

**A-Engrossed**  
**House Bill 3479**

Ordered by the Senate June 29  
Including Senate Amendments dated June 29

Sponsored by COMMITTEE ON ENVIRONMENT

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires any [*entity*] **person** that acquires all or portion of [*Portland General Electric Company*] **allocated territory of Portland General Electric Company, or acquires right to provide utility service within allocated territory of company**, to assume proportionate share of obligations and liabilities related to construction, ownership and operation of Trojan Nuclear Plant. **Specifies exceptions.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to nuclear power plant obligations; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Agreement" means the agreement dated October 5, 1970, and titled "Agreement for**  
6 **Construction, Ownership and Operation of the Trojan Nuclear Plant," as amended.**

7 (b) **"Allocated territory" has the meaning given that term in ORS 758.400.**

8 (c) **"Person" means:**

9 (A) **A person as defined in ORS 174.100;**

10 (B) **A person as defined in ORS 758.400;**

11 (C) **A public body as defined in ORS 174.109; or**

12 (D) **Any combination of entities described in subparagraphs (A), (B) and (C) of this par-**  
13 **agraph.**

14 (d) **"Trojan obligations" means all of the obligations and liabilities of the Portland Gen-**  
15 **eral Electric Company to pay amounts that are due or that may become due under the**  
16 **agreement or that are due or that may become due as a result of a requirement imposed by**  
17 **a federal, state or local governmental body, agency or instrumentality.**

18 (e) **"Utility service" has the meaning given that term in ORS 758.400.**

19 (2) **Any person acquiring all or a portion of any allocated territory of the Portland Gen-**  
20 **eral Electric Company, or acquiring the right to provide utility service within the allocated**  
21 **territory of the Portland General Electric Company, shall assume a share of Trojan obli-**  
22 **gations that is proportionate to the total amount of allocated territory or the percentage of**  
23 **retail customer load for which the person has acquired the right to provide utility service,**  
24 **whichever is greater.**

25 (3) **The assumption of Trojan obligations described in this section shall occur without**  
26 **regard to whether the acquisition described in subsection (2) of this section occurs through**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 market transactions or condemnation proceedings or by any other means.

2 (4) Any person assuming a share of Trojan obligations shall pay all required or necessary  
3 amounts, when due, into any decommissioning or other fund established, required or ap-  
4 proved by any federal, state or local governmental body, agency or instrumentality for the  
5 purpose of meeting Trojan obligations. A person making payments into a fund described in  
6 this subsection may use the person's share of the fund for the purpose of meeting the per-  
7 son's Trojan obligations, subject to any limitation imposed by a federal, state or local gov-  
8 ernmental body, agency or instrumentality.

9 (5) The obligations imposed by subsection (2) of this section do not apply to any person  
10 acquiring allocated territory or customers of the Portland General Electric Company when:

11 (a) The acquisition occurs pursuant to the terms of a contract allocating territory that  
12 has been approved by the Public Utility Commission under ORS 758.400 to 758.475 and that  
13 is in effect on the effective date of this 2005 Act; or

14 (b) The acquisition comprises less than one percent of the total allocated territory of the  
15 Portland General Electric Company or less than one-tenth of one percent of the total retail  
16 customer load of the Portland General Electric Company at the time of acquisition, which-  
17 ever is greater.

18 SECTION 2. This 2005 Act being necessary for the immediate preservation of the public  
19 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect  
20 on its passage.

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