC to set earthquake standards for the Trojan Nuclear Plant in addition to mandating a 50 mile emergency evacuation zone around Trojan. CUB endorsed both of these bills in the 1989 legislature.

Editor's Note: Last Fall, the CUB Board of Governors endorsed the initiative petition sponsored by the Don't Waste Oregon Committee to close Trojan until there is a federally licensed repository capable of accepting its high level radioactive waste, and until earthquake standards are met. There are now over 43,000 signatures on this petition. We encourage CUB members to support this initiative. If you would like to sign the petition or help gather signatures, please contact the Don't Waste Oregon Committee at PO Box 40729; Portland, OR 97240. Phone 637-3549.



CUB encourages members to run for Board

Election season is underway, and CUB members are encouraged to run for election to the Board of Governors. CUB's Board is democratically elected by those who care the most about CUB — our members! As a member, you not only have the right to vote in CUB elections, but you also have the right to run for election to the Board.

February marks the beginning of the election period. The coming election will fill one vacancy in each Congressional district in Oregon. The terms of office will be four years, beginning this June.

The most important qualities for Board members to possess are leadership skills, commitment to CUB, and committment to working as part of a diverse group to determine the best direction for CUB as an organization. Knowledge of specific utility issues is helpful, but one need not be a utility expert to become a valuable Board member.

CUB Board members Judy Schilling (left) and Kathy Weaver have devoted hundreds of hours to fighting for fair policies for ratepayers.

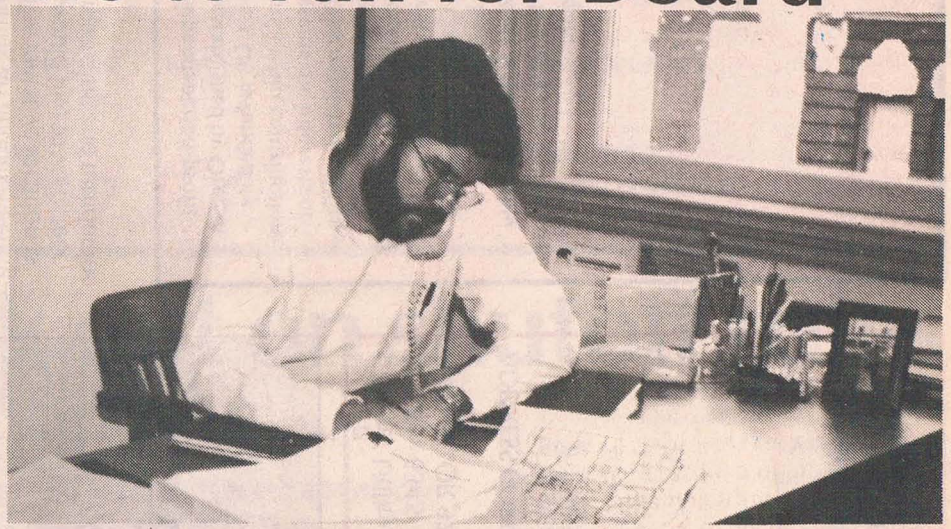
Board members must be willing to attend monthly Board meetings, which are held around the state, and must serve on a committee. Board members may also be asked to work individually on special projects.

CUB strongly encourages women and people of color to run for election to the Board. Seven women and eight men currently serve on the Board of Governors.

Board members whose terms will be expiring are: District 1, Kirk Roberts; District 2, Mavis McCormic; District 3, Margot Beutler; District 4, Robert Ackerman; District 5, Lloyd Marbet. Current Board members are allowed to run for re-election.

On this page you will find a candidate filing form which explains the eligibility rules. Your CUB membership must be current in order to be eligible for candidacy. The elections schedule is listed below. If you are unsure of your Congressional District, please check with your local elections division.

CUB is looking forward to a lively elections season! If you have any questions regarding your potential candidacy, please call Barbara Head at 227-1984.



Charlie Potter, Canvass Director, returns phone calls from prospective canvassers. Potter is currently directing CUB's annual phone canvass.

Board elections schedule

March 23
Candidate Filing forms due

April 29
Mail candidate campaign materials

June 8
Ballots due

Citizens' Utility Board of Oregon Filing of Candidacy for Board of Governors

Directions: If you are a CUB member interested in running for the Board of Governors, you must fill out this form to certify your eligibility for candidacy. Candidate filing forms must be received at the CUB office no later than 5:00 p.m. on March 23.

