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Multnomah County
Commission
5/15/03



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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MAY 13, 14 & 15, 2003

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Budget Work Session
Pg 2	1:00 p.m. Tuesday Budget Work Session
Pg 3	6:00 p.m. Wednesday Public Hearing on 2003-2004 Multnomah County Budget
Pg 4	9:30 a.m. Thursday Regular Board Meeting
Pg 5	10:00 a.m. Thursday Public Hearing on Boundaries of the Proposed People's Utility District
Pg 5	6:00 p.m. Thursday Public Hearing on Boundaries of the Proposed People's Utility District
Pg 6	Budget Work Session and Hearing Schedule

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 11:00 PM, Channel 30
Saturday, 10:00 AM, Channel 30
Sunday, 11:00 AM, Channel 30
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Tuesday, May 13, 2003 - 9:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BUDGET WORK SESSION

- WS-1 9:00 Department of Community Justice Citizen Budget Advisory
Committee
- 9:05 Non-Departmental
Non-Departmental Citizen Budget Advisory Committee
Auditor's Office
Commission on Children, Families and Community
Public Affairs Office
Citizen Involvement Committee
Regional Arts and Culture Council
Soil and Water Districts
Elders in Action
Progress Board
- 10:05 Department of Library Services
-

Tuesday, May 13, 2003 - 1:00 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BUDGET WORK SESSION

- WS-2 1:00 Department of Business and Community Services
Department Overview
Strategic Investment Program
Shared Services
Business Services
Capital Program
Community Services

Wednesday, May 14, 2003 - **6:00 PM**
Portland Community College, Cascade Campus
Student Center Building Cafeteria
705 N Killingsworth, Portland

PUBLIC HEARING

PH-1 Public Hearing on the 2003-2004 Multnomah County Budget. Testimony
will be Limited to 3 Minutes per Person.

Thursday, May 15, 2003 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-1 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to MICHAEL G BUNDY and TERRY D BUNDY

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on Non-Agenda Matters. Testimony is Limited to Three Minutes per Person.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 9:30 AM

- R-1 RESOLUTION Authorizing Election to Receive National Forest Related Safety-Net Payments Under P.L. 106-393
- R-2 RESOLUTION Authorizing Election to Receive O&C Land Related Safety-Net Payments Under P.L. 106-393
- R-3 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions in Compliance with Metro's Functional Plan and Declaring an Emergency

OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS - 9:45 AM

- R-4 NOTICE OF INTENT to Submit a Grant Proposal to Meyer Memorial Trust to Fund Culturally Specific Outreach Workers at 9 SUN Schools

NON-DEPARTMENTAL - 9:50 AM

- R-5 BRIEFING: Report of the Ford Building Tenants Space Needs Work Group. Presented by Commissioner Lisa Naito, Doug Butler, Tom Guiney, Dwight Wallis and Brian Lewis. 10 MINUTES REQUESTED.

Thursday, May 15, 2003 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

PUBLIC HEARING

PH-2 The Multnomah County Board of Commissioners will conduct a Public Hearing with Invited and Public Testimony to Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition describes the proposed boundaries as: All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District. The electors' petition describes the purposes of the levy as: To finance an engineer's report and the election under ORS 261.355(1). Public Testimony will be Limited to 3 Minutes per Person.
Written Testimony is Encouraged.

Submit Written Testimony to:
Deborah Bogstad, Board Clerk
deborah.l.bogstad@co.multnomah.or.us
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214
fax (503) 988-3013

Thursday, May 15, 2003 - 6:00 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

PUBLIC HEARING

PH-3 The Multnomah County Board of Commissioners will conduct a Public Hearing to Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition describes the proposed boundaries as: All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District. The electors' petition describes the purposes of the levy as: To finance an engineer's report and the election under ORS 261.355(1). Public Testimony will be Limited to 3 Minutes per Person.
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MULTNOMAH COUNTY 2003-2004 BUDGET WORK SESSIONS AND HEARINGS

**(Unless otherwise noted, all sessions will be held in the Multnomah Building
Commissioners Boardroom 100, 501 SE Hawthorne, Portland)**

Cable coverage of the May 6 through June 11 budget work sessions, hearings and Thursday Board meetings are produced through Multnomah Community Television. Call (503) 491-7636, ext. 332 for further info or log onto <http://www.mctv.org> for the program guide/playback schedule. The sessions, hearings and Board meetings are available via media streaming at http://www.co.multnomah.or.us/cc/live_broadcast.shtml. Contact Board Clerk Deb Bogstad (503) 988-3277 for further information.

Tue, May 13

9:00 a.m.

9:05 a.m.

DCJ CBAC Report

Non-Departmental

NOND Citizen Budget Advisory Committee

Auditor's Office

Commission on Children, Families and Community

Public Affairs Office

Citizen Involvement Committee

Regional Arts and Culture Council

Soil and Water Districts

Elders in Action

Progress Board

10:05 a.m.

Department of Library Services

Tue, May 13

1:00 - 4:00 p.m.

Department of Business and Community Services

Department Overview

Strategic Investment Program

Shared Services

Business Services

Capital Program

Community Services

Wed, May 14

6:00 - 8:00 p.m.

**Public Hearing on the 2003-2004 Multnomah
County Budget - Portland Community College,
Cascade Campus, Student Center Building
Cafeteria, 705 N Killingsworth, Portland**

Wed, May 21

9:00 - 12:00 p.m.

If Needed General Follow Up

Wed, May 21

2:00 - 4:00 p.m.

If Needed General Follow Up

Wed, May 21 6:00 - 8:00 p.m.	Public Hearing on the 2003-2004 Multnomah County Budget - Multnomah Building, Commissioners Boardroom 100, 501 SE Hawthorne, Portland
Tue, May 27 9:00 - 12:00 p.m.	School Policy Framework
Tue, May 27 2:00 - 4:00 p.m.	If Needed Budget Work Session
Wed, May 28 9:00 - 12:00 p.m.	Amendments
Wed, May 28 2:00 - 4:00 p.m.	Amendments
Wed, May 28 6:00 - 8:00 p.m.	Public Hearing on the 2003-2004 Multnomah County Budget - Multnomah County East Building, Sharron Kelley Conference Room, 600 NE 8th, Gresham
Tue, June 3 9:00 - 12:00 p.m.	Amendments
Tue, June 3 2:00 - 4:00 p.m.	Amendments
Wed, June 4 1:00 - 4:00 p.m.	Question Follow Up
Thu, June 5 9:30 - 10:15 a.m.	Tax Supervising and Conservation Commission Public Hearings on the Multnomah County 2002-2003 Supplemental Budget; and the 2003-2004 Budget - Multnomah Building, Commissioners Boardroom 100, 501 SE Hawthorne, Portland
Tue, June 10 9:00 - 12:00 p.m.	Amendments
Tue, June 10 2:00 - 4:00 p.m.	Amendments
Wed, June 11 9:00 - 12:00 p.m.	Amendments

**Wed, June 11
2:30 - 4:00 p.m.**

Amendments

**Thu, June 12
9:30 - 12:00 p.m.**

Public Hearing and Resolution Adopting the 2003-2004 Budget for Multnomah County Pursuant to ORS 294

Public Hearing and Resolution Adopting the 2003-2004 Budget for Dunthorpe Riverdale Sanitary Service District No. 1

Public Hearing and Resolution Adopting the 2003-2004 Budget for Mid County Street Lighting

Service District No. 14 and Making Appropriations

Public Hearing and Resolution Adopting the 2003-2004 Mt. Hood Cable Regulatory Commission Budget

10:00 A.M. MAY 15, 2003

**MULTNOMAH COUNTY
BOARD OF COMMISSIONERS**

**PUBLIC HEARING ON THE
PROPOSED PUD BOUNDARIES**

**TESTIMONY SIGN-UP SHEETS
AND WRITTEN SUBMISSIONS**

MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE OF PUBLIC HEARING

- Time:** 10:00 a.m. (*Invited and Public Testimony*) and 6:00 p.m. (*Public Testimony Only*), Thursday, May 15, 2003
- Place:** Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland, Oregon 97214
- Purpose:** To Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition (attached) describes the proposed boundaries as:

All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District.

The electors' petition describes the purposes of the levy as:

To finance an engineer's report and the election under ORS 261.355(1).

*Public Testimony will be Limited to 3 Minutes per Person;
Written Testimony is Encouraged.*

*Submit Written Testimony to:
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deborah.l.bogstad@co.multnomah.or.us
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214
fax (503) 988-3013*

PH-2

Thursday, May 15, 2003 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

PUBLIC HEARING

PH-2 The Multnomah County Board of Commissioners will conduct a Public Hearing with Invited and Public Testimony to Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition describes the proposed boundaries as: All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District. The electors' petition describes the purposes of the levy as: To finance an engineer's report and the election under ORS 261.355(1). Public Testimony will be Limited to 3 Minutes per Person.
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501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214
fax (503) 988-3013

PUD HEARING SCRIPT
Thursday, May 15, 2003
10:00 am hearing

I. Introductory Comments:

1. I am Serena Cruz, Multnomah County Commissioner. I will be serving as chair of this hearing. The other Commissioners of the Board present today are:

- a. Diane Linn, Chair
- b. Lisa Naito
- c. Maria Rojo de Steffey
- d. Lonnie Roberts

This is the time set for hearing on the electors' petition to form a "Multnomah County People's Utility District." It is the Board's duty under ORS 261.161 to hold a hearing to determine the boundaries for the proposed district.

Within 10 days of the close of the hearing, the Board will determine the boundaries of the district.

2. This is a quasi-judicial proceeding. All parties are entitled to an impartial hearings board. This is the time for Board members to declare any of the following:

- a. Potential or actual conflicts of interest
- b. Prejudgment or bias in this matter
- c. Ex parte contacts with Board members regarding this matter

Does any Board member wish to make any disclosures described above?

Does anyone at this hearing wish to challenge any member of the Board on any of these grounds?

Does anyone at this hearing wish to challenge this hearing on any procedural ground?

II. Hearing Record

This hearing will be recorded, and all written comments or testimony received will be added to the record and considered by the Board in making its decision. The April 18, 2003 report prepared by the Oregon Office of Energy, as well as written testimony submitted to it, is already in the record. In addition, the record contains any written comment received by the Board or Board staff prior to the beginning of this hearing regarding the hearing.

III Order of Presentation

The hearing will proceed this morning in the following manner:

1. Petitioners will have a total of 30 minutes to make a presentation, including reserved rebuttal time, if requested. (At the end of the presentation, and any Board questions, the Clerk will provide time remaining for rebuttal, if requested).
2. Next, the two electrical companies serving the area, Portland General Electric (PGE) and PacifiCorp, will have 30 minutes to make a presentation.
3. These presentations will be followed by Petitioners' Rebuttal, if time has been reserved.
4. Other jurisdictions located within Multnomah County will have five minutes each to present testimony.
5. If time permits, other members of the public who have requested time to comment may speak. Any member of the public wishing to speak should complete a sign-up sheet located on the table by the door and submit it to the Board Clerk.

Public comment will be limited to 3 minutes per person. To be fair, we will be sticking to this time limit. The right to speak is an individual right and cannot be "given to" or "shared with" any other speaker.

This hearing will be continued to this evening at 6 pm to permit additional public testimony. Further hearing times are scheduled for May 29th at 10:30 am and for June 2nd and June 10th at 6 pm. The Board will hear invited testimony during these hearing times, as well as additional public testimony. The June 10th hearing time will be cancelled if all public testimony is concluded on June 2nd.

IV. Testimony. Speakers should present testimony as follows:

1. State your name clearly for the record.
2. State your position as clearly and succinctly as possible.
3. Public testimony will be limited to three minutes.

Members of the public are invited to submit their testimony in writing.

During the hearing, we ask those in the audience to refrain from demonstrations in support or opposition to the hearing. We also ask that Board members, when possible, hold their questions until the end of the individual's testimony.

(See attached list of invited speakers)

V. Hearing Conclusion

This hearing is adjourned until six pm this evening.

PUD HEARING SCRIPT
Thursday, May 15, 2003
6:00 pm hearing

I. Introductory Comments:

1. I am Serena Cruz, Multnomah County Commissioner. I will be serving as chair of this hearing. The other Commissioners of the Board present today are:

- a. Diane Linn, Chair
- b. Lisa Naito
- c. ~~Maria Rojo de Steffey~~ (excused)
- d. Lonnie Roberts

This is a continuation of this morning's hearing on the electors' petition to form a "Multnomah County People's Utility District." It is the Board's duty under ORS 261.161 to hold a hearing to determine the boundaries for the proposed district.

Within 10 days of the close of the hearing, the Board will determine the boundaries of the district.

2. This is a quasi-judicial proceeding. All parties are entitled to an impartial hearings board. This is the time for Board members to declare any of the following:

- a. Potential or actual conflicts of interest
- b. Prejudgment or bias in this matter
- c. Ex parte contacts with Board members regarding this matter

Does any Board member wish to make any disclosures described above?

Does anyone at this hearing wish to challenge any member of the Board on any of these grounds?

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II. Hearing Record

This hearing will be recorded, and all written comments or testimony received will be added to the record and considered by the Board in making its decision. The April 18, 2003 report prepared by the Oregon Office of Energy, as well as written testimony submitted to it, is already in the record. In addition, the record contains any written comment received by the Board or Board staff prior to the beginning of this hearing regarding the hearing.

III Order of Presentation

The hearing will proceed in the following manner:

Members of the public who have requested time to comment may speak. Any member of the public wishing to speak should complete a sign-up sheet located on the table by the door and submit it to the Board Clerk.

Public comment will be limited to 3 minutes per person. To be fair, we will be sticking to this time limit. The right to speak is an individual right and cannot be "given to" or "shared with" any other speaker.

This hearing will be continued to permit additional public testimony. Further hearing times are scheduled for May 29th at 10:00 am and for June 2d and June 10th at 6 pm. The Board will hear invited testimony during these hearing times, as well as additional public testimony. The June 10th hearing time will be cancelled if all public testimony is concluded on June 2nd.

IV. Testimony. Speakers should present testimony as follows:

1. State your name clearly for the record.
2. State your position as clearly and succinctly as possible.

3. Public testimony will be limited to three minutes.
Members of the public are invited to submit their testimony in writing.

During the hearing, we ask those in the audience to refrain from demonstrations in support or opposition to the hearing. We also ask that Board members, when possible, hold their questions until the end of the individual's testimony.

We will now begin the public testimony.

V. Hearing Conclusion

This hearing is adjourned until May 29th at 10:00 am.

Testimony List for May 15, 2003 PUD Hearing Before the Multnomah County Board of Commissioners

10:00 a.m. Hearing

1. Petitioners: (30 minutes total)

- a. Liz Trojan, Chief Petitioner
- b. Rosanna Herber, Sacramento Municipal Utility District, California Municipal Utilities Association, Director of Power Strategy. She's coming up from Sacramento to discuss how successful public power is.
- c. Dan Meek, Utility Reform Project, Oregon Public Power Coalition attorney
- d. Jerry Leone, Public Power Council, Manager. She will discuss the success & history of public power in the NW

2. Utilities: (30 minutes total)

- a. Judi Johansen, President, CEO of PacifiCorp
- b. Don Furman Senior Vice President, Regulation and External Affairs, PacifiCorp
- c. Gregory R. Mowe, Attorney providing testimony on behalf of PacificCorp
- d. Fred Miller, Executive Vice President, Public Policy and Consumer Services, PGE
- e. Stephen Hawke, Vice President, System Engineering and Utility Services, PGE

3. Invited Testimony from Multnomah County jurisdictions: (5 minutes each)

- a. Mayor Mark Hardie, City of Maywood Park
- b. Councilor Shane Bemis, City of Gresham
- c. Jean M. Ridings, Interlachen PUD

4. Public Testimony: (3 minutes each)

- | | |
|--|------------------------|
| 1. Mara Woloshin | Opposes PUD formation |
| 2. Robert F. Lanz | Opposes PUD formation |
| 3. David Panichello | Opposes PUD formation |
| 4. John Rakowitz, Portland Business Alliance | Opposes PUD formation |
| 5. Bill Michtom, Chief Petitioner | Supports PUD formation |
| 6. Grace Weinstein | Supports PUD formation |
| 7. Karen Lee, PGE Government Affairs | Opposes PUD formation |
| 8. Frank Gearhart, Chief Petitioner | Supports PUD formation |
| 9. Joan Horton, Chief Petitioner, OPPC | Supports PUD formation |

5. AM Written Submittal only:

- | | |
|------------------------|-----------------------|
| 1. Samuel Brooks, OAME | Opposes PUD formation |
| 2. Phil Keisling | Opposes PUD formation |

**Testimony List for May 15, 2003 PUD Hearing
Before the Multnomah County Board of Commissioners**

6:00 p.m. Continued Hearing

- 6. Public Testimony:** (3 minutes each)
- | | |
|---|---------------------------|
| 1. Michael C. Marino | Supports PUD formation |
| 2. Tom Casey | Supports PUD formation |
| 3. Judy Barnes, OPPC | Supports PUD formation |
| 4. Robin Bee, OPPC | Supports PUD formation |
| 5. Phil Dreyer | Supports PUD formation |
| 6. Catherine Todd for Jean DeMaster, Human Solutions | Opposes PUD formation |
| 7. Charles Ford, NE Coalition of Neighborhoods | Opposes PUD formation |
| 8. Bill Michtom, Chief Petitioner | Supports PUD formation |
| 9. Jerry Leone, Public Power Council | Supports PUD formation |
| 10. Eulia Quan-Mishima | Supports PUD formation |
| 11. Linda Williams, Attorney for OPPC & Chief Petitioners | Boundary Error Correction |
| 12. Vinh Mason | Supports PUD formation |
| 13. Laurence Tuttle | Supports PUD formation |
| 14. Nancy Newell, OPPC | Supports PUD formation |
| 15. Kathryn "Cherie" Holenstein | Supports PUD formation |
| 16. Jeffrey G. Franz | Supports PUD formation |
| 17. Frank Gearhart, Chief Petitioner | Supports PUD formation |
| 18. Amy L. Sacks | Supports PUD formation |
| 19. Max Wilkins | Supports PUD formation |
| 20. Liz Trojan, Chief Petitioner | Supports PUD formation |
| 21. Deane Funk, PGE | Opposes PUD formation |
| 22. Lisa Melyan, Tualatin Valley Water District | Supports PUD formation |
| 23. David Barts | Supports PUD formation |
| 24. Toby Kinkaid | Supports PUD formation |
| 25. Collin Whitehead | Opposes PUD formation |
| 26. Kenleigh P. Nelson | Supports PUD formation |
| 27. Abby Sewell | Supports PUD formation |
| 28. Elizabeth P. Brenner | Supports PUD formation |
| 29. Art Lewellan | Supports PUD formation |
| 30. Michael Papadopoulos | Supports PUD formation |
| 31. Adele Regnier | Supports PUD formation |
| 32. Dan Meek | Supports PUD formation |
- 7. PM Written Submittal only:**
- | | |
|-------------------------------------|------------------------|
| 1. Mike Zolter | Supports PUD formation |
| 2. Mike DeRochier, SEDCOR Chair | Opposes PUD formation |
| 3. Judith Beck and Charles R. Posey | Supports PUD formation |
| 4. Robin Bloomgarden | Supports PUD formation |
| 5. Carson M. Horton | Supports PUD formation |

**Testimony List for May 15, 2003 PUD Hearing
Before the Multnomah County Board of Commissioners**

6. Dolores Hurtado
7. William Leler
8. John Marks
9. David Stowell

Supports PUD formation
Supports PUD formation
Supports PUD formation
Supports PUD formation

PETITIONER'S INVITED
#2 SPEAKER

BCC✓

Statement of the Sacramento Municipal Utility District

**Multnomah County, Oregon
Board of Commissioners Meeting
May 15, 2003**

- Good morning Commissioners. Thank you for the opportunity to address your Commission and provide testimony concerning the formation of a public power utility in Multnomah County.
- I'm Rosanna Herber from the Sacramento Municipal Utility District (SMUD). SMUD is one of the 2,000 not-for-profit publicly owned electric utilities throughout the United States that belong to the American Public Power Association (APPA). APPA is the national service organization that represents these publicly owned utilities.
- SMUD is the nation's sixth largest community-owned electric utility in terms of customers served. We serve approximately 500,000 customers in a 900-mile service territory and employ over 2,000 full time employees.
- Both APPA and SMUD were contacted by the Oregon Public Power Coalition and asked to provide the Commission with some concrete facts about public power and specific examples of the types of programs that SMUD has developed in response to its citizens' requests.
- APPA asked that I submit its testimony to the Commission for the record. I'd like to include parts of APPA's testimony in my comments and provide specific examples from SMUD that demonstrate how a utility owned by the public can offer unique programs that reflect the values of its local community.
- I want to state upfront that APPA and SMUD are not endorsing any specific public power proposal being considered by the citizens in Portland or the citizens in the six counties this PUD proposal would serve. Rather, both APPA and SMUD think the voters should decide what is best for their communities. However, we strongly believe in the benefits of public power and think Oregon citizens have a historic opportunity to determine how electricity will be provided to them in the future.
- The three main benefits that public power can bring to a community are local control, lower rates and programs that reflect community values.
- Local control is about citizens having a direct voice in utility decisions on policies about electric rates and the services and programs offered to the community by the public utility.

- Local control is about citizens being able to go to public meetings to express their ideas when important policies are being considered and having the right to take action via elections or the ballot box when the public utility isn't being run the way a community wants it to operate.
- SMUD is an example of a public utility whose decisions are impacted by its citizens. Our SMUD Board and General Manager hold public Board meetings and community meetings to get citizen input when important energy policies are being considered.
- In 1989, our citizens asked the SMUD Board to close the Rancho Seco nuclear facility. The SMUD Board was reluctant to take that action because of investments made to upgrade the plant. A grassroots organization put a measure on the ballot to close the plant and it passed. The community had spoken. The plant was decommissioned. With public power, the citizens have control through the ballot box even when an elected Board doesn't take the action a community wants.
- Public power also brings the potential for lower rates. On average, public power utilities have built a historical record of providing electricity at lower rates than investor-owned utilities. In 2001, the most recent year for which comparable federal data is available, the investor-owned utilities' residential customers paid average rates that were 20 percent above those paid by customers of publicly owned systems.
- Public power exists for a purpose, not a profit. That purpose is to provide reliable, efficient service to its local customers at the lowest possible cost and to implement programs its customers want. Investor owned utilities exist to operate in a manner that provides a profit for its investors. There is nothing wrong with making a profit, but when it comes to the bottom line, who do you think will be looking out for your communities' best interests?
- Even after the energy crisis in California, SMUD's rates are 20% lower than Pacific Gas and Electric, the closest investor owned utility. California's public utilities are in much better financial condition than investor owned utilities. This is largely due to local control. Since the California Public Utilities Commission does not govern public utilities, they are able to set their own rates and energy policies, build their own generating capacity or enter into long-term energy contracts. This ability to have local control gave communities with public power the tools to navigate through the unpredictable energy market.
- But what about the costs to acquire the system? A new public utility may not be able to offer lower rates immediately, but where do you think the market will be in the next 10 years? Who do you think will best serve your citizens in the future...a company that must first consider making a profit for its shareholders or a public utility that will use excess margin to lower rates and improve decision-making by taking local concerns into account?

- The third benefit to public power is the ability for citizens to shape the programs and energy policies that reflect a community's values. SMUD is a public utility that has listened to the wants of its community and developed programs to meet those needs.
- In 1994, Sacramento was struggling with two base closures that eliminated thousands of jobs and another base closure was on its way. Our customers wanted a program to help bring new businesses to our community. SMUD established an Economic Development program that provided incentive rates for businesses to locate in our service territory. Last year, SMUD helped bring 6 new companies and created 1,045 new jobs. Since the program began, SMUD has assisted in recruiting 54 new companies and a total of 24,000 jobs to our region.
- SMUD's residential and business customers asked for programs to help them reduce energy usage. SMUD has developed award winning energy efficiency programs to meet those needs. Customers can receive home and business energy audits, rebates for energy efficient electric appliances and HVAC and lighting equipment, free shade trees, internet programs to help customers track energy usage, loans for high performance windows, shade screens and attic and wall insulation, indoor and outdoor lighting, diagnostic services and a whole host of other programs.
- In 2002 alone, SMUD saved over 21 megawatts of energy capacity and 67 gigawatt hours of energy through our Residential and Commercial Services programs. We paid over 9 million in rebates to our customers and saved 21,000 lbs of NOx from polluting the air. That equates to taking approximately 12,000 vehicles off the road. In partnership with our customers, SMUD has created 240MW of energy efficiency savings over the last 10 years. That's the equivalent of a power plant.
- SMUD is also known for its innovative programs dealing with solar energy, electric vehicles and Greenergy. SMUD has the largest grid connected PV program in America. We have installed over 500 solar rooftop systems on residential homes, commercial businesses and churches. SMUD continues to look for ways to clean the air by promoting the development and use of electric vehicles, electric forklifts and electric ground service equipment for airports. SMUD also offers a program where customers can pay a little extra to buy "green energy" to serve their loads. To date, over 15,000 SMUD customers purchase "green energy" in the Greenergy program.
- All of these programs reflect the community values of our customers. Not only do SMUD's customers want, reliable, low cost power, they also want programs that conserve resources, clean the air and promote responsible environmental practices.
- In summary, SMUD is a public power utility that is a citizen-owned, locally controlled, not-for-profit institution where economic benefits are retained at home and service to customers is the sole motivation for the programs and policies that reflect its community values.
- I would be happy to answer any questions you may have.

Petitioner's Invited
#2 Speaker

BCC ✓

Statement of the American Public Power Association

**Multnomah County, Oregon
Board of Commissioners Meeting**

May 15, 2003

The American Public Power Association (APPA) appreciates the opportunity to submit a statement concerning the formation of a public power utility in Multnomah County. APPA supports the efforts of local citizens to evaluate the public power option for their community. Interest in forming community-owned electric utilities is greater now than it has been in decades. Community leaders across the country are considering public ownership as a way to achieve local control and greater stability for their citizens in the price, reliability and responsiveness of electric service.

APPA is the national service organization representing the interests of over 2,000 not-for-profit, publicly owned electric utilities throughout the United States. APPA member utilities serve some of the nation's largest cities, such as Los Angeles, Sacramento, Seattle, Jacksonville, San Antonio, Memphis and Orlando. The majority of public power systems are located in small- and medium-sized communities in every state except Hawaii. Public power provides for the electric power needs of more than 40 million Americans, approximately 15 percent of electricity consumers.

Public power utilities' first and only purpose is to provide reliable, efficient service to their local customers at the lowest possible cost. Public power exists for a purpose, not a profit. Like hospitals, public schools, police and fire departments, publicly owned water and waste water systems, public power utilities are locally created governmental institutions that address a basic community need. In public power communities the electric utility belongs to the people it serves, and economic benefits are retained locally.

Distinct Characteristics of Public Power

Public ownership of electric utility service is not a revolutionary or radical idea. In fact, public power is as old as the U.S. electric power industry itself. Public power today has the same special mark of distinction that it had in the past: the desire and action by local citizens to have direct control over the provision of electric power that so influences their lives.

Public power systems are different from privately owned utilities in ways that are crucially important to consumers:

- Public power systems are not-for-profit institutions that belong to the citizens of communities in which they serve; the customers and owners are one and the same.
- Public power utilities work in partnership with their citizens and communities. Citizens have a direct voice in utility decisions and policies about electric rates

and services, generating fuels, clean air and water and other issues that affect them, through public meetings, the ballot box and open policy board meetings.

- On average, public power utilities have built an historical record of lower rates than investor-owned utilities. In 2001, the most recent year for which comparable federal data is available, the investor-owned utilities' residential customers paid average rates that were 20 percent above those paid by customers of publicly owned systems.
- Public power utilities, on average, return to state and local governments in-lieu-of-tax payments and other contributions that are equivalent to or exceed state and local taxes paid by investor-owned utilities.
- Public power utilities are service-oriented and responsive to customers' needs and concerns. They provide the power reliability, power quality, safety and efficiency that come from being singly focused on local power operations.
- Public power's lower electric rates are a magnet for community economic development. Public power utilities can provide streamlined "one-stop shop" customer service that encourages existing business customers to maintain and expand their operations, and attracts new businesses. Lower electric rates also hold down consumer costs, stimulating the local economy.
- Public power utility management provides for leadership in innovation, community technology development and environmental stewardship.

What is distinctive about public power may be summed up in the phrase: community accountability.

Public power utilities are citizen-owned, locally controlled, not-for-profit institutions where economic benefits are retained at home and service to customers is the sole motivation for policies and personnel.

New Public Power Utilities Continue to be Established

APPA collects data on public power utilities, including the number of systems formed from or sold to investor-owned utilities. During the past 20 years, 46 new publicly owned electric utilities began operating, 27 of them in communities formerly served by investor-owned utilities.

The largest of the new public power utilities, the Long Island Power Authority (LIPA) in New York, displaced an investor-owned utility five years ago. Today LIPA provides electric service to about 1.1 million customers in Nassau and Suffolk counties in New York. In May, 1998, LIPA reduced electric rates by an average of 20 percent after it purchased the investor-owned utility's transmission and distribution system. Since that rate reduction LIPA's electricity consumers have saved nearly \$2.5 billion. In addition,

LIPA has improved the system's safety and reliability program. It is in the process of adding some 400 megawatts of on-island generation.

LIPA's relationship with its business and industrial customers is a priority for the utility, and it takes an active role in business and civic organizations. LIPA provides qualified businesses with the opportunity to obtain rate incentive and energy efficiency audits. More than 300 companies have taken advantage of LIPA's economic development program, creating or retaining nearly 50,000 jobs.

One of the newest public power utilities is Hermiston (Oregon) Energy Services. Now that the utility is city-owned, the average residential rate is 3 to 9 percent lower than the rate Hermiston residents paid under Pacific Power. But customer service, rather than lower rates, was the primary reason for forming a city-owned utility. For example, City Hall serves as a service center for Hermiston Energy Services, allowing customers to pay bills and address service concerns in person.

Benefits of Public Power's National Network

The public power community is large and diverse, but committed to the sharing of information, experiences, best practices, and lessons learned. APPA holds an annual conference for its members and offers workshops and education courses on many areas of utility operations throughout the year. More than 3,000 public power professionals participate in APPA workshops and electronic discussion groups on subjects such as engineering and operations, purchasing, finance, pricing, customer service, and public communications.

APPA provides a wide variety of services to public power, including the collection, analysis and dissemination of information through a variety of periodicals, publications and its Web site, www.APPAnet.org. Most important is the network of members themselves that underlies APPA's information efforts. These members participate in APPA's workshops and subject committees and provide direct assistance to each other in ways as diverse as mutual aid operations and best practices advice.

Public Power: An Investment in the Future

The first municipal electric utility was established in 1882. By the beginning of the 20th Century four of today's largest public power utilities – in Anaheim, Jacksonville, Tacoma and Austin – were up and running. By the end of the year 2005, about 500 public power utilities will have celebrated their centennials.

As valuable an asset as a public power utility has been in the 20th century, conditions look right for a public power utility to be even more valuable to its community and citizens in the 21st century. The value of public power's hometown advantages – low rates, commitment to local communities, not-for-profit operations, public accountability, local decision making and a customer service ethic – have become readily apparent as the electric utility industry restructures today. Public power has remained true to its fundamental obligation to its citizen-owners – the obligation to serve.

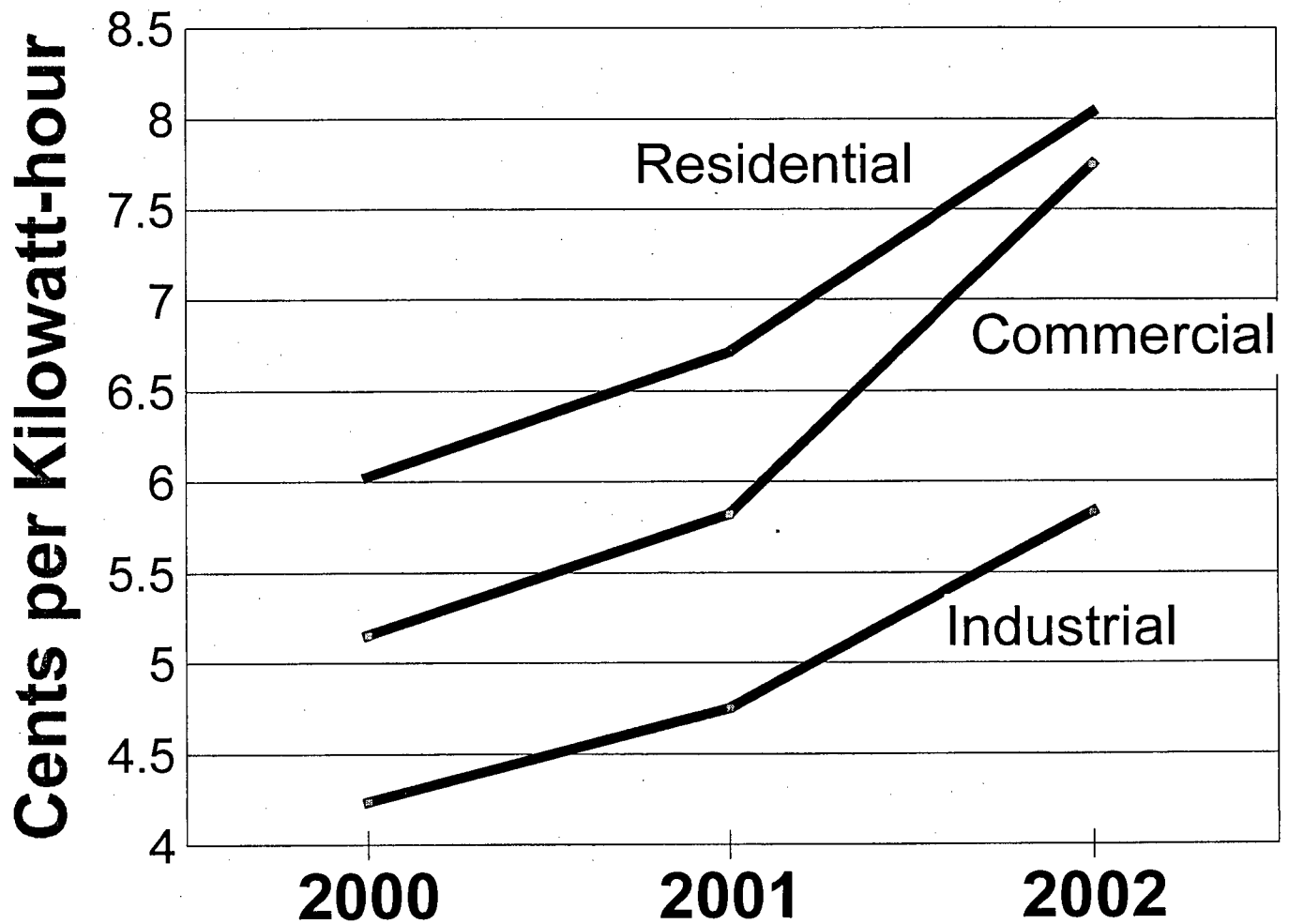
Petitioner Invited
3 Speaker (Dan Treck)

TOP 12 ADVANTAGES OF A P.U.D.

- 1. NO DIVERSION OF RATEPAYER MONEY FOR FEDERAL INCOME TAXES TO THE CAYMAN ISLANDS.**
- 2. NO TAKING MONEY FROM RATEPAYERS TO PAY STATE AND LOCAL INCOME TAXES THAT ARE IN FACT NOT PAID.**
- 3. LOWER RATES DUE TO LOWER COSTS.**
- 4. NO STOCK FRAUD CAUSING MILLIONS OF PEOPLE TO LOSE THEIR LIFE SAVINGS.**
- 5. NO BUYING OF POLITICANS.**
- 6. NO CHEATING OF EMPLOYEES OUT OF THEIR PENSIONS.**
- 7. NO MANIPULATION OF ENERGY MARKETS RESULTING IN HUGE ELECTRIC RATE INCREASES, RESULTING IN THE CLOSING OF INDUSTRIES AND THE HIGHEST UNEMPLOYMENT RATE IN THE NATION.**
- 8. NO BANNING FROM FEDERAL CONTRACTS, WHOLESALE POWER TRANSACTIONS, AND CALIFORNIA ENERGY MARKETS.**
- 9. PRIORITY ACCESS TO BONNEVILLE POWER ADMINISTRATION (BPA) POWER AND SERVICES.**
- 10. NO SELLING OF ASSETS OUT FROM UNDER RATEPAYERS WHO HAVE PAID FOR THEM.**
- 11. ABILITY TO RETAIN LOCAL ASSETS FOR LOCAL RATEPAYERS.**
- 12. NO MILLION DOLLAR SALARIES FOR EXECUTIVES OR MULTIPLE ROUNDS OF MULTI-MILLION DOLLAR EXECUTIVE BONUSES.**

Petitioner Invited
#3 speaker (DAN TNEEK)

PGE Rates



Business

+C

3M

Dan Neek

COMING TOMORROW

A wholesale revamping of health care in Oregon was defeated on Election Day, while an increase in the minimum wage was approved. How do businesses and consumers stand after the vote?

INSIDE THIS SECTION

- ◆ STOCKS, B3
- ◆ WEATHER, B6

EMBER 16, 2002

BUSINESS EDITOR: MARK HESTER ◆ 503-221-8548

'S NEWS

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Report links PGE to scheme

The utility disputes regulators' claim that it helped Enron devise a deceptive trading strategy during the 2000-01 energy crisis

By GAIL KINSEY HILL
THE OREGONIAN

Portland General Electric helped Enron Power Marketing develop a scheme to manipulate California's electricity grid during the 2000-01 energy crisis, according to the staff of the Federal Energy Regulatory Commission.

The trading scheme, nicknamed "Death Star" by Enron traders, allowed the Houston-based Enron to receive payments from California for relieving congestion on the state's transmission lines even though no electricity actually flowed on the system.

The staff report, obtained Friday by The Oregonian, claims that the arrangements between PGE and Enron Power Marketing violated codes of conduct outlined in federal regulatory tariffs. The transactions also undermined the federal energy commission's ability to ensure just and reasonable wholesale power

prices, the staff said.

PGE, a subsidiary of Enron and Oregon's largest utility, emphatically objected to the way the report characterized the trades. The assertions are "just the first step in the trial process" aimed at investigating energy markets during the power crisis, said Jay Dudley, PGE's associate general counsel.

The staff report, which lays out assertions from a three-month investigation, will help provide the basis for a hearing before the full federal commission.

"We resolutely disagree with the FERC trial staff's assertions and with their

characterization of PGE's actions," PGE Chief Executive Peggy Fowler said in a statement. "In all the information we have provided to FERC, we found no evidence of intentional wrongdoing on PGE's part."

Earlier this year, PGE submitted to federal regulators a detailed report of trades conducted with Enron in which it admitted it may unwittingly have helped complete "Death Star" transactions on 15 to 17 days beginning in April 2000. It also admitted that it failed to correctly account for many of its transactions

Please see **PGE**, Page B5

Organics stake out their turf



Organic turnips are clearly marked at the

WorldCom taps H-P's Capellas as new CEO

DAN TNEEK

PGE ENGAGED IN LARGEST TAX AVOIDANCE SCHEME IN OREGON HISTORY.

In 1997, Enron bought up and took over PGE, with the approval of the Oregon Public Utility Commission (OPUC). I testified at the OPUC against the takeover:

"The purchase would harm PGE ratepayers and impair the development of competitive markets in power supply and energy conservation. . . . Protecting Oregon ratepayers from complicated shell games will be an entirely new and more difficult task for the PUC."

I fought the takeover in the Oregon courts for 3 years but lost (December 2000).

One element of Enron's "shell games" was avoidance of income taxes. PGE became part of Enron's "consolidated tax group" for filing of all federal, state, and local corporate income taxes. During the years 1997-2001, PGE included in its electric rates a line item for "federal income taxes" of \$71.4 million and a line item of \$14.7 million for "state income taxes." PGE then collected these amounts from us, the Oregon ratepayers, for a total of \$286 million for federal income taxes and \$74 million for state income taxes for those 5 years.

But then PGE never paid these taxes. Instead, PGE just sent to money to Enron, which had created over 800 subsidiary corporations in the Cayman Islands and other offshore tax havens in order to defraud the governments of tax payments. Enron documents show that Enron considered its tax department as a "profit center" and required the use of tax avoidance schemes which have been found fraudulent in subsequent investigations by the U.S. Senate Finance Committee and by special examiners in the Enron bankruptcy case.

In the year 2002, PGE was "de-consolidated" from Enron. PGE in 2002 collected from Oregon ratepayers \$77 million to pay its federal income taxes and \$15.6 million to pay its state income taxes, for a total of \$92.6 million out of our pockets. But PGE actually paid only \$10 in state income taxes and \$211,000 in federal income taxes. PGE kept 99.8% of the money for itself!

PGE is now re-consolidated with Enron for 2003 taxes. That means that the \$92.6 million PGE is collecting right now from Oregon ratepayers will never be paid to any government. Enron has stated in its reports to the SEC that it has such huge losses that it will not be paying any income taxes in any year. Thus, the scam is continuing right now and is costing us \$1.8 million per week! As of the end of 2003, we will have paid to PGE over \$440 million for "federal income taxes" and \$105 million for "state income taxes," when in fact none of that money will go to the governments, except the \$10 and \$211,000 that went there in 2002. In my opinion, this is the biggest tax fraud in Oregon history.

I have filed complaints and petitions for investigation at the OPUC, but the Commissioners have done absolutely nothing, except spread false information about the "taxes" that PGE has "paid." The PUC refused to even ask PGE to disclose how much money it has paid in state and local income taxes since it was taken over by Enron. It appears from my examination of the records that the federal and state governments have actually paid millions of dollars to PGE in the form of tax credits, even though PGE had paid essentially nothing in federal income taxes since 1995.

PGE claims it has "paid" its taxes merely by paying some of the money to Enron, which in turn merely kept the money. The universal dictionary definition of "tax" is money assessed by and paid to the government. It does not include money paid to and kept by other corporations.

This is not just a corporation avoiding its fair share of taxes. It is a state-granted monopoly corporation collecting "income tax" money from Oregon ratepayer under fraudulent premises and then keeping the money--more than enough to pay PGE's enormous bonuses for the executives. PGE president Peggy Fowler was paid \$979,000 in 2002, with a phalanx of other officers being paid over \$500,000 each.

Year

Utility	Residential				Commercial				Industrial		
	Revenue (\$ millions)	Sales (MWh)	Price (cents /MWh)		Revenue (\$ millions)	Sales (MWh)	Price (cents /lwh)		Revenue (\$ millions)	Sales (MWh)	Price (cents /lwh)
Portland General Electric Co	567000	7058000	8.033		550000	7101000	7.745		269000	4612000	5.833
Oregon Trail Coop	19450	255587	7.610		12220	187783	6.508		8808	170836	5.156
Douglas Electric Coop	7727	110932	6.966		1204	17300	6.960		713	17699	4.028
Consumers Power	16708	244126	6.844		3155	48746	6.472		2568	48958	5.245
Tillamook P.U.D.	13793	202794	6.801		6363	114434	5.560		2690	70264	3.828
Blachly-Lane Cnty Coop El Assn	3435	52479	6.545		2179	45054	4.836		2093	55692	3.758
PacifiCorp	323610	4961181	6.523		242617	4406128	5.506		183152	3928226	4.662
Lane Electric Cooperative	11708	181421	6.453		1915	30799	6.218				
Central Electric Coop	22316	356232	6.264		4324	72131	5.995		1112	27083	4.106
Midstate Electric Coop	11073	185433	5.971		3678	60916	6.038		1429	28460	5.021
Coos-Curry Electric Coop	10830	182596	5.931		5324	91425	5.823		1992	41953	4.748
Columbia River P.U.D.	10236	175362	5.837		4936	81857	6.030		6462	180822	3.574
Emerald P.U.D.	13588	239089	5.683		4976	85212	5.840		5021	106822	4.700
Umatilla Electric Coop Assn	8433	150110	5.618		17406	430153	4.046		6201	187618	3.305
Salem Electric	9374	166927	5.616		4845	97753	4.956		5095	114975	4.431
Eugene Water Electric Board	53648	980424	5.472		69289	1666700	4.157				
Central Lincoln P.U.D.	21302	404369	5.268		9590	202084	4.746		16846	544405	3.094
Northern Wasco County P.U.D.	5698	113623	5.015		1290	29973	4.304		4826	145239	3.323
Canby Utility Board	3418	68543	4.987		1940	40860	4.748		1331	28891	4.607
City of Ashland	4015	86856	4.623		3186	77650	4.103				
City of Springfield	16915	367654	4.601		7020	55914	12.555		6775	277937	2.438
City of Forest Grove	4112	105049	3.914		1688	45737	3.691		2806	84879	3.306
City of McMinnville	7000	188626	3.711		7661	172137	4.451		11062	460744	2.401
Clatskanie P.U.D.	2350	68270	3.442		1084	28085	3.860		17504	521200	3.358



Read this. Then sign the petition!

Oregon Public Power Coalition

818 SW 3rd Ave, PMB #1335; Portland, OR 97204-2405 – <http://www.oppc.net>
Call Bill at 503 916-4102 or email liz@oppc.net or joan@oppc.net

Why Public Power Is The Best Power

People's Utility Districts solve the PGE/Enron mess for Oregonians:

Provide stable, local control:

- **Locally owned and controlled:** board of directors directly elected by voters
- **Stable power supply:** Cannot be sold at the whim of a private corporation
- **Independent of the Oregon Public Utility Commission,** which approved the sale of PGE to Enron and then OK'd the largest rate hike in Oregon history

Good for Labor:

- **Must honor existing union contracts** of PGE's workers
- **No over-priced executives** draining money from workers
- **No absentee ownership:** Local control is invested in employees
- **Multiple PUDs = a larger job market** No corporate mergers = stable jobs

Lower Costs:

- Will get PGE's assets at the lowest price by using eminent domain: doesn't bid at the Enron bankruptcy auction
- Get wholesale power at low rates unavailable to private utilities
- **More money stays at home:** doesn't pay Federal income taxes
- **Provide power to citizens, not profits to shareholders:**
14% of your PGE bill goes to shareholders!
- **No over-priced executives** draining money from the ratepayers

Good for the Environment:

- Can make decisions based on **best environmental practices**, not highest income to shareholders
- Can develop renewable

With a People's Utility District, we can control our energy future.

We will not be subject to absentee owners who put profit before public service!

Enron Corruption: The Oregon Connection

Oregon will suffer more economic loss from Enron's corruption than any other state, largely because in 1997 Enron bought Oregon's largest electric utility, Portland General Electric Co., which it still owns.

Oregon was first with a bottle recycling bill and first with public access to beaches. And now Oregon is definitely in first place when it comes to being swindled by Enron.

Oregon is # 1 per capita in:

1. **Political campaign contributions by Enron and its executives since 1997 (mainly through PGE).** PGE has contributed money to a majority of the senators and representatives in the Oregon legislature.
2. **Dollars lost on Enron stock by the State employee pension fund (\$80 million).**
3. **Dollars lost by employees in their 401k pension plans (over \$100 million).** Enron executives urged employees to put all of their 401k money into Enron stock, while they were urgently selling off their shares.
4. **Electric rate increases imposed by Enron/PGE (over \$400 million per year).** The Oregon Public Utility Commission allowed Enron/PGE to raise rates by 41% overall, 53% for business customers, in October 2001.
5. **Money collected from ratepayers to pay PGE federal taxes was sent to Enron, but never paid to the IRS. (\$357 million over past 4 years)**
6. **Money in the hands of multi-millionaires due to cashing out of Enron stock.** PGE's former CEO, Ken Harrison, cashed out his options in 2000 for a cool \$75 million! Former PGE treasurer, Joe Hirko, cashed his for a measly \$35 million.

IT'S TIME FOR PUBLIC POWER IN OREGON

Instead of transferring PGE to another private company and suffering more rounds of financial manipulations, the **Oregon Public Power Coalition** is calling for transferring PGE assets to a public power entity.

Consequently, the **OPPC** is working to **create a People's Utility District (PUD) that would own and operate PGE's assets.**

Last summer, voters in the PGE service area began collecting signatures to place People's Utility District on the May ballot. One need look no further than McMinnville or Forest Grove to see that publicly-owned utilities have rates far below PGE's. A 1999 study by a consultant to the City of Portland concluded that public ownership of PGE would reduce electricity costs by about 20%.

Oregon Public Power Coalition

Public Power: Good for Business

“These rates, and they are very high rates, are sucking the life out of the local economy.”

Ken Canon, Executive Director, Industrial Customers of Northwest Utilities, on PGE/Enron rates.

Business Suffers In a Volatile Power Market

- Small businesses – without the profit margin to absorb higher rates – get hit first and hardest.
- It's impossible to stay ahead of spiking rates in manipulated markets.
- The volatility that devastated Oregon's economy would not have occurred if PGE had been in the hands of ratepayers instead of in Enron's.
- Electric rates affect the costs of everything we buy, from apples to airplanes.

When business suffers, we all suffer.

Electric Utilities Are Different From Other Businesses

- Utilities are monopolies. They are **guaranteed a profit!**
- Businesses can't choose a power company.
- Ratepayers acquire utility assets through our rates. When they are sold, we pay for them **again!** You wouldn't pay for equipment to be used by another company, and then buy it again for twice its value when the first company went belly up and was replaced by another.
- Making PGE public is not stealing private assets. We're just claiming what we've paid for.

That's just plain good business!

People's Utility Districts Protect Business Interests

- A PUD pays the depreciated book value of PGE (*just compensation*) under eminent domain, not whatever the market will bear. This can **save up to several billion dollars.**
- A PUD replaces the Public Utility Commission's ineffectual oversight with a board of directors **elected by the ratepayers.** They'll have our local interests at heart.
- A PUD is run by the excellent front line employees who handle the day-to-day functions of PGE right now. What's missing? The huge money top management has been getting.

PGE workers and the communities in PGE's service area have lost 100s of millions of dollars. This doesn't happen with PUDs.

Public Power Is In All Our Interests

We can protect our businesses and our families far into the future by securing this vital resource.

During the recent nightmare in California, the only ratepayers who did not suffer rolling blackouts were those served by public power. Public power makes sense for business. Privately held power is a gamble – we've already lost at the table once, why would we go there again?

Join us. Let's create public power and bring utility costs under control.

05.15.03 Utilities Invited
3 Speaker PacifiCorp

**TESTIMONY OF
GREGORY R. MOWE, STOEL RIVES LLP
BEFORE THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
May 15, 2003**

I am Greg Mowe, a partner in the law firm Stoel Rives LLP. My practice is primarily focused on condemnation litigation. I represent governmental bodies, public utilities, and private property owners. I have represented PacifiCorp in prior condemnation litigation and provide this testimony on behalf of PacifiCorp.

Overview of Testimony

My testimony will cover two aspects of condemnation law: (1) the power to take, and (2) compensation and damages. The general principle of condemnation is that private property may be taken by government for public use upon payment of just compensation. These concepts are complicated in the utility context by the fact that investor-owned utility property is already devoted to public use and subject to public regulation. Thus, a number of limitations on power to condemn utility property have been created by statute and case law. Those limitations will be at issue for any start-up PUD, as assets supporting delivery of electrical service in Multnomah County are part of two integrated systems serving customers elsewhere in Oregon and beyond. The concept of just compensation is also complex for utilities. Just compensation is usually defined as the fair market value of the property taken, plus damages to remaining property. Fair market value of assets in a condemnation case is different from "rate base" of assets in utility regulation. Ratemaking in a regulatory context is based upon original cost of assets. Valuation in a condemnation case is based upon current fair market value, which may be significantly higher than rate base, depending upon type of asset. In addition, severance damages must be paid in a partial taking (a taking of less than the entire utility) to compensate the utility and its remaining customers for reconfiguration costs, stranded assets and damage to the remaining system. Severance damage will likely be a significant obstacle for any start-up PUD in Multnomah County attempting to carve service territory out of two larger integrated systems, with the further potential for fragmentation depending upon consistency of election results in incorporated and unincorporated areas.

Source of Condemnation Authority

PUD condemnation authority derives from Article XI, Section 12 of the Oregon Constitution. Such authority is subject to legislative implementation, however, and PUDs are subject to statutory limitations on the exercise of condemnation authority. *Emerald PUD v. PacifiCorp*, 100 Or App 79, 83-84, 784 P2d 1112 (1990). Statutory condemnation authority is granted by ORS 261.305, which grants PUDs authority "to exercise the power of eminent domain for the purpose of acquiring any property, within or without the district, necessary for the carrying out of the provisions of this chapter." This general proposition is subject to a number of important limitations.

Territorial Limitations

At the outset, no Oregon PUD can condemn any property located outside the state of Oregon, even if such property is owned by a person or corporation located within the state. Since the state of Oregon itself has no sovereign powers beyond its borders, no other condemnors relying on state authority have such power either. The practical impact is that any property, real or personal, tangible or intangible, located outside Oregon on the date condemnation is filed is not subject to condemnation by an Oregon governmental entity.

Public Necessity Limitations

Under ORS 261.305(5), PUD authority is limited to acquisition of property “necessary” for carrying out the provisions of ORS Chapter 261. Determinations of necessity are subject to court review. ORS Chapter 35, which governs all condemnation proceedings, provides that a condemnation resolution of a governmental body is entitled to a rebuttable presumption that acquisition is necessary and most compatible with the greatest public good and the least private injury. ORS 35.235(2). However, a condemnee may rebut the presumption and defeat a condemnation by demonstrating that the public and private injuries resulting from condemnation are greater than the purported public benefit. This is what happened in *Emerald PUD v. PacifiCorp*, 100 Or App 79, 784 P2d 1112 (1990), in which the trial court and the Oregon Court of Appeals overturned a PUD finding of “public necessity” where the economic benefit of condemnation of hydroelectric facilities located outside the PUD’s service territory would be exceeded by the economic dislocation caused by condemnation of those facilities.

Public Use Property Limitations

Under the doctrine of *Little Nestucca Road Company v. Tillamook County*, 31 Or 1, 5, 48 P 465 (1897), “public use” facilities (including utility properties operated by investor-owned utilities) are subject to condemnation only if authorized by statute. The fact that a public agency has general condemnation authority to acquire property necessary for its operations does not in and of itself permit condemnation of property already devoted to public use by other governmental agencies or public utilities. Rather, a statute must provide condemnation power over public use facilities expressly or by necessary implication. Prior Oregon cases have addressed authority of PUDs and municipalities to condemn existing hydroelectric facilities and to condemn existing distribution facilities located within boundaries of the municipality or PUD. No reported Oregon case has addressed statutory authority to condemn existing utility transmission or distribution facilities located outside the boundaries of the municipality or PUD. Similarly, no reported Oregon case has addressed the issue of statutory authority to condemn intangible utility assets (such as contracts or franchises) or tangible assets (such as buildings, vehicles or equipment) not directly utilized in generation or delivery of electricity. The only statutory reference to permitted PUD use of eminent domain to acquire investor owned facilities is ORS 261.327, which refers to acquisition by eminent domain of “facilities for the distribution of energy within an affected territory.” Any attempt to condemn more would likely be challenged.

Interstate Commerce Limitations

To the extent that a startup PUD attempted to condemn PacifiCorp facilities located outside its boundaries or facilities within such boundaries serving a larger geographic area, impacts on interstate commerce would also be implicated. PacifiCorp operates in multiple jurisdictions, and PacifiCorp's resources, including its hydroelectric facilities and thermal facilities, are allocated on a system-wide basis. Thus, Oregon customers share benefits and burdens of thermal facilities located outside Oregon, and customers from other states share benefit and burden of facilities in Oregon. To the extent that a PUD in Multnomah County were to attempt to cherry pick particular low cost resources in Oregon, such an action would not only impact other Oregon customers, but would also interfere with interstate commerce, potentially violating the Commerce Clause of the United States Constitution. *See New England Power Company v. New Hampshire*, 455 US 331 (1982) (holding that a state cannot prohibit a private power company from exporting locally generated hydroelectric power from federally licensed facilities). *See also City of Oakland v. Oakland Raiders*, 220 Cal Rptr153 (Cal App 1985) (invalidating attempted condemnation of sports franchise on Commerce Clause grounds).

Thermal Plant Limitations

In addition to the general considerations applicable to PUD condemnations, the Oregon legislature has specifically prohibited PUDs from acquiring thermal power plants, wherever located. ORS 261.250(2) provides: "A district shall not exercise its power of eminent domain to acquire a then-existing thermal power plant or any part thereof."

PUD proponents have claimed that the above statute is an unconstitutional infringement upon PUD authority. However, the issue of legislative authority to impose limitations on PUDs has been previously litigated and legislative power upheld. This precise issue was addressed in the prior *Emerald PUD v. PacifiCorp* case at 100 Or App 83-84, in which the Oregon Court of Appeals held:

"Plaintiff argues that the constitutional grant of the condemnation power is unconditional and that the legislature may not impose 'substantive' conditions on that authority through implementing legislation that the constitutional provision requires. We disagree. . . . [E]minent domain was comprehensively regulated by statute in Oregon long before Article XI, Section 12, was adopted in 1930. The grant of eminent domain authority in Section 12 is stated in general terms. The legislative implementation clause of the Section clearly envisioned that existing or subsequent legislation relating to the subject would define the details of and limitations on the districts' condemnation authority."

See also People's Utility District, et al. v. Wasco County, et al., 210 Or 1, 305 P2d 766 (1957) (rejecting argument that state taxation of PUD property violated constitution).

Condemnation Procedure and Timing

In order to exercise powers of condemnation, a PUD must follow prescribed steps set out in ORS Chapter 35. These include identification and appraisal of property to be acquired, adoption of a condemnation resolution, and a statutory precondemnation offer which must remain in place at least 40 days before condemnation is filed. In a typical condemnation case, a condemning body is entitled to “immediate possession” of property to be acquired upon payment of a deposit into court. In the case of distribution facilities acquired by a PUD, however, immediate possession is not available, since territorial allocation statutes prohibit service within an allocated service territory until the distribution facilities have been “condemned or otherwise acquired.” ORS 758.470(1). In a condemnation case, title does not transfer upon immediate possession, but only when a final judgment is paid. ORS 35.325. Accordingly, a PUD may not lawfully take possession of distribution facilities until it has paid a final judgment awarded in a jury trial, which will not generally occur until at least a year or two after filing of a condemnation action. This timetable may be further delayed by appeals, particularly if the PUD seeks to acquire facilities located outside its boundaries. For example, the ultimately unsuccessful PUD attempt to condemn dams from PacifiCorp on the North Umpqua River in Douglas County took nearly 10 years from start to finish.

Valuation and Damage

Any public body taking private property for public use is required to pay “just compensation.” Or. Const. Art. I, § 18. The Oregon Supreme Court has defined just compensation as “full remuneration for loss or damage sustained by an owner of condemned property.” *Dept. of Trans. v. Lundberg*, 312 Or 568, 574, 825 P2d 641 (1992). Just compensation is measured in terms of what the owner has lost, not what the condemnor has gained. *State Highway Comm v. Hooper*, 259 Or 555, 560, 488 P2d 421 (1971). Just compensation has two primary elements: (1) fair market value of the property taken, and (2) severance damages for diminution in value of remaining property. *Hwy. Comm v. Superbilt Mfg.*, 204 Or 393, 412, 281 P2d 707 (1955). Fair market value is defined as “the amount of money the property would bring if it were offered for sale by one who desired, but who was not obliged, to sell and was purchased by one who was willing but not obliged, to buy.” *Lundberg*, 312 Or at 574. Fair market value is different from “rate base” for regulatory purposes. Thus, even if low cost generation assets or favorable purchase contracts were subject to condemnation, their condemnation value would be based on current market, not historical cost.

Condemned property is valued based on its highest and best use, which is the most profitable use of the property. Physical assets of an operating utility system are valued as part of the going concern. *Rose City Transit v. City of Portland*, 18 Or App 369, 392, 525 P2d 1325 (1974). Appraisers use three recognized methods in valuing property in condemnation: (1) the sales comparison approach, sometimes referred to as the market approach; (2) the cost approach; and (3) the income approach. 7 *Nichols on Eminent Domain* § 4.04[3] (2001). In the sales comparison approach, market value is estimated by comparing the subject property to similar properties that have sold recently. The appraiser compares differences between the comparable properties and the subject property and makes adjustments for such differences. The cost approach is based upon the assumption that a purchaser would not pay more for an improved

property than the cost of constructing a similarly located property of equal utility. The cost approach is typically based on reproduction cost or replacement cost, less depreciation. The income approach to valuation attempts to determine market value by analyzing the property's capacity to produce income and converting this potential into an indication of fair market value.

No reported Oregon cases have addressed valuation approaches in an electric utility condemnation case. Recent Oregon condemnations involving distribution assets have settled in a range of one and one-half to two times book value. I am not aware of any successful condemnation of generation assets or any recent condemnation of transmission assets.

If a condemnation takes less than an entire operating system, a condemnee is also entitled to severance damages. Severance damages are defined as loss in value to the condemnee's remaining property. Typical severance damages may include costs of reconfiguring a condemnee's remaining system, increased operating costs due to loss of facilities, or diminution in value due to excess capacity. Severance damage issues would be particularly challenging for a new PUD in Multnomah County, since the PUD would be carving service territory out of not one, but two, pre-existing utilities, each with a corporate headquarters in Multnomah County and each with facilities in the County serving customers located elsewhere. Severance damages would be exacerbated by any inconsistency in election results among municipalities in the County. Only those municipalities which vote in favor of a PUD will be included in the PUD. ORS 261.110(4). To the extent separation of facilities is required to accommodate differing election outcomes, the PUD would be responsible for all associated costs.

Finally, under Oregon condemnation statutes, a condemnee is entitled to its attorneys and experts fees if it defeats the condemnation or receives a jury verdict higher than the pretrial offer of the condemnor.

GRM/dlcr

Invited Jurisdictions
#1

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: MAY 15 2003

SUBJECT: PUD Boundaries / Formation of PUD

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: MARK HARDIE

ADDRESS: 9819 NE SKIDMORE

CITY/STATE/ZIP: Maywood Park OR 97220

PHONE: _____ DAYS: 503-255-7693 EVES: 503-329-9460

EMAIL: MAYORHARDIE@aol.com FAX: 503-251-0366

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: ATTACHED

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



City of Maywood Park

10100 NE Prescott St., Maywood Park, OR 97220

May 14, 2003

Good morning, County Commissioners, Ladies & Gentlemen.

My name is Mark Hardie. I am the Mayor of The City of Maywood Park, representing nearly 800 residents. I appreciate the opportunity today to express some concerns I have about the formation of a People's Utility District in Multnomah County. All residents of Maywood Park now get their electricity from Pacific Power. We do not wish to risk losing our reliable service and reasonable prices for a costly new PUD.

My primary concern has to do with the Swiss-cheese approach to electricity service that could result from this ballot measure. There are six cities within the county. According to the law, if a majority within any incorporated area votes no, then it is automatically cut out of the whole cheese. For example, if voters in Wood Village and Portland approve a PUD and other areas do not, it is easy to see that the boundaries of this PUD could come out with all kinds of funny-shaped holes. Of particular concern to me is the impact that these holes could have on Maywood Park. It is conceivable that Maywood Park voters would opt out, but the area around us could be included in a new PUD. In that case, separating electricity service, setting up meters and insuring reliable delivery at every point where electric service crosses the boundaries of our community could be a nightmare. And it could cost a lot of money. Maywood Park electricity customers could end up paying – unnecessarily- for this totally irrational system of electric service. It seems unfair to me, since we already have dependable service and reasonable prices. I believe we don't want to give that up.

Another concern I have relates to representation. If a PUD does take over, I am afraid that the big population centers such as Portland will completely dominate the decision-making. Finally, as I understand it, the PUD could condemn only the power lines and poles, but none of the actual power. Since it is not known where a PUD would get its power, or how much the power would cost, I am also worried about how high a PUD's rates would be. As a community representative, an electricity consumer and a small business owner, I do not see the benefits of a PUD for my home business or my community. Maywood Park already has a reliable electricity service at reasonable prices from a good company. That's not worth throwing away.

Thank you very much.

Mayor Mark Hardie

MAYOR MARK HARDIE
COUNCIL PRESIDENT BEN HARRISON
COUNCILMEN Jim Akers, Bill Maloney & Art Winslow
Office 503-255-9805 Fax 503-251-0366

**PUD Proposal
City of Gresham Testimony Before the
Multnomah County Board of Commissioners
May 15, 2003**

- Good morning. I'm Gresham City Councilor Shane Bemis, and I want to thank you for this opportunity to present the City of Gresham's position on the PUD proposal.
- We also have written testimony in the form of a letter signed by Mayor Becker, which we sent to you in advance.
- Gresham opposes the current initiative proposal to form a peoples electric utility district, but we do not take a position on whether a privately owned or publicly owned electric utility is preferable.
- What is important to the City Council is that our residents have access to dependable and affordable electric services. Electricity is a basic need in today's society and it would be poor public policy to support a proposal that puts reliable electricity at risk.
- There are several reasons for our opposition to this proposal.
- First, this proposal could result in a piecemeal district. Depending upon the outcome of the vote, one city could be inside the district, while a neighboring city could opt out. This is not an effective way to run a business.
- Second, the hostile public takeover of privately owned companies flies in the face of a free market economy. If it is in the public's interest to have electric services provided by a PUD rather than by the private sector, we owe it to our residents and businesses to take the most thoughtful approach possible to create the new system. This would be through a process of negotiation – not by seizing the assets of an existing business.

- Third, any transition from an established service provider to a new system will be disruptive to users – even when both parties are willing. Such transitions almost always last longer than anticipated.
- If there are a lot of service disruptions in the process, residents and businesses alike could face economic hardship. In some situations, unexpected lack of electricity for extended periods could pose health or safety risks.
- The prospect of disruption of this vital service makes it all the more important to carefully consider whether a new system is actually needed, or if the current system should simply be revised in some way.
- The City of Gresham has a good working relationship with Portland General Electric. We've been satisfied with the service, and have found them to be responsible community partners. This makes us doubt the need for wholesale change.
- Another reason Gresham opposes this proposal is that it only looks at a portion of PGE's and Pacific Power's service territories. That doesn't make sense. If indeed a PUD should be formed, we should look at the total service area.
- A district with a much smaller customer base than the current service territories would have a more difficult time negotiating competitive prices. This places it more at the mercy of volatile power markets. In addition, the smaller the entity, the fewer the advantages resulting from economies of scale.
- We oppose this proposal for other reasons as well. The true financial impacts of this proposal have not been fully explored. An electric utility is an extremely complex, sophisticated operation. Without a complete analysis of the start-up and ongoing costs of this proposal, voters cannot make a fully informed decision about whether the PUD really would cost them less in the long run.

- Until the full proposal is developed, other local governments, such as cities, counties and schools cannot analyze how it may affect them. Other services could be significantly impacted if this proposal is not carefully crafted, yet a comprehensive draft proposal has not been available for analysis and comment. It would be irresponsible to ask citizens if they favor the formation of an electric PUD without giving them a complete picture.
- In conclusion, access to reliable electricity is a critical need to residents and businesses alike. The City of Gresham is opposed to the current proposal because a clear case has not been made that a brand new electricity system is even needed. We have seen no evidence that such a drastic action as the hostile takeover of PGE and Pacific Power is in the best interests of our community.
- If Multnomah County does decide to forward this proposal to a future ballot, I urge you to provide a detailed and objective description in the voter's pamphlet. Voters rely on the pamphlet to help them understand the issues, and this proposal is complex with far-reaching consequences.
- Thank you for your time, and I would be happy to answer any questions.



BCC ✓

CITY OF GRESHAM

Office of the Mayor & City Council

May 7, 2003

RECEIVED

MAY 13 2003

DIANE LINN
MULTNOMAH COUNTY CHAIR
C: BCC, JB

Mayor

Charles J. Becker

...

City Council

Jack Horner
Council President
Position 1

Jacquenette J.
McIntire
Position 2

Jack Hanna
Position 3

Dave Shields
Position 4

Larry Haverkamp
Position 5

Shane Bemis
Position 6

Multnomah County Board of Commissioners
c/o Ms. Deb Bogstad, Board Clerk
501 S.E. Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Commissioners:

RE: Proposal to Form a Peoples Electric Utility District

On behalf of the City of Gresham, I am writing to oppose the current initiative proposal to form a peoples electric utility district.

Gresham does not take a position on whether a privately owned or publicly owned electric utility is preferable. What is important to the City is that its residents have access to dependable and affordable electricity services. Electricity is a basic need in today's society and it would be poor public policy to support a proposal that leaves its reliability to chance.

There are several reasons for Gresham's opposition to this proposal.

- Under the proposal, depending upon the outcome of the vote, one city could be inside the district, while a neighboring city could opt out. The result could be a patchwork district, which would make it difficult to effectively provide such a fundamental service.
- The hostile public takeover of privately owned companies flies in the face of a free market economy. If it is in the public's interest to have electric services provided by a PUD rather than by the private sector, the most thoughtful approach would be to create the new system through a process of negotiation.
- Any transition from an established service provider to a new system will be disruptive to users. This disruption could be costly to residents and businesses, and could last longer than anticipated. The prospect of disruption of this vital service makes it all the more important to carefully consider whether a new system is actually needed, or if the current system should simply be revised in some way. In Gresham's case, the City has a cordial relationship with Portland General Electric, has been satisfied with the service, and has found them to be responsible community partners. This makes it hard to understand the need for wholesale change.

cont.\

May 7, 2003 - Page two -
Multnomah County Commissioners

- It does not make sense to carve out only a portion of PGE and Pacific Power's current service territories. If indeed a PUD should be formed, it would be best to consider the total service area so one segment of customers does not benefit at the expense of others.
- A district with a much smaller customer base than the current service territories would have a more difficult time negotiating competitive prices, placing it more at the mercy of volatile power markets. In addition, the smaller the entity, the fewer the advantages resulting from economies of scale.
- The true financial impacts of this proposal have not been fully explored. Testimony before the Office of Energy on April 7 clearly identified some of the financial complexities of forming and operating an electric utility. Without a complete analysis of the start-up and ongoing costs of this proposal, voters would not be able to make a fully informed decision.
- Gresham receives approximately \$3.5 million in electricity license fees, which help pay for public safety, parks and streetlight services. Municipal services could be significantly impacted if this proposal is not carefully crafted, yet a comprehensive draft proposal has not been available for analysis and comment. It would be irresponsible to ask citizens if they favor the formation of an electric PUD without being able to tell them if other local government services provided by cities, counties and schools will or may be affected.

In conclusion, access to reliable electricity is a critical need to residents and businesses alike. The City of Gresham is opposed to the current proposal unless and until these two questions have been answered.

- First, has a clear case been made that the best way for residents within Multnomah County to receive electricity service is through the dismantling of the current system, and the creation of a whole new one?
- Second, is there a benefit to having a PUD that serves only this area?

If the answer to these questions is no, this proposal is not in the community's best interest.

Thank you for your consideration of the City of Gresham's testimony.

Yours truly,



Charles J. Becker
Mayor

CJB: nr

Invited Jurisdiction

#3

May 14, 2003

To: Multnomah County Board of Commissioners

From: Jean M. Ridings, Interlachen

Re: Public Hearing on Boundaries of the Proposed People's Utility District

Thank you for this opportunity to give my support to the proposed PUD.

As one of the five elected Directors of the Interlachen Water People's Utility District; may I offer a brief history of our formation?

The Interlachen community is located in east Multnomah County between Blue and Fairview Lakes. This community has a lengthy history of many people with vision working hard to protect the surrounding natural resources. Interlachen was incorporated in 1930. Over the years, as growth occurred, four water co-ops were developed. The community also in the 1960's contracted and built the Interlachen sewer to further protect the integrity of both of the lakes, the water wells, as well as Blue Lake Park.

My volunteerism began in early 1970 as Treasurer of the Blue Lake Water Co-Op. In 1987 I was appointed by Multnomah County to the Charter Citizen Involvement Committee where I served until 1991. At the same time the Fairview Creek Coordinating Committee was formed by Interlachen volunteers to study the problems reflected in the storm water flowing into Fairview Lake from the entire watershed. Fairview Lake is the headwaters for the Columbia Slough which is one of the most contaminated bodies of water in Oregon. The community was also very concerned about the Boeing and Cascade Superfund Site as every time Portland pumped their backup water wells in Blue Lake Park, the contamination of the site endangered our water supply.

Around 1993 the community began discussing how best to protect of water resource. This is a very valuable State of Oregon **GOAL 5** resource. It was decided to form a People's Utility District to protect this resource for our community.

MULTNOMAH COUNTY WAS NOT HELPFUL.

Many roadblocks and delays, eventually requiring legal assistance were encountered. The community finally received permission to put our election on the ballot in 1996. One interesting roadblock was, even after we had an agreement to have it on the ballot our potential Directors checks to the election division were returned to us! We could now have an election, but No Directors?? Something called a "Writ of Mandamus" was offered to the election office and then our checks were duly recorded. Our election was a resounding success and our People's Utility was formed.

MULTNOMAH WAS NOT HELPFUL and unfortunately had to pay out citizens public money for attorney fees.

The Multnomah County People's Utility District would benefit tax paying citizens greatly. People Utility District Directors have strict guidelines by Oregon statute to maintain. Standards and Practices regarding bidding, Directors behavior and all ethical issues must be strictly adhered to. "Our little PUD that could" has been blessed with a pool of professional experts who are ready, and willing to aid us in the protection of our GOAL 5 resource. The Multnomah County People's Utility District should be allowed to be on the ballot as soon as possible to give **ALL TAX PAYING CITIZENS** an opportunity to vote on this extremely important issue.

1

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

*****This form is a public record*****

MEETING DATE: 5/15/03

SUBJECT: Multnomah Peoples Utility District

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: MARA WOLOSHEIN

ADDRESS: 3786 SW Lyle Ct

CITY/STATE/ZIP: Portland OR 97221

PHONE: _____ DAYS: 503 241 3834 EVES: same

EMAIL: mara@woleshin.com FAX: 503 241 3754

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: ATTACHED

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

Citizens Against the **Government Takeover**

P.O. Box 40261, Portland, OR 97240-0261 (503) 552-5015

May 15, 2003

To the Multnomah County Board of Commissioners:

Thank you for this opportunity to address you. My name is Mara Woloshin. I am not an engineer, utility expert, attorney, or a CPA. I am a parent, an educator, small business owner and electricity consumer in Multnomah County. I am also here as a member and representative of a rapidly growing committee of concerned citizens, businesses and community groups opposing formation of a Multnomah People's Utility District.

A government takeover of Portland General Electric's and Pacific Power's customers in Multnomah County is a bad idea. It would be costly, risky, bad for business, bad for the community and bad for the environment. It's unnecessary. And, of special concern for this hearing, it would be incredibly complicated.

Here are some of the reasons a takeover would be costly. First, Multnomah County electricity customers would have to pay more than a billion dollars just for the poles and wires, according to expert testimony at the Oregon Office of Energy hearing in April.

Also, we do not know what the PUD's electricity rates would be. Although it might be able to condemn the power lines, it will have no electricity to send over those lines. It would most likely have to buy its electricity from the volatile wholesale power market or from the Bonneville Power Administration. And, BPA rates for government utilities have increased 45 percent since 2001, with yet another significant increase planned this year.

The Oregon Public Utility Commission reviews and regulates prices charged by private utilities. But no independent body would regulate the People's Utility District's rates.

Beyond the cost issue, establishing a PUD would be very complex and cause huge problems. According to what I heard at the OOE hearing, neither Pacific Power nor PGE will be a willing seller to this proposed PUD. A forced takeover by a startup utility would bring lawsuits that could drag on for years. This legal struggle alone will cost customers millions of dollars.

Multnomah County Board of Commissioners
Page 2
May 15, 2003

It will also create uncertainty for businesses and further depress our economy. A government takeover by condemnation, accompanied by legal challenges, huge costs and uncertain rates, will do nothing but scare new business away.

The PUD would also create an artificial boundary line around Multnomah County, paying no attention to the complexities of electricity distribution and metering. It would cost customers millions to reconfigure these fragments into one system, but all this expense would create no added value for us as customers.

Also, I understand that cities within the county boundaries will not be part of a PUD if the measure were to pass overall but fails in any of these jurisdictions. That means the PUD would make a huge jigsaw puzzle out of our electric service. This is a complicated and unnecessary risk.

In light of all this, establishing a PUD would be incredibly risky. We already have reliable service. We shouldn't risk losing it. There's no way to know if a new PUD could do the job. PGE and Pacific Power have served Multnomah County for more than 100 years. Both companies have excellent records of reliability and customer service. Why should we give up successful private enterprise for an untested government bureaucracy?

Finally, a startup People's Utility District would be bad for schools, community organizations and the environment. Police, fire, safety and school systems would lose much-needed funds at the worst possible time. Pacific Power and PGE support these services by paying millions in franchise fees, not to mention other local taxes.

Charities such as SOLV and Human Solutions would lose nearly \$1.7 million dollars contributed annually by PGE and Pacific Power. Programs that foster renewable electrical generation would end. And schools stand to lose \$1.4 million dollars a year in energy conservation funds.

The bottom line is we just can't afford a new People's Utility District. It's costly, risky and unnecessary.

Thank you.

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 5-15-2003

SUBJECT: Opposed to MULTNOMAH PUD

AGENDA NUMBER OR TOPIC: MULTNOMAH PUD

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: ROBERT LANZ

ADDRESS: 17351 CANYON DRIVE

CITY/STATE/ZIP: LAKE OSWEGO, OR. 97034

PHONE: _____ DAYS: 503-636-0668 EVES: _____

EMAIL: boblanz@msn.com FAX: _____

SPECIFIC ISSUE: MULTNOMAH PUD

WRITTEN TESTIMONY: OPPOSED to MULTNOMAH PUD PROPOSAL.
CONCERNED ABOUT FINANCIAL IMPLICATIONS OF THE PUD.

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
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IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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2. Written testimony will be entered into the official record.

REMARKS BEFORE THE MULTNOMAH COUNTY
COMMISSIONERS
MAY 15, 2003

MY NAME IS ROBERT F. LANZ.

I HAVE BEEN A PGE CUSTOMER FOR ALMOST 30 YEARS.

I AM A SMALL BUSINESS OWNER IN INSURANCE AND
INVESTMENTS AND HAVE CLIENTS WHO COULD BE BUYERS OF
EITHER NEW PUD BONDS OR SHARES OF PGE AND PACIFICORP.

I TOO HAVE BEEN A VICTIM OF ENRON'S MISDEEDS.

I TOO HAVE HAD MY PROFITS ERODED BY 30% RATE
INCREASES.

I TOO DO NOT WANT TO SEE THIS TRAGEDY HAPPEN AGAIN.

HOWEVER THE FORMATION OF A PUBLIC UTILITY DISTRICT IN
MULTNOMAH COUNTY WOULD VIRTUALLY GUARANTEE A
REPEAT AND PERHAPS AN EVEN GREATER FINANCIAL
DISASTER.

REFLECT A MOMENT ON WHAT WERE THE CAUSES OF THE
ENERGY CRISIS IN THE SUMMER OF 2000 WHICH NECESSITATED
THE 30% JUMP IN OUR ELECTRIC BILLS.

THE FOUR PRIMARY CAUSES WERE:

1. ABUSES OF THE PRICING OF POWER DUE TO INADEQUATE
REGULATION; ALSO KNOWN AS DEREGULATION.
2. EXCESSIVE USE OF DEBT
3. POOR MANAGEMENT AND
4. HAVING TO BUY ENERGY IN THE "SPOT" MARKET

A NEW PUD IN MULTNOMAH COUNTY WOULD BRING US ALL OF
THESE SAME PROBLEMS ALL OVER AGAIN.

AS TO INADEQUATE REGULATION:

REMARKS BEFORE THE DEPARTMENT OF ENERGY
April 7, 2003

MY NAME IS ROBERT F. LANZ, MY BUSINESS ADDRESS IS 1221
SW YAMHILL, PORTLAND, OREGON AND IS WITHIN THE
SERVICE TERRITORY OF PGE.

I AM AS A PGE CUSTOMER AND A TAX-PAYER IN MULTNOMAH
COUNTY AN INTERESTED PARTY IN THIS PROCEEDING.

I AM A SMALL BUSINESS OWNER IN INSURANCE AND
INVESTMENTS AND HAVE CLIENTS WHO COULD BE BUYERS OF
EITHER NEW PUD BONDS OR SHARES OF PGE AND PACIFICORP.

I TOO HAVE BEEN A VICTIM OF ENRON'S MISDEEDS.

I TOO HAVE HAD MY PROFITS ERODED BY 30% RATE
INCREASES.

I TOO DO NOT WANT TO SEE THIS TRAGEDY HAPPEN AGAIN.

HOWEVER THE FORMATION OF A PUBLIC UTILITY DISTRICT IN
MULTNOMAH COUNTY WOULD VIRTUALLY GUARANTEE A
REPEAT AND PERHAPS AN EVEN GREATER FINANCIAL
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4. HAVING TO BUY ENERGY IN THE "SPOT" MARKET

A NEW PUD IN MULTNOMAH COUNTY WOULD BRING US ALL OF
THESE SAME PROBLEMS ALL OVER AGAIN.

PUDS IN THE STATE OF OREGON ARE NOT SUBJECT TO ANY REGULATION BY THE PUBLIC UTILITY COMMISSION; NO REGULATION IS EVEN WORSE THAN THE CHAOS OF DEREGULATION WHICH ALLOWED THE ENERGY CRISIS TO HAPPEN IN 2000.

LIKE ENRON, THERE COULD POSSIBLY EXIST ACCOUNTING IRREGULARITIES WITHOUT A UNIFORM SYSTEM OF ACCOUNTS AND WITHOUT THE OVERSIGHT OF THE OREGON PUC.

INEXPERT ACCOUNTING AND AUDITING ON THE PART OF THE PUD COULD LEAD TO ANOTHER ENRON OR ANOTHER UTILITY BILLING FIASCO.

AS TO EXCESSIVE BORROWING:

THE PUD PROPONENTS NAIVELY CLAIM THAT THEY WILL BE ABLE TO FINANCE THE ACQUISITION WITH LOWER COST MONEY. OBVIOUSLY THEY ARE ASSUMING THEY CAN FINANCE THE ENTIRE OPERATION WITH ALLEGEDLY LOWER COST TAX-EXEMPT DEBT.

THIS ASSUMPTION IS INVALID FOR SEVERAL REASONS.

THERE IS GREAT DOUBT THAT A NEW PUD WITHOUT AN OPERATING HISTORY WOULD BE ABLE TO ATTRACT A SIGNIFICANT AMOUNT OF CAPITAL. A NEW PUD WOULD HAVE NO MANAGEMENT EXPERTISE, NO SOURCES OF GENERATION, NO CREDIT RECORD, NO EQUITY AND NO ACCESS TO THE STOCK MARKET.

WITHOUT ACCESS TO A MAJOR PART OF THE FINANCIAL MARKET, THE PUD WOULD HAVE TO FINANCE ITSELF WITH 100% DEBT. EVEN A BANK IS RELUCTANT TO LEND 100% UNLESS THE COLLATERAL IS EVEN GREATER.

THERE IS ALREADY A GREAT DEMAND FOR TAX-EXEMPT DEBT IN THE STATE OF OREGON. CAN THE STATE'S TAX-PAYERS OR RATE PAYERS SUPPORT THIS DEBT BURDEN?

WHAT WILL BE THE IMPACT ON EXISTING ALREADY WEAK BOND RATINGS? WHETHER REVENUE BONDS OR GENERAL OBLIGATION BONDS, RATING AGENCIES MUST EXAMINE THE TOTAL DEBT AND TAX BURDEN ON THE CITIZENS OF THE STATE OR COUNTY.

EVEN IF THE DEBT WERE IN THE FORM OF REVENUE BONDS, RATING AGENCIES WOULD TEND TO AWARD ONLY THE LOWEST OF RATINGS; CERTAINLY WELL BELOW THE EXISTING RATINGS OF EITHER PORTLAND GENERAL ELECTRIC OR PACIFICORP.

IN ADDITION TO THE FINANCIAL RISK FACING A NEW PUD WITH TOO MUCH DEBT, A RATING AGENCY WOULD ALSO VIEW NEGATIVELY THE GREAT AMOUNT OF OPERATING RISK IT WOULD HAVE AS A NEW ORGANIZATION WHICH WOULD BE MUCH SMALLER AND LESS ECONOMICALLY DIVERSIFIED THAN PGE.

A NEW PUD WOULD INDEED BE A VERY RISKY BUSINESS.

AS TO MANAGEMENT OF A NEW PUD, THEY MIGHT VERY WELL BE MORE RESPONSIVE TO CUSTOMERS BUT THIS COULD LEAD TO BEING LESS RESPONSIBLE IN THE LONG-RUN.

LOCAL CONTROL AND LOCAL OWNERSHIP ARE AN ILLUSION. A NEW PUD AS CONTEMPLATED BY THE PUD PROPONENTS WILL BE FINANCED WITH TAX-EXEMPT DEBT. FOR THE MOST PART, THESE BONDHOLDERS ARE EITHER INSTITUTIONS, BOND FUNDS OR HIGH NET WORTH INDIVIDUALS SEEKING TAX SHELTER. THEY ARE LIKELY NOT OUR NEIGHBORS; THEY LIVE IN FINANCIAL CENTERS SUCH AS NEW YORK, NEW JERSEY AND LA.

IF CREDIT ENHANCED BY BANK LETTERS OF CREDIT, FINANCIAL DECISIONMAKERS COULD EVEN BE LOCATED IN JAPAN OR ZURICH, HARDLY MY IDEA OF LOCAL CONTROL.

IF THEIR DEBT SERVICE IS NOT ADEQUATELY PROVIDED, THEY WILL DEMAND EITHER HIGHER RATES OR WANT THEIR MONEY BACK; THEY ARE HARD PEOPLE WITH LITTLE INTEREST IN OUR

THERE IS ALREADY A GREAT DEMAND FOR TAX-EXEMPT DEBT IN THE STATE OF OREGON. CAN THE STATE 'S TAX-PAYERS OR RATE PAYERS SUPPORT THIS DEBT BURDEN?

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IF CREDIT ENHANCED BY BANK LETTERS OF CREDIT, FINANCIAL DECISIONMAKERS COULD EVEN BE LOCATED IN JAPAN OR ZURICH, HARDLY MY IDEA OF LOCAL CONTROL.

COMMUNITY EXCEPT AS A SOURCE OF RETURN OF THEIR MONEY.

ON THE OTHER HAND, THE MAJORITY OF UTILITY STOCKHOLDERS ARE EITHER INDIVIDUALS, OFTEN ON FIXED INCOME, OR INSTITUTIONS WHO REPRESENT GROUPS OF INDIVIDUALS THE MAJORITY OF WHICH HAVE HISTORICALLY BEEN CUSTOMERS OF THE UTILITIES IN WHICH THEY INVEST. THIS SEEMS TO ME A BETTER WAY TO DEFINE "LOCAL CONTROL".

IN RETURN FOR THE ILLUSION OF LOCAL CONTROL, CUSTOMERS WOULD TRADE OFF THE BENEFITS OF A UTILITY'S OBLIGATION TO PROVIDE ADEQUATE SERVICE.

MORE THAN LIKELY THE PUDS BOARD WOULD BE COMPRISED OF INDIVIDUALS WITH POLITICAL BACKGROUNDS. POLITICIANS ARE NOT WELL KNOWN TO NOT BE OVERLY CONCERNED WITH THE LONG-TERM .

UTILITIES MUST PLAN 10 TO 30 YEARS INTO THE FUTURE. THEY ARE CURRENTLY REQUIRED BY LAW TO PROVIDE ADEQUATE UTILITY SERVICE. THEY HAVE AN UNCONDITIONAL OBLIGATION TO SERVE THE PUBLIC'S NEEDS.

WOULD THIS COMMITMENT TO PROVIDE SERVICE BE AS STRONG WITH A POLITICIZED MANAGEMENT?

NO ONE LIKES RATE INCREASES BUT SOMETIMES HARD CHOICES MUST BE MADE TO KEEP THE LIGHTS ON AND THE WATER RUNNING.

TO ME P U D means Promises which are Un Deliverable.

#3

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

**Please complete this form and return to the Board Clerk
This form is a public record**

MEETING DATE: MAY 15

SUBJECT: MULTNOMAH COUNTY PUD ISSUE

AGENDA NUMBER OR TOPIC: MULTNOMAH PUD INITIATIVE

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: DAVID PANICHELLO

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: 503-256-5422

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: WILL SUBMIT WRITTEN TESTIMONY.

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: May 15, 2003

SUBJECT: Multnomah County People's Utility District
proposal -- Boundary hearing

AGENDA NUMBER OR TOPIC: PH-32

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: John Rakowitz, Portland Business Alliance

ADDRESS: 221 NW Second Avenue, Suite 300

CITY/STATE/ZIP: Portland, OR 97209

PHONE: _____ DAYS: (503) 228-9411 EVES: _____

EMAIL: jrakowitz@portlandalliance.com FAX: 503-228-5126

SPECIFIC ISSUE: PUD is bad for Multnomah County - bad
for business, bad for economy, too risky and uncertain

WRITTEN TESTIMONY: Submitted

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



PORTLAND BUSINESS
ALLIANCE

May 15, 2003

Multnomah County Board of Commissioners
Multnomah Building
501 SE Hawthorne
Portland, OR 97214

To the Board of Commissioners:

The Portland Business Alliance is opposed to the proposal to form a new People's Utility District in Multnomah County because we believe it will increase uncertainty and risk for electric customers of PGE and PacifiCorp, it is bad for the economy, and it sends the wrong message to businesses looking to invest in the community.

Increasing uncertainty and risk

The creation of the Multnomah County PUD, in the volatile energy environment of today, raises the following important issues, which proponents cannot answer with certainty:

- The PUD's energy supply appears anything but certain, given the demands on federal hydropower sources and the fact that the majority of PacifiCorp's and PGE's generation facilities are not within Multnomah County.
- Because it applies only to customers in Multnomah County, the PUD effort would break up PGE's and PacifiCorp's service areas, creating serious questions about how service will be delivered to utility customers in the remainder of PGE's and PacifiCorp's service territories, particularly in the metropolitan region.
- The Alliance is on record with Portland City Council opposing any acquisition of utilities by condemnation that will only further increase the uncertainty and risk of energy supplies.

Bad for the Economy

Businesses would be unable to plan for the future. This is the worst possible time to be taking risks with one of our essential services. More risk and uncertainty is the last thing our economy needs.

New businesses would be discouraged from locating here

The initiative sends exactly the wrong message to businesses looking to invest in our community. And what business in the world would want to come to a market where the energy cost is a total wild card?

Therefore, the Portland Business Alliance opposes the formation of the PUD and the use of condemnation to force a government takeover of PacifiCorp and PGE distribution systems in Multnomah County.

Sincerely,

John Rakowitz
Government Affairs Manager
Portland Business Alliance

**POSITION OPPOSING
THE FORMATION OF AN ELECTRIC PEOPLE'S UTILITY DISTRICT (PUD)
IN MULTNOMAH COUNTY**

Considerations:

- Electricity is vital to our economy and to the success of business.
- Business is looking for reliable power and predictable rates.
- Business is also looking for energy providers that will be innovative and constantly looking for creative solutions to problems that will enhance efficiency and reduce upward pressure on rates.
- The People's Utility District initiative calls into question what form of utility governance structure can best deliver the rate predictability and innovation that will serve the needs of this community in general and business in particular.

The Portland Business Alliance believes the proposal to form a new People's Utility District in Multnomah County will increase uncertainty and risk for electric customers of PGE and PacifiCorp, and sends the wrong message to businesses looking to invest in the community. The Multnomah PUD proposal does not offer persuasive arguments for customers of PGE and PacifiCorp generally and the business community specifically to support the effort.

Therefore, the Portland Business Alliance opposes the formation of the PUD and the subsequent condemnation and forced government takeover of the assets of PacifiCorp and Portland General Electric distribution systems in Multnomah County, for the following reasons:

- Philosophically, the Alliance cannot support the condemnation of a private company.
- The creation of the Multnomah County PUD, in the volatile energy environment of today, raises the following important issues which proponents can not answer with certainty:
 - The PUD's energy supply appears anything but certain given the demands on federal hydropower sources and the fact that the majority of PGE's and PacifiCorp's generation facilities are not within Multnomah County.
 - Because it applies only to customers in Multnomah County, the PUD effort would break up PGE's and PacifiCorp's service area, creating serious questions about how service will be delivered to utility customers in the remainder of PGE's and PacifiCorp's service territory, particularly in the remainder of the metropolitan region.
 - Acquisition by condemnation will likely result in litigation, which introduces further uncertainty into the formation process.
- These issues cause the Alliance to conclude that a Multnomah County PUD can not offer the rate predictability and innovation this region needs from its electric utilities.

#5

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/15/03

SUBJECT: P.U.D

AGENDA NUMBER OR TOPIC: _____

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Bill Michtom

ADDRESS: 1110 SW Clay #33

CITY/STATE/ZIP: Portland, OR 97201

PHONE: _____ DAYS: 503 916 4102 EVES: Same

EMAIL: michtom@pacifier.com FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: handed to D. Bogstad

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

Chair Linn, Commissioners, Citizens:

There have been several reasons put forth as to why there should not be a People's Utility District in Multnomah County. I would like to examine them.