Name of Candidate _____

Residence Address _____

City _____ **Zip** _____

Congressional Dist. _____ **Telephone** _____

March 30
Board qualifies candidates

April 20
Campaign materials due/
Financial interest due

April 24
Board dis/qualifies candidates

May 4
Mail ballots to members

May 18
Contributions & Expenditures report #1

May 25
Board dis/qualifies candidates

Inauguration of new members
To Be Announced

Count ballots;
tabulate results

June 15
Contributions & Expenditures report #2

June 22
Board dis/qualifies candidates

JOIN CUB!

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

Name: _____

Address: _____

City: _____ **Zip:** _____

Phone: _____

Amount of Annual Membership:

- ☐ $ 25.00 Supporting
- ☐ $ 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

Mail to: P.O. Box 6345; Portland, OR 97228

Mailing Address _____

City _____ **Zip** _____

I Certify that:

A. I am 18 or over, a utility consumer, and a member of the Citizens' Utility Board of Oregon.

B. I am a resident of the United States Congressional District stated above, from which I am seeking election to the CUB Board of Governors.

C. I am not employed by any utility regulated by the Public Utility Commission pursuant to ORS Chapter 757, which furnishes electric, telephone, gas or heating service.

D. The total contributions and expenditures (as defined in ORS Chapter 260, including in-kind contributions, i.e., printing, advertising, telephone service, etc.) to and for my campaign for the Board of Governors will not exceed $1,000.

E. I will not accept a contribution of more than $250 from any one contributor.

F. I will not accept a campaign contribution from a utility, municipality, cooperative or people's utility district.

G. If elected, I shall not hold an elective public office, be a candidate for an elective public office, or be a state public official.

H. If elected I shall not obtain employment by a utility regulated by the PUC while a member of the Board of Governors.

I. I do not and shall not own or control, either singly or together with any immediate family members, utility stocks or bonds of a total value in excess of $3,000, while a candidate or if elected to the Board of Governors.

J. If at any time I become ineligible to serve as a member of the Board of Governors, I will so notify the Board of Governors and resign.

My signature attests to the accuracy of the foregoing statements and affirms my agreement to abide by the election regulations established by the Citizens' Utility Board of Oregon.

Signature of Candidate _____

Date _____

Please mail completed application forms to: CUB elections; 921 SW Morrison, Room #550; Portland, OR 97205.

Short Subjects

Board welcomes new member

CUB wishes to welcome Ed Epley of Corvallis to the Board of Governors. Ed is filling in as a proxy for board member Martin Fisk who is on a sabattical in Scotland until August. Ed comes to the Board with an interest in conservation issues. He has served on the Boards of the United Nations Association and the Peace & Justice "Go-fers."

CUB adopts strategic plan

After many hours of work by the Board and the planning committee, CUB has adopted a long-range strategic plan and a one-year operating plan. Thanks to David Allen, chairperson of the planning committee and to the other committee members for their dedication. If you would like a copy of these plans, contact the CUB office at 921 SW Morrison, Suite 550, Portland, 97205. Phone 227-1984.

Annual Meeting

CUB is planning an annual meeting for late June. The tentative location is Salem. If you would like to volunteer to help with organizing and turnout for the meeting, please contact the CUB office.

5th anniversary edition of Bear Facts

As a celebration of CUB's 5-year history, we are planning a special edition of the Bear Facts in April. To help fund this edition, we will be selling advertising to businesses, professionals, candidates, etc. If you would like to purchase an ad, or if you would like to solicit ads for this issue, please call Charlie Potter at the CUB office: 227-1984.

New PUC publications

The Public Utility Commission has recently released two new publications which are available free to the public. The "PUC Public Involvement Guide" and a fact sheet entitled "How Utility Rates are Determined" are available by calling the PUC's toll-free number: 1-800-522-2404.

NW Power Planning Council appointment

Governor Goldschmidt has appointed Angus Duncan to the Northwest Power Planning Council. Duncan replaces former council member Norma Paulus.

Duncan was corporate development director of District Utility Services Company, a PacifiCorp subsidiary that provides utility services to academic and business campuses and urban centers. He was also director of energy policy for the US Department of Transportation from 1979 to 1981.

CUB is an independent non-profit organization established by Oregon voters in 1984. CUB is funded by voluntary membership contributions.

CUB represents the interests of consumers of the regulated utilities – gas, electricity and telephone – through participation in hearings and ratemaking proceedings before the Public Utility Commission and the Oregon state legislature.

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

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Cover Photo: Evelyn Miller testifies in favor of CUB's proposal at a PUC hearing on utility service policies, while PUC Commissioners Nancy Ryles (left), Mike Katz, Ron Eachus (right), and PUC hearings officer Jill Heiman listen.