1. Breaking up PGE's service territory will destroy economies of scale.

If this is true, why are Forest Grove and McMinnville able to provide electricity at significantly lower cost than PGE?

2. Splitting the territory among multiple counties will make it difficult to run.

If this were true, Metro would have been impossible. Regardless of one's opinions of Metro's policies, it is a clear example of multiple governments working well together.

3. Private enterprise is inherently better than government.

I hope that no one still believes this in the wake of Enron, Global Crossing, Tyco, etc. But, ignoring spectacular criminality for the moment, remember that California's rolling blackouts of 2001 affected *only* privately run utilities.

But what about the Water Bureau debacle? The initial problem was with a private software firm that produced a non-working billing system and wouldn't fix it; and the total cost to Portland, around \$20 million, pales in comparison to the over \$500 million that PGE/Enron managed to take from their rate payers for state and federal taxes ... *that they never paid!*

4. A People's Utility District is not under the "protection" of the Public Utility Commission.

The PUC **approved** the sale of PGE to Enron. The PUC was unable to protect its constituents from Enron's vast web of deceit and manipulation that destroyed economies up and down the West coast; and the PUC approved a huge rate increase to boot.

5. Workers will be at risk of job loss.

If this didn't ignore the destruction to peoples lives and savings Enron/ PGE visited on its employees, and communities around the country, it would be laughable.

Plus, bankruptcy has been used before to shed a company of its union. A P.U.D., conversely, *must* honor union contracts in any entity it acquires.

6. Taking over PGE will send a bad message to businesses.

First, PGE, unlike other businesses, is a state-regulated monopoly. Its income is guaranteed.

Second, is it a good message that a business can steal from its community and workers, manipulate markets, and keep money that should go to government in taxes? This is the message we send if we let the 50% rate increase imposed on PGE's industrial customers stand; this message says that small businesses – most vulnerable to huge rate increases – will not be protected from predatory practices

A People's Utility District sends a message that we want local ownership and local control; that we want the people who run our electric utility to be directly accountable to us, not to far-away shareholders; that we value a responsibly-run business that doesn't benefit dishonest and venal executives.

A P.U.D. will prevent our utility from being swallowed by the next bigger fish that comes along - and there is always a bigger fish.

We will be hearing these fallacious arguments again and again. They are untrue now and always. Those who want a publicly-owned utility have only word of mouth to fight the propaganda that multiple millions of dollars from PGE and PPL will purchase.

We must share the truth now, and remember it in September.

Thank you.

Bill Michtom
Chief Petitioner
1110 SW Clay, #33
Portland, OR 97201
503 916-4102

#6

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

*****This form is a public record*****

MEETING DATE: 5-15-03

SUBJECT: ownership of PGE

AGENDA NUMBER OR TOPIC: _____

FOR: _____ **AGAINST:** _____ **THE ABOVE AGENDA ITEM**

NAME: GRACE WEINSTEIN

ADDRESS: 7352 S.W. 26 Ave

CITY/STATE/ZIP: Portland 97219 OR

PHONE: _____ **DAYS:** 503-245-8883

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: I am in favor of a PUD

WRITTEN TESTIMONY: Dan Meek speaks eloquently

and without fear about the benefits of a PUD. We failed to heed his warnings about corporate ownership in 1997. We have another opportunity. The fear factor advanced by the corporations should be taken once again as just that - a fear of the common good.

IF YOU WISH TO ADDRESS THE BOARD:

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3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

7

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

*****This form is a public record*****

MEETING DATE: 5/15/03

SUBJECT: PUD

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: 2 THE ABOVE AGENDA ITEM

NAME: Karen Lee

ADDRESS: 121 SW Salmon Street

CITY/STATE/ZIP: Portland OR 97204

PHONE: _____ DAYS: 464-7894

EVES: _____

EMAIL: Karen.Lee@psu.com

FAX: _____

SPECIFIC ISSUE: jurisdiction/officials oppose

WRITTEN TESTIMONY: for submission

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

Multnomah County PUD Boundary Hearing
Wednesday, May 15, 2003

Testimony Submitted By: Karen Lee
PGE Government Affairs
121 SW Salmon St., 1WTC0301
Portland, Oregon 97204
Phone: 503-464-7894
karen_lee@pgn.com

My name is Karen Lee, a Government Affairs representative for Portland General Electric – I work with County and City elected officials and staff on behalf of the company outside Multnomah County.

I would like the Multnomah County Commissioners to be aware of the growing concerns by government entities and business organizations outside the proposed PUD boundary. As you are beginning to recognize, this PUD proposal is unlike any of the public utility proposals that have taken place in Oregon. In this current case, the large radius of PGE and Pacific Power customers effected does not stop at the Multnomah County line and many customers I work with every day have legitimate questions and concerns.

Attached to my testimony, I will submit a partial list of governments and business organizations that have formally approved a resolution or a letter opposing the Multnomah County PUD. Either their opposition statements have been compiled in the Oregon Office of Energy Report or they were sent to you to be submitted in today's boundary hearing record. From government, the list includes:

The Board of Commissioners of Marion County and Polk County
The cities of Boardman, Hillsboro, Hubbard, Salem, Silverton, Tigard, Tualatin and, Beaverton
Mayor Rob Drake. I know of six additional government entities that will be discussing this issue by the end of May.

From business, the list includes:

Associated Oregon Industries,
Chambers of Salem, Tualatin, and Lake Oswego
The economic development associations such as Clackamas County Economic Development Commission, SEDCOR, and Westside Economic Alliance.

Four other Chambers have it on their agenda by the end of May. Larry Glasscock who is President of SEDCOR wrote an Op-Ed that does a good job summarizing their concerns. It was published in the Statesman Journal Tuesday (May 13) and I will be attaching a copy of his Op-Ed.

Of course the list I submit today will include government and business entities inside Multnomah County.

As you all know, these organizations have a lot on their plate. They did not take their opposition statements lightly and chose to spend their time analyzing the pros and cons of the PUD. I would hope that as they have reached out to you to share their input, you too will reach out to them – establish a dialogue and view this as a regional issue that has regional impacts.

Thank you for your time today.

The following organizations or individuals are on record opposing the Multnomah County People's Utility District. Many of those listed below have written letters in opposition to the PUD or passed resolutions:

Government

Marion County Board of Commissioners
Polk County Board of Commissioners
City of Boardman
City of Gresham
City of Hillsboro
City of Hubbard
City of Salem
City of Silverton
City of Tigard
City of Tualatin

Elected Officials

City of Beaverton Mayor Rob Drake
City of Portland, Commissioner Jim Francesconi

Business Organizations and Businesses

Ashforth Pacific, Inc., Hank Ashforth
Associated Oregon Industries
Birtcher Commercial Development, Jim Edwards
Brooks Staffing, Samuel Brooks
Clackamas County Economic Development Commission
Columbia Corridor Association
Gateway Area Business Association
International Brotherhood of Electrical Worker's Local 125
Lake Oswego Chamber of Commerce
Leupold & Stevens, Inc., Rainier Poersch
Litchfield Consulting Group, Jim Litchfield
Oregonians for Jobs and Power
Portland Business Alliance
Public Private Partnerships, Inc., Carl Grossman
Salem Chamber of Commerce
SEDCOR
Tektronix, Barbara Block
Tualatin Chamber of Commerce
Westside Economic Alliance

Nonprofit & Community Organizations

American Lung Association, Warden Minor
Citizens Against Government the Takeover
Equity Foundation, Louise Yarbrough
Human Solutions, Jean DeMaster
Native Fish Society, Bill Bakke
Northwest Business for Culture and the Arts

Revised May 15, 2003
Submitted by Karen Lee
Portland General Electric
503-464-7894

Power plan is irresponsible

What does a public hearing before the Multnomah County commissioners have to do with Marion and Polk County? When it comes to electric rates — plenty!

The Oregon Public Power Coalition has spearheaded an effort to create a People's Utility District, carved out of Portland General Electric and Pacific Power and Light territory in Multnomah County. The proposal would impact about 248,000 of PGE's 742,000 customers and 68,000 of Pacific Power's 500,000 Oregon customers.

For those who love to hate Enron, this effort has great emotional appeal. However, from the technical, financial and practical aspects, it really stinks.

Both PGE and PP&L each own and operate their own network, poles, wires, substations and other critical equipment that serve all of their customers. These systems do not conform to the boundaries of a single county.

The formation of the PUD would require PGE and Pacific Power to segregate their transmission and service lines including substations from the area to be served by the new PUD. The

LARRY GLASSOCK

GUEST OPINION



cost of the segregation is estimated to exceed \$50 million. All of these costs would not be borne by the PUD, but, rather, by the

PGE and PP&L ratepayers.

While only the customers in Multnomah County would be allowed to vote on the creation of the PUD, the rates for the remaining PGE and Pacific Power customers would also rise to offset the costs of segregating the systems. This is tantamount to taxation without representation.

At a public hearing conducted by the Oregon Office of Energy on April 7, the prime proponent of the PUD, Dan Meek of the Oregon Public Power Coalition, used his time to conduct a diatribe against PGE and Enron. He offered nothing in terms of analytical information such as a proforma operating statement or operating and service plans for the proposed PUD.

Meek also said that the PUD would have priority access to Bonneville Power Administra-

tion power and services. The implication is that the PUD would distribute low-cost hydropower to their customers.

What he failed to point out is that BPA has oversubscribed its power-generation capacities and must buy energy on the wholesale market, subjecting the new PUD to price fluctuations and higher-cost power.

Meek also cites that rates would be lower because the PUD would not pay taxes. Oh boy! That's really going to help schools, social services and fire and safety.

I don't want this article to be construed as an "anti-PUD" piece. Far from it. I believe there is a time and place for PUDs, like the well-run Salem Electric, serving portions of Salem and Keizer.

However, the Multnomah County PUD proposal is in the wrong place, at the wrong time and proposed for the wrong reasons. It is utterly irresponsible.

Make your voice heard at the May 15 Multnomah County Board of Commissioners' meeting.

Larry Glassock of Salem is president of SEDCOR. He can be reached by e-mail at L.Glassock@SEDCOR.com

#8

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

*****This form is a public record*****

MEETING DATE: 15 May 2003

SUBJECT: Multnomah County PLLD
Boundary Hearing (Resolution #03-027)

AGENDA NUMBER OR TOPIC: _____

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Frank Gearhart

ADDRESS: 2103 NE 24th Ct

CITY/STATE/ZIP: Gresham, OR 97030

PHONE: _____ DAYS: 503-665-4272 EVES: _____

EMAIL: Ciipri.gear@Verizon.net FAX: 503-662-9426

SPECIFIC ISSUE: Mutt Co Approval of ^{the} Citizen Initiative to be
placed on the earliest Ballot

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#9

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5/15/03

SUBJECT: P.U.D. BOUNDARIES HEARING

AGENDA NUMBER OR TOPIC: _____

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM
 ~ PUD

NAME: JOAN HORTON

ADDRESS: 0234 SW Curry

CITY/STATE/ZIP: PORTLAND, OR

PHONE: _____ DAYS: 503

EVES: _____

EMAIL: JOAN@OPPC.NET

FAX: _____

SPECIFIC ISSUE: A PUD does pay local taxes & fees

WRITTEN TESTIMONY: see attached data

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
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IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

Multnomah County Commissioners Hearing on the MCPUD

My name is Joan Horton. I'm a member of the Oregon Public Power Coalition and a Chief Petitioner on the Multnomah County PUD petition.

Our opponents claim that Oregon and its various cities & counties will lose tax revenues if a PUD is created.

This isn't true.

Franchise Taxes & Property Taxes:

PUDs pay franchise fees to cities for use of the public right of way. These fees are based on the amount of revenue collected within the city limits. PUDs also pay property taxes to the counties based on property value. Columbia River PUD recently announced that it paid \$ 712,036 in franchise fees & property taxes for 2002. A copy of the release is attached. (www5.crpud.net/about/news)

Payroll Taxes:

Unemployment taxes:

According to the Oregon Employment Department, PUDs do not pay the state unemployment insurance like non-public companies do. However they directly reimburse the state for any unemployment drawn by an ex-employee. This is a dollar-for-dollar reimbursement, so the state isn't shorted there. In the long run this saves the PUD money, a savings reflected in the customers' rates.

Tri-Met taxes:

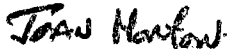
According to the Oregon Department of Revenue, a PUD pays the payroll based Tri-Met tax at the same rate as non-public employers. I've included a copy of the 4 pages of data about transit payroll taxes from the ODR's website. The mention of the PUD is on page 3.

Income Taxes:

Finally I know you've heard about the missing state & federal income taxes. PGE ratepayers were charged for and paid federal, state and local income taxes. PGE paid them over to ENRON. ENRON, by virtue of being bankrupt, hasn't paid those taxes over to the federal, state and local agencies. So Oregon localities, which are hurting for money, haven't received the taxes that Oregonians have paid. This year these state taxes equal \$15.6million. Combined with \$77 million for federal taxes, this equals \$254,000/day. ($\$77m + \$15.6m = \$92.6m$ $\$92.6m/365 \text{ days} = \$253,698/\text{day}$)

What could Multnomah County do with \$254,000/day?

I believe that there are many benefits of public ownership that Multnomah County residents haven't ever experienced. It's time we had the chance. We know what private ownership is like.



Joan Horton
Oregon Public Power Coalition
joan@oppc.net

Press Release from Columbia River PUD

www5.crpud.net/about/news

PUD Property Tax, Franchise Fee Payments Total \$712,036

(St. Helens, OR)

Columbia River PUD paid local governments \$712,036 in franchise fees and property taxes for 2002.

Franchise fees are fees paid by utilities to local municipalities to be permitted to operate in their rights of way. The fee amounts are based on revenues collected from customers within the city limits.

The PUD's 2003 franchise fee payments to each city are based on the total revenues collected in 2002 from PUD customers within each city's boundaries. The 2003 franchise fee payments were:

- St. Helens - \$274,047
- Scappoose - \$94,787
- Columbia City - \$30,874
- Rainier - \$6,255
- Prescott - \$1,198

Property taxes are paid to Columbia County and help to fund schools, police departments, fire districts and other city and county services. The PUD's 2002 property tax bill of \$304,875 is the seventh largest in the county.



O R E G O N
D E P A R T M E N T
O F R E V E N U E

- ☐ Home
- ☐ Electronic Filing
- ☐ Federal Retirees
- ☐ Publications
- ☐ Related Sites
- ☐ Tax Forms
- ☐ Property Tax
- ☐ Court Fines
- ☐ Kicker
- ☐ User Survey
- ☐ Tax Information
- ☐ Newsroom
- ☐ Other Agency Accounts
- ☐ Statutes/Rules
- ☐ Site Map
- ☐ Q&A
- ☐ Business
- ☐ Tax Programs
- ☐ Jobs
- ☐ Search
- Business**

Oregon Transit Payroll Taxes for Employers

Should I be filing?

A guide to TriMet and Lane Transit payroll taxes.

Transit District Taxes

The Oregon Department of Revenue administers tax programs for the Tri-County Metropolitan Transportation District (TriMet) and the Lane County Mass Transit District (LTD). Nearly every employer who pays wages for services performed in these districts must pay transit payroll tax.

The transit tax is imposed directly on the employer. The tax is figured only on the amount of gross payroll for services performed within the TriMet or Lane Transit districts.

Who must file and pay?

All employers who are paying wages earned in the TriMet or LTD districts must register and file with the Oregon Department of Revenue. Wages include all salaries, commissions, bonuses, fees, payments to a deferred compensation plan, or other items of value.

Your payroll service may not be aware that you have employees working in the transit districts. If so, you need to contact the service regarding your reporting and payment responsibility.

How to register

If you are a new employer and subject to the transit tax, complete the *Combined Employer's Registration*, 150-211-055, including the transit tax section.

If you are currently registered and have employees in the transit tax areas, complete the *Change in Status Report*, 150-211-157.

These forms are available on the Internet at www.dor.state.or.us/formspay.html, or contact the Oregon Department of Revenue at 503-945-8100.



ZIP Code List

To help determine if you have employees in the Portland-metro area served by TriMet, use the following list. Some ZIP codes may not coincide with the district boundaries. For boundary questions, call **503-962-6466**.

Zip Codes Completely in TriMet Transit District

97005 97062 97227

Zip Codes Partially in TriMet Transit District

97007 97045 97116

<http://www.dor.state.or.us/withhold/211-503.html>

97006	97068	97229	97009	97055	97123
97008	97201	97230	97013	97060	97124
97024	97202	97232	97015	97070	97140
97027	97203	97233	97019	97080	97231
97030	97204	97258	97022	97113	97236
97034	97205	97266	97023		
97035	97206	97267			
97036	97209-97225	97268			
97060					

Counties

Clackamas, Multnomah, Washington

TriMet Transit District Rate

1-1-1989 to 12-31-99	.006176
1-1-2000 to 12-31-01	.006195
1-1-2002 to present	.006218

Deleted from TriMet

Canby	1/1/02
Sandy	1/1/00
Wilsonville	1/1/89
Molalla	1/1/89
Damascus	1/1/89

**Lane Transit District****ZIP Code List**

Use this list as a guideline to help determine if you have employees in the Lane Transit District. Some ZIP codes may not coincide with the district boundaries. For boundary questions, call **541-682-6100**.

City	Zip Code
Alvadore	97409
Blue River	97413
Coburg	97401
Cottage Grove	97424
Creswell	97426
Dexter	97431
Elmira	97437
Eugene	97401
Eugene	97402
Eugene	97403
Eugene	97404
Eugene	97405
Eugene	97440
Fall Creek	97438
Finn Rock	97488
Goshen	97401
Jasper	97438
Junction City	97448
Lancaster	97448
Leaburg	97489
Lowell	97452

Maywood	97413
McKenzie Bridge	97413
Pleasant Hill	97455
Springfield	97477
Springfield	97478
Thurston	97482
Trent	97431
Veneta	97487
Vida	97488
Walterville	97488

County

Lane

Lane Transit District Rate

10/1/94 to present .006

When to file the transit tax

Your transit tax is reported quarterly using the *Oregon Quarterly Tax Report (Form OQ)*. Make your payment using the payment coupon, *Form OTC*, or through the department's electronic fund transfer (EFT). For EFT information, please call 503-947-2017.

How to figure the transit tax

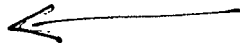
Multiply the gross taxable payroll earned within the transit district by the current transit rate. The current rate should be printed in the TriMet/LTD portion of the *Oregon Quarterly Combined Tax Report (Form OQ)*.

Exempt Payroll

The following are exempt from transit payroll taxes:

1. Federal credit unions.
2. Public school districts.
3. 501(c)(3) nonprofit and tax-exempt institutions.
4. Insurance companies (except domestic insurers).
5. Domestic service in a private home.

The following are exempt from LTD, but subject to TriMet taxes:

1. Public education districts.
2. Public special service and utility districts. 
3. Port authorities.
4. Fire districts.
5. City, county, and other local governments.

For further definitions of exempt payroll, refer to the Oregon Business Guide.

Penalty and Interest

- You will be charged a 5 percent penalty on any unpaid tax after the due date of the return.
- You will be charged an additional 20 percent penalty on any tax due if Form OQ is filed more than three months late.
- You will also be charged interest, at the current rate, on the unpaid tax from the due-date of the return.

Contact

For more information on TriMet or LTD tax, call the Oregon Department of Revenue at 503-945-8100.

Anyone who has self-employment earnings within a transit district may be subject to transit self-employment tax. For self-employment questions, please call 503-378-4988.

Web site: www.dor.state.or.us/withhold/transit.html.

To order forms, write to:

Forms, Oregon Department of Revenue
PO Box 14999
Salem, OR 97309-0990

If you use a payroll service or a tax preparer, please be sure your preparer is filing and depositing correctly for transit taxes.

150-211-503 (10/02)

[Home](#) | [Tax Forms](#) | [Tax Information](#) | [Q&A](#) | [Electronic Filing](#)
[Property Tax](#) | [News](#) | [Business](#) | [Federal Retirees](#) | [Court Fines](#)
[Other Agency Accounts](#) | [Tax Programs](#) | [Publications](#) | [Kicker](#) | [Statutes/Rules](#)
[Jobs](#) | [Related Sites](#) | [User Survey](#) | [Site Map](#) | [Search](#) | [State of Oregon Web Site](#)

Comments or questions about this page can be sent to the Webmaster at:
webmaster.dor@state.or.us

Please do not e-mail the webmaster tax-related questions.

Last revised November 14, 2002.



GENERAL INFORMATION

These are the instructions to a 23 page form for reporting Personal Property for tax valuation

Oregon law

Oregon law (ORS 308.515) requires the department to make an annual assessment of designated utilities and companies.

ORS 308.515(1)(a) charges the department to assess the following property having situs in this state:

"Except as provided in subsection (2) of this section, any property used or held for its own future use by any company in performing or maintaining any of the following businesses or services or in selling any of the following commodities, whether in domestic or interstate commerce or both, and whether mutually, or for hire, sale or consumption by other persons: Railroad transportation; railroad switching and terminal; electric rail and trackless trolley transportation; private rail-car transportation; air transportation; water transportation upon inland waters of the State of Oregon; air or railway express; communication; heating; gas; electricity; pipeline; toll bridge."

ORS 308.525 specifies what facts the companies should supply to the department. ORS 308.525(14) also allows the department to gather "any other facts or information the department requires in the form of return prescribed by it."

How to complete these Oregon schedules

1. Complete all schedules in this packet.
2. If you need more space than what's available on a schedule, attach additional sheets.
3. If a schedule doesn't apply to you, leave it blank. Then attach a statement telling us why you don't need to complete the schedule.
4. Type or print your information on these schedules. If you print, please use ink.
5. Put brackets (< >) around negative ("deficit") amounts.
6. Keep a copy for your files.

Additional information you must file

In addition to the schedules provided, all companies must file a copy of:

- The company's complete Annual Report filed with the Oregon Public Utility Commission and/or a federal regulatory body (if the company filed this annual report).
- The company's 10-K (and parent company's 10-K, if applicable) filed with the Securities and Exchange Commission.
- The annual report to stockholders (and parent company's annual report, if applicable), if not included in the 10-K.
- For railroads, a copy of each track mileage summary by tax code sent to County Assessors (ORS 308.645).
- For communications companies, a copy of the wire mileage summary by tax code sent to County Assessors (ORS 308.645).
- For gas and pipeline companies, a copy of listing of pipe mileages by diameter and individual tax code areas sent to County Assessor (ORS 308.645).
- For all companies, the cover letter sent with this packet may also request information in addition to the data required on the standard schedule forms. Read the letter carefully. The additional data requested is an *integral part of your total reporting requirement*. You must provide us with this additional information.

Important reminders

- Calendar Year Basis. The Oregon report is for a full calendar year.
- "The Year" means the year covered by the report.
- "The Close of the Year" means the close of business on December 31.

- "The Beginning of the Year" means the beginning of business on January 1,

or

the beginning of the period covered by the report if the report is for a period shorter than one year.

When to file

File on or before March 17, 2003.

Where to file

Mail all schedules, reports, forms, and attachments to:
Valuation Section
Property Tax Division
Oregon Department of Revenue
PO Box 14380
Salem OR 97309-5075

Extension of time for filing statement

The department is allowed by law (ORS 308.535) to extend the time for filing this statement for good cause.

If a company fails to make a statement or furnish the required information, the law also allows the department to "inform itself as best it may as to the matters necessary to be known in order to discharge its duties with respect to the property of the company."

Penalties for failure to file or filing a false or fraudulent statement

Your statement is considered delinquent if it is not filed by March 17 or by the extended date allowed by the department. The penalty for a delinquent statement is \$10 for each \$1,000 (or fractions thereof) of assessed value placed on the assessment roll of the department (ORS 308.030).

Willfully providing a false or fraudulent statement is perjury [ORS 308.990(4)] and "upon conviction, shall be punished as otherwise provided by law for such crime."

Substitute forms acceptable

The Department of Revenue will accept photocopies and replicas of this packet. If you need an additional packet, please call 503-945-8281.

Electronic filing

Companies with complex tables, especially those with a large asset inventory or those with property located in many tax code areas throughout the state, are encouraged to submit data in an electronic format to save time and reduce errors.

Electronic schedules may be filed in place of hardcopy schedules. If you choose to file electronically, please include the signed Taxpayer Declaration form (150-302-039) provided herein.

You may report your schedules in an electronic format that is compatible with Microsoft Office in Windows format (i.e., Excel spreadsheets, Access data and Word documents). An electronic format must include the information fields located in the annual statement schedules.

Important: Please format your electronic data according to the format of the paper schedule or table. Label the schedule so the department can readily identify which schedule you are submitting electronically. If you have questions regarding acceptable formats, please contact the appraiser via the phone number located on the attached cover letter.

The data may be sent via 3.5" diskette along with the form or may be attached via an e-mail message to the address below the appraiser's name provided on the cover letter. *If you submit the data via e-mail, there is a possibility that it may not remain secure in transit.* The Department of Revenue maintains that all information, on receipt, is confidential and shall not be released to third parties. During the course of transit, information may be considered insecure and may be intercepted by third parties.

* Written only Submittal

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

*****This form is a public record*****

MEETING DATE: May 15, 2003

SUBJECT: Multnomah County PUD initiative.

AGENDA NUMBER OR TOPIC: _____

FOR: _____ **AGAINST:** xx **THE ABOVE AGENDA ITEM**

NAME: Sam Brooks

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ **DAYS:** 503-249-2027

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: Do not want to lose partnership of Pacific Power in the
Community.

WRITTEN TESTIMONY: Do not want to risk losing partnership of Pacific Power
in our community.

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

Testimony of
Samuel Brooks, President & CEO of Brooks Staffing
Regarding Pacific Power's Commitment to the Community

I am Samuel Brooks, President and CEO of Brooks Staffing. My firm is based in Northeast Portland; we provide staffing services for more than 80 business and government employers throughout the Western United States. I am a member of the Portland Business Alliance Board of Directors and am President and Chair of the Board of the Oregon Association of Minority Entrepreneurs.

Over the past several years I also have held a variety of positions including Chairman of Governor Kitzhaber's Workforce Investment Board, Chairman of the Pacific Incubator Network plus Chairman of both the Oregon and National Small Business Development center Advisory Board. In these varied roles I have witnessed Pacific Power's commitment to the communities it serves and I have partnered with Pacific in efforts to improve our own Portland community.

I am here tonight to tell you that we should treasure the contributions Pacific Power makes to our community. If it is not broken please do not fix it. I question whether the proposed Multnomah PUD could or would ever be able to deliver the type of community commitment that Pacific Power has. Pacific Power is valued and we should continue to value it as a key contributor to the livability of our area. Let me tell you why I feel this way...

North and Northeast Portland does not look the way it did 15 or 20 years ago. It has improved. Some of that improvement is due to Pacific Power's involvement and willingness to work with others to help the area. Here are three examples of the commitment Pacific Power has made to its North and Northeast Portland service area...

First, is the Northeast Portland Business Incubator Project. About a dozen years ago, Pacific worked with me on the idea of creating a commercial/industrial business incubator on a block of property owned by the utility. Pacific had decided to work on this business incubator concept after doing a community development assessment and after talking with other project partners in the community.

The short story is that we did establish the incubator and it still operates today. The results have been spectacular, including:

- 150 people work for businesses in the incubator right now. They all support their families and pay taxes.
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Third, I would like to highlight the fact that Pacific Power allowed one of their key employees—Sheila Holden—to serve for two years as a loaned executive to the North and Northeast Economic Development Alliance. The Alliance has been a catalyst for the comprehensive redevelopment of one of Oregon's primary pockets of poverty, blight and crime. Some results of the Alliance's work include:

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Having the support of Pacific Power and Sheila Holden as a loaned executive has substantively advanced our success at the Alliance.

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There are more examples of Pacific's partnership with the community but these are key. These examples all illustrate that we should retain Pacific Power. I urge you to reject the PUD proposal and not risk losing the substantial community commitment, affordable energy price and high energy reliability benefits Pacific Power provides for its customers in Multnomah County.



OREGON ASSOCIATION OF MINORITY ENTREPRENEURS

4134 N. Vancouver Ave. • Portland, Oregon 97217 • (503) 249-7744 • fax (503) 249-2027 • Website: www.oame.org

RECEIVED

MAY 20 2003

DIANE LINN
MULTNOMAH COUNTY CHAIR

May 15, 2003

Diane Linn Multnomah, County Chair
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Chair Diane Linn:

**Testimony of Samuel Brooks, President & CEO of Brooks Staffing and President and Chair of the
Board of Oregon Association of Minority Entrepreneurs
Regarding Pacific Power's Commitment to the Community**

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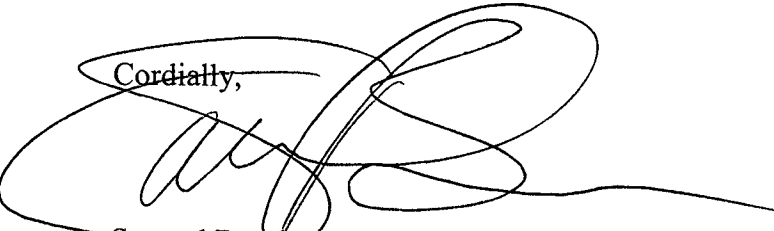
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Cordially,


Samuel Brooks
President & COB

Cc: Commissioners: Maria Rojo de Steffey, District 1
Serena Cruz, District 2
Lisa Naito, District 3
Lonnie Roberts, District 4

BCC ✓



Oregon Association of Minority Entrepreneurs

4134 N. Vancouver Ave. • Portland, OR 97217

(503) 249-7744 • fax(503) 249-2027 • www.oame.org • oame@uswest.net

FAX TRANSMITTAL FORM

Date: 5/15/03

Time: _____

Priority: Normal: _____ URGENT: _____

No# of pages(including coversheet): _____

To: Diane Linn

Company: _____

Fax: 988-3093

From: SAM Brooks

Company: _____

Fax: _____ E-mail: _____

For your Review: _____ Please comment: _____ Please Reply: _____ RSVP: _____ FYI: _____

Subject: Testimony

74I

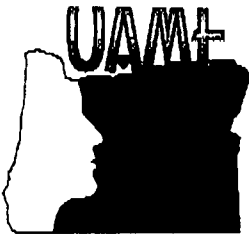
please find
Attached
information
for you to
view.

Thanks

Sam Brooks

Do you know that -

- OAME's next "Coffee and Issue Forum , May 30, 2003 at 7:00 am. Plan to attend.
- ► You can support the OAME's Youth Entrepreneurship program by buying items at the Youth Store that's open Mon.-Fri. 11 am - 6 pm and Sat. from 11 am - 2 pm.
- WE NOW HAVE GIFT CERTIFICATES.
- ► Do you need space to hold a meeting? OAME Cascade Plaza leases the conference rooms by the hour. OAME's members gets a discount so call today to reserve your meeting space. Contact Modena Perry, Event Coordinator for reservations 503-249-7744.
- ► OAME's Endowment Fund is Active and Donations are being accepted.



OREGON ASSOCIATION OF MINORITY ENTREPRENEURS

4134 N. Vancouver Ave. • Portland, Oregon 97217 • (503) 249-7744 • fax (503) 249-2027 • Website: www.oame.org

May 15, 2003

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501 SE Hawthorne Blvd., Suite 600
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Cordially,


Samuel Brooks
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Cc: Commissioners: Maria Rojo de Steffey, District 1
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Lisa Naito, District 3
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**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 5-15-03

SUBJECT: Multnomah County PUD
formation boundary hearing

AGENDA NUMBER OR TOPIC: PH2

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Phil Keisling

ADDRESS: 3408 S.E. 8th Ave.

CITY/STATE/ZIP: Portland OR 97202

PHONE: _____ DAYS: 503-517-2853 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

Submitting written testimony only.

WRITTEN TESTIMONY: Two-page letter regarding
complexity of the election, with
reference map attached.

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

Phil Keisling
3408 S.E. 8th Avenue
Portland, OR 97202

May 15, 2003

Multnomah County Board of Commissioners
c/o Diane Linn
Multnomah County Chair
Multnomah Building
501 SE Hawthorne Blvd., Ste. 600
Portland, OR 97214

Re: Multnomah County People's Utility District Proposal

Dear Members of the Board:

The purpose of this letter is to offer my perspective as a former chief elections officer in Oregon concerning the proposed Multnomah County People's Utility District (Multnomah PUD). This proposal, if approved, would make a significant change in the way electricity is provided to all, some or a few of the residents of Multnomah County. My comments focus on the election complexities of a PUD formation measure because of boundary considerations, and the need for the County to explain fully those complexities to the voters in its Voters' Pamphlet.

Should this measure go before voters in Multnomah County, there will be a countywide pass or fail vote on the PUD formation and its accompanying property tax levy. Simultaneously, voters in each local municipality and unincorporated area within the County will be holding their own mini-election to determine whether that municipality or unincorporated area is to be included in the PUD. This is because ORS 261.110(4) provides:

"When any municipality or separate parcel of territory voting at a formation election for a People's Utility District ("PUD" or "district") casts a majority vote against formation of the district, the municipality or separate parcel of territory shall not be included in any district formed as a result of the election."

A municipality is an incorporated city or town with a council or legislative body. There are at least six municipalities in Multnomah County, and at least one and perhaps more than one "separate parcel of territory." The municipalities include Portland, Gresham, Troutdale, Fairview, Wood Village and Maywood Park. The separate parcels of territory are unincorporated areas that are not contiguous to land that is within a PUD or unincorporated areas that are described in the petition to form the PUD.

Depending on how the voters in each municipality and separate parcel of territory vote on the Multnomah PUD formation measure, there are dozens of ways in which the district could be configured. For example: the voters of Portland, Troutdale and Fairview could vote against the measure, but the voters of Maywood Park, Gresham, Wood Village and the unincorporated areas could vote in favor of the measure. In that case, only Maywood Park, Gresham, Wood Village and the unincorporated areas would be included within the boundaries of the Multnomah PUD. Numerous other combinations are possible, depending on whether a majority of those who vote in each city and in each separate parcel of territory vote for or against the measure. In fact, it is possible that the election would produce a situation in which three utilities exist in the County – the Multnomah PUD, Pacific Power, and Portland General Electric.

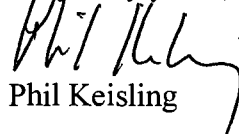
Oregon's Constitution and statutes also require that a Board of Directors for the Multnomah PUD be elected at the time the PUD is formed. Voters will need to consider the possible multiple outcomes of the formation question itself in order to evaluate the candidates and their residency qualifications for the Board. Using the previous example, if all of the Board candidates were Portland residents and Portland voters vote against inclusion in the District, none of the elected Board members could serve and thus there would need to be another election for qualified directors.

In view of these boundary and voting complexities – multiple jurisdictions voting against inclusion, a property tax levy effected by those areas and municipalities that may or may not be included, and the implications of Board candidate residency – I believe it is essential that the County explain in great detail this complex measure and related ballot for the Board in its Voters' Pamphlet. Publication and distribution of a detailed Voters' Pamphlet is one of the best methods for ensuring that the information voters need to consider this measure is provided to them.

Multnomah County has a long and proud tradition of printing and distributing such a pamphlet, even when state law does not require it, for elections that are considerably less complex and far reaching. I simply urge that, for whatever election date the County Board chooses for these issues you ensure publication of such a Pamphlet to give voters essential information and perspectives to help ensure an informed and educated decision.

Thank you for the opportunity to comment on this measure.

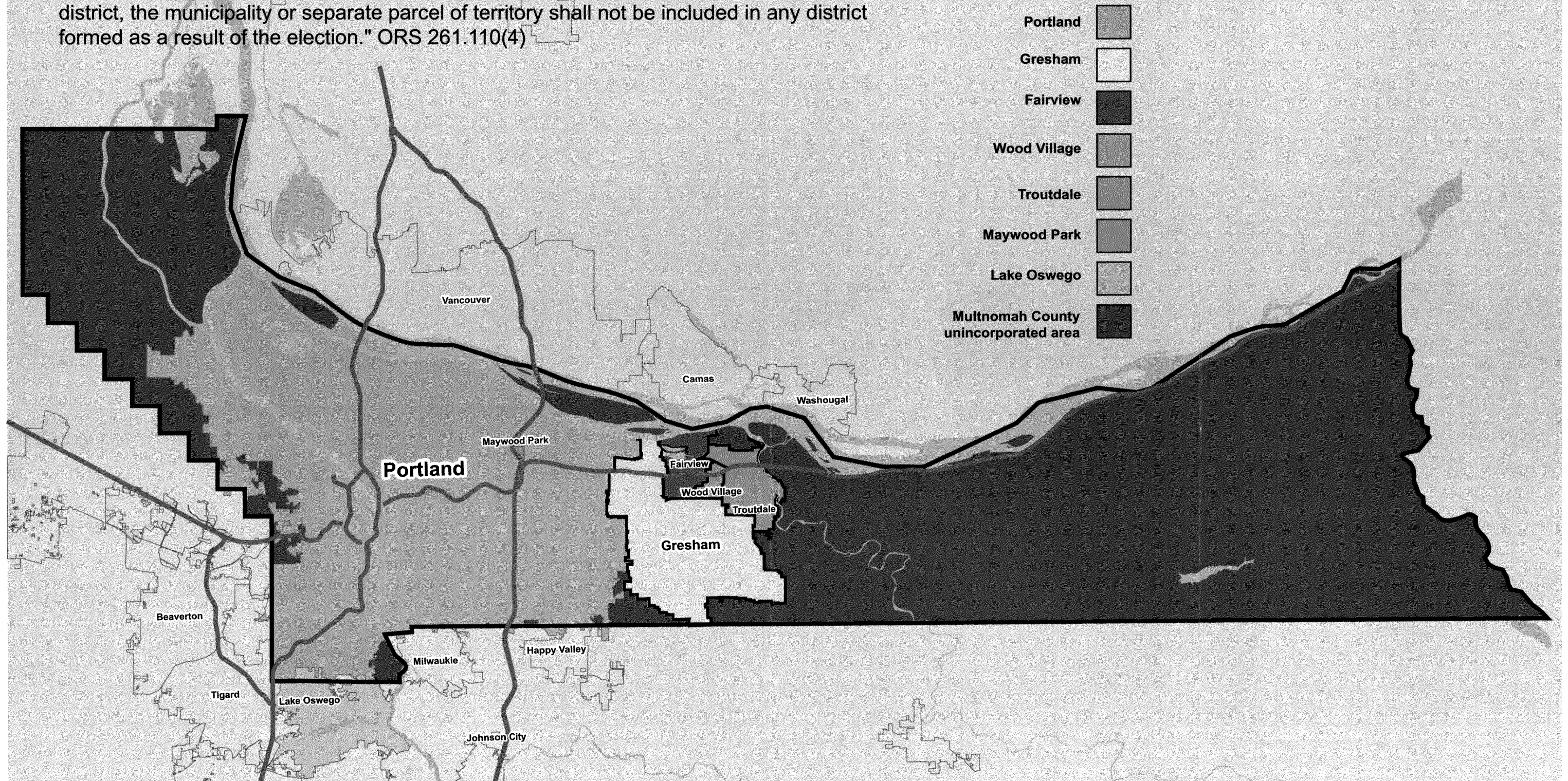
Very truly yours,



Phil Keisling

Dozens of ways a Multnomah PUD could create a jigsaw puzzle of electric service.

"When any municipality or separate parcel of territory voting at a formation election for a People's Utility District ("PUD" or "district") casts a majority vote against formation of the district, the municipality or separate parcel of territory shall not be included in any district formed as a result of the election." ORS 261.110(4)



SCHEDULE FOR PUBLIC HEARINGS ON PUD BOUNDARIES

Thursday, May 15, 2003 - 10:00 AM - 12:00 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

PUBLIC HEARING

The Multnomah County Board of Commissioners will conduct a Public Hearing with Invited and Public Testimony to Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition describes the proposed boundaries as: All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District. The electors' petition describes the purposes of the levy as: To finance an engineer's report and the election under ORS 261.355(1). Invited testimony from petitioners, opponents and other County jurisdictions will be taken first. Public Testimony will be Limited to 3 Minutes per Person. **Written Testimony is Encouraged.**

Submit Written Testimony to:
Deborah Bogstad, Board Clerk
deborah.l.bogstad@co.multnomah.or.us
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Thursday, May 15, 2003 - 6:00 PM - 8:00 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

CONTINUED PUBLIC HEARING

The Multnomah County Board of Commissioners will conduct a Continued Public Hearing to Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition describes the proposed boundaries as: All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District. The electors' petition describes the purposes of

SCHEDULE FOR PUBLIC HEARINGS ON PUD BOUNDARIES

the levy as: To finance an engineer's report and the election under ORS 261.355(1). Public Testimony will be Limited to 3 Minutes per Person.

Written Testimony is Encouraged.

*Submit Written Testimony to:
Deborah Bogstad, Board Clerk
deborah.l.bogstad@co.multnomah.or.us
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214*

**Thursday, May 29, 2003 - 10:30 AM - 12:00 PM
(OR IMMEDIATELY FOLLOWING REGULAR AGENDA)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland**

CONTINUED PUBLIC HEARING

The Multnomah County Board of Commissioners will conduct a Continued Public Hearing to Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition describes the proposed boundaries as: All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District. The electors' petition describes the purposes of the levy as: To finance an engineer's report and the election under ORS 261.355(1). Public Testimony will be Limited to 3 Minutes per Person.

Written Testimony is Encouraged.

*Submit Written Testimony to:
Deborah Bogstad, Board Clerk
deborah.l.bogstad@co.multnomah.or.us
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214
fax (503) 988-3013*

SCHEDULE FOR PUBLIC HEARINGS ON PUD BOUNDARIES

Monday, June 2, 2003 - 6:00 PM - 8:00 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

IF NEEDED CONTINUED PUBLIC HEARING

The Multnomah County Board of Commissioners will conduct a Continued Public Hearing to Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition describes the proposed boundaries as: All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District. The electors' petition describes the purposes of the levy as: To finance an engineer's report and the election under ORS 261.355(1). Public Testimony will be Limited to 3 Minutes per Person.

Written Testimony is Encouraged.

Submit Written Testimony to:
Deborah Bogstad, Board Clerk
deborah.l.bogstad@co.multnomah.or.us
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214
fax (503) 988-3013

Tuesday, June 10, 2003 - 6:00 PM - 8:00 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

IF NEEDED CONTINUED PUBLIC HEARING

The Multnomah County Board of Commissioners will conduct a Continued Public Hearing to Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition describes the proposed boundaries as: All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District. The electors' petition describes the purposes of

SCHEDULE FOR PUBLIC HEARINGS ON PUD BOUNDARIES

the levy as: To finance an engineer's report and the election under ORS 261.355(1). Public Testimony will be Limited to 3 Minutes per Person.

Written Testimony is Encouraged.

*Submit Written Testimony to:
Deborah Bogstad, Board Clerk
deborah.l.bogstad@co.multnomah.or.us
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214
fax (503) 988-3013*

MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE OF PUBLIC HEARING

- Time:** 10:00 a.m. (*Invited and Public Testimony*) and 6:00 p.m. (*Public Testimony Only*), Thursday, May 15, 2003
- Place:** Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland, Oregon 97214
- Purpose:** To Consider the Boundaries of the Proposed Multnomah County People's Utility District. The electors' petition (attached) describes the proposed boundaries as:

All of Multnomah County, except the areas within the boundaries of: the Interlachen People's Utility District and the Rockwood Water People's Utility District.

The electors' petition describes the purposes of the levy as:

To finance an engineer's report and the election under ORS 261.355(1).

*Public Testimony will be Limited to 3 Minutes per Person;
Written Testimony is Encouraged.*

*Submit Written Testimony to:
Deborah Bogstad, Board Clerk
deborah.l.bogstad@co.multnomah.or.us
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214
fax (503) 988-3013*

BOGSTAD Deborah L

From: Mundy, Anja [AnjaMun@co.clackamas.or.us]

Sent: Thursday, May 15, 2003 4:01 PM

To: 'BOGSTAD Deborah L'

Subject: RE: PUD Proposal Hearing of 5/15/03

No problem - thank you for your help.

-----Original Message-----

From: BOGSTAD Deborah L [mailto:deborah.l.bogstad@co.multnomah.or.us]

Sent: Thursday, May 15, 2003 3:47 PM

To: 'Mundy, Anja'

Subject: RE: PUD Proposal Hearing of 5/15/03

I'll check and see if they submitted them to me as directed in the legal notices - but it will have to be later - I'm swamped. (I'm only a staff of one here at Multnomah County.)

Deb Bogstad, Board Clerk

Multnomah County Commissioners

501 SE Hawthorne Boulevard, Suite 600

Portland, Oregon 97214-3587

(503) 988-3277 phone

(503) 988-3013 fax

<http://www.co.multnomah.or.us/cc/index.shtml>

-----Original Message-----

From: Mundy, Anja [mailto:AnjaMun@co.clackamas.or.us]

Sent: Thursday, May 15, 2003 3:47 PM

To: 'BOGSTAD Deborah L'

Subject: RE: PUD Proposal Hearing of 5/15/03

Deborah:

I gave the documents you provided to Jim. He recalls a Pacific Power rep. saying they submitted something in writing and Mr. Miller mentioned that PGE submitted something in writing. Could they

have submitted documents prior to today's hearing? Let me know. Thanks!

-----Original Message-----

From: BOGSTAD Deborah L [mailto:deborah.l.bogstad@co.multnomah.or.us]

Sent: Thursday, May 15, 2003 3:00 PM

To: 'Mundy, Anja'

Subject: RE: PUD Proposal Hearing of 5/15/03

Here you go with the study. Mr. Mowe was the only one who submitted anything in writing - I'll fax it shortly.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
<http://www.co.multnomah.or.us/cc/index.shtml>

-----Original Message-----

From: Mundy, Anja [mailto:AnjaMun@co.clackamas.or.us]

Sent: Thursday, May 15, 2003 2:40 PM

To: 'deborah.l.bogstad@co.multnomah.or.us'

Subject: PUD Proposal Hearing of 5/15/03

Deborah:

Jim Coleman, County Counsel, asked me to contact you to request the following documents from today's PUD proposal hearing:

1. Written submissions from Pacific Power, Greg Mowe and PGE
2. Oregon Dept. of Energy's study on the PUD proposal (April 2003?)

If you have these in electronic format, please email them to me. If not, whatever format is easiest for you. Our fax number is 503-650-8925 and our address is 906 Main St., Oregon City, OR. 97045. Please let me know if you have any questions. Thanks in advance for your help!

Anja Mundy

Legal Assistant

County Counsel

503-650-8949

BOGSTAD Deborah L

From: Mundy, Anja [AnjaMun@co.clackamas.or.us]

Sent: Thursday, May 15, 2003 2:40 PM

To: 'deborah.l.bogstad@co.multnomah.or.us'

Subject: PUD Proposal Hearing of 5/15/03

Deborah:

Jim Coleman, County Counsel, asked me to contact you to request the following documents from today's PUD proposal hearing:

1. Written submissions from Pacific Power, Greg Mowe and PGE
2. Oregon Dept. of Energy's study on the PUD proposal (April 2003?)

If you have these in electronic format, please email them to me. If not, whatever format is easiest for you. Our fax number is 503-650-8925 and our address is 906 Main St., Oregon City, OR. 97045. Please let me know if you have any questions. Thanks in advance for your help!

Anja Mundy

Legal Assistant

County Counsel

503-650-8949

FACSIMILE TRANSMISSION**Multnomah Community Television**

26000 SE Stark Street
Gresham, Oregon 97030-3300
FROM KEN SNIDER, Project Coordinator
503-491-7436, ext. 325
ken@mcctv.org
503-491-7417 fax

DELIVER TO

INDIVIDUAL: Deb Bogstad
COMPANY: MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FAX NUMBER: 503-988-3013
VOICE NUMBER: 503-988-3277

Date: 15 May, 2003

Time: 14:41 hrs. PT

Ref: PUD boundry hearing 15 May.03

DELIVERY INSTRUCTIONS: Please deliver to Ms. Bogstad

Message: Hi Deb here is the schedule for today s meeting. -ks

Date	Time	Channel	Note
Sat., 17 May	4:00 PM	29	Multnomah County
Mon., 19 May	9:00 AM	29	Multnomah County
Wed., 21 May	4:00 PM	30	Multnomah County
Fri., 23 May	7:00 PM	30	Multnomah County

Number of pages sent including cover page: 1

PLEASE TO NOTE THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE NAMED RECIPIENT. COPYING, RE-TRANSMISSION, OR DISCLOSURE IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY SENDER AND THROW THE STUFF INTO THE RECYCLE BIN. THANK YOU.

BOGSTAD Deborah L

From: CARROLL Mary P
Sent: Tuesday, May 13, 2003 5:35 PM
To: SOWLE Agnes; GAETJENS Katie G; BOGSTAD Deborah L
Cc: CRUZ Serena M
Subject: Invited testimony for PUD hearing

Just wanted to update you all on the response from our invited testimony list for our Thursday morning PUD hearing.

Portland: No testimony. Staff will attend and be willing to answer questions, but won't offer testimony.

Gresham: Councilor Shane Bemis will testify. Gresham has submitted a letter for the record.

Troutdale: No testimony. May submit testimony before the record closes.

Maywood Park: Mayor Mark Hardie will testify

Wood Village: Left message

Fairview: Left message

Interlachen PUD: Jean Ridings will testify

Rockwood PUD: Left message

Oregon Office of Energy: No one can testify because they are busy with the legislature. (Agnes: Shall I call the PUC to testify on the OOE report?)

PacifiCorp will have two people testify and would like to testify before PGE.

I received a letter from the Salem Chamber of Commerce and will give to Deb.

I have not called any of the other jurisdictions from outside of Multnomah County. Shall I call Washington or Clackamas County since we won't have much testimony from jurisdictions?

Mary Carroll
Executive Assistant

5/14/2003

Commissioner Serena Cruz
501 SE Hawthorne Blvd. Suite 600
Portland OR 97214
(503)988-5275 phn (503)988-5440 fax
mary.p.carroll@co.multnomah.or.us

5/14/2003

BOGSTAD Deborah L

From: GAETJENS Katie G
Sent: Monday, May 12, 2003 8:38 AM
To: BOGSTAD Deborah L
Subject: FW: PUD testimony

Did you get this?

-----Original Message-----

From: SOWLE Agnes
Sent: Friday, May 09, 2003 1:52 PM
To: GAETJENS Katie G
Subject: RE: PUD testimony

That would be fine.

-----Original Message-----

From: GAETJENS Katie G
Sent: Friday, May 09, 2003 11:47 AM
To: SOWLE Agnes
Subject: FW: PUD testimony

Should we make sure she is sending this on to Deb?

-----Original Message-----

From: CARROLL Mary P
Sent: Friday, May 09, 2003 11:20 AM
To: SOWLE Agnes; GAETJENS Katie G
Subject: PUD testimony

Jean Ridings from Interlachen PUD will testify on Thursday. City of Gresham passed a resolution against the formation of a PUD and may send a letter instead of testifying...

Mary Carroll
Executive Assistant
Commissioner Serena Cruz
501 SE Hawthorne Blvd. Suite 600

5/12/2003

Portland OR 97214
(503)988-5275 phn (503)988-5440 fax
mary.p.carroll@co.multnomah.or.us

BOGSTAD Deborah L

From: Joan w/OPPC [joan4oppc@yahoo.com]
Sent: Friday, May 09, 2003 9:42 AM
To: Deborah Bogstad
Subject: Speakers for the May 15th Hearing

Hello Deb,

Here is our line-up of speakers for our 30 minutes at the May 15th hearing w/the Multnomah County Commissioners. We have 4 people.

1. Dan Meek,
Utility Reform Project, public interest lawyer
Oregon Public Power Coalition's attorney
(1 of 2 of them)
He will present a short version of our basic case.
2. Toby Kincaid,
Solaradyne, Inc., President
He plans to run for one of the 5 spots on the Board of Directors of the P.U.D. He will present a plan of how the P.U.D. could invest in solar and wind energy and make money for the ratepayers.
3. Rosanna Herber,
California Municipal Utilities Association,
Director of Power Strategy
She's coming up from Sacramento to discuss how successful public power is.
4. Jerry Leone,
Public Power Council, Manager
She will discuss the success & history of public power in the NW.

We may re-arrange the order of the last 3 presenters, depending on if one of them wants to switch for some reason.

I know your letter requested this data by 5/7, but two of them weren't confirmed yet.

Also Dan may want an overhead projector. I haven't gotten an answer from him yet, but he's used one before.

Thank you for your help.

Joan

=====

Joan Horton

Oregon Public Power Coalition
503-228-4468

Do you Yahoo!?
The New Yahoo! Search - Faster. Easier. Bingo.
<http://search.yahoo.com>

BOGSTAD Deborah L

From: Judy Barnes [judybarnes@earthlink.net]
Sent: Thursday, May 08, 2003 2:13 AM
To: Deb Bogstad
Subject: May 15th Hearing Testimony

Dear Deb,

In reply to the letter of April 30, 2003, which I received from Agnes Sowle, I wanted to let you know that I will personally be mailing you my written testimony.

I believe other members of the Oregon Public Power Coalition will be speaking on behalf of myself and the other Chief Petitioners and that you have already been contacted about that.

Hope you are enjoying our beautiful springtime.


Thanks,

Judy Barnes
Chief Petitioner for Multnomah County PUD
503-232-1911

BOGSTAD Deborah L

From: SERENA CRUZ
Sent: Monday, April 21, 2003 3:33 PM
To: SERENA CRUZ
Subject: CruzMail

 Multnomah County, Oregon

 Hawthorne Bridge Photo



CruzMail for April 2003

In This Issue

- **New North Portland Library**
- **Public Utility District**
- **County Budget Update**
- **Vote by May 20th!**

Welcome to the April 2003 edition of CruzMail. My sincere apologies for the technical glitch in the last CruzMail that prompted the message to be sent out numerous times. I've been assured by the technical folks that it won't happen again!

New North Portland Library

On April 3, 2003, the Board of County Commissioners approved a resolution that directed the County to begin negotiations with the Housing Authority of Portland to site a library branch at New Columbia, the soon-to-be redeveloped Columbia Villa

property.

This process began in 1999 with community advocacy for a new library in North Portland. I received a petition with over 1400 names in support of a new library to replace two former branches that were closed due to budget cuts.

The community interest in a new library coincided with two broader revitalization opportunities in North Portland – the Interstate Corridor Urban Renewal Area formed in August 2000, and the HOPE VI federal grant, that was awarded to the Housing Authority of Portland in 2001.

Our siting process included investigating 19 potential sites for the new library and two community meetings. At the end of the process, I recommended that the County proceed to work with HAP to site the library at New Columbia.

The decision to site a library at New Columbia is not without controversy and our work is far from complete. We will begin to negotiate with HAP and we will join the master design process for New Columbia. We will continue to work with the Interstate Urban Renewal Area Citizen Advisory Committee to leverage TIF funds for the tenant improvements of the new library.

Multnomah County has an opportunity to be part of one of the most exciting projects ever in North Portland. New Columbia and the new library will enhance the quality of life for North Portland. A library is a unique community asset that brings seniors, children, and people from all walks of life together.

Here are links to learn more about New Columbia:
<http://www.hapdx.org/inititives/hope6.html>

The Interstate Urban Renewal Area:
<http://www.pdc.us/interstate/index.html>

Multnomah County Branch Library Construction projects:
<http://www.multcolib.org/renov/index.html>

For the Board resolution regarding the siting of the new library:
<http://www2.co.multnomah.or.us/boardclerk/viewdetail.cfm?DocID=8672>

Public Utility District (PUD)

On February 19th, a petition calling for a PUD election was certified by Multnomah County's Election Office. The Multnomah County Board of Commissioners is now required to hold hearings and take testimony in order to determine the boundaries of the proposed PUD and to set a date for the election. Our determination will be based on the testimony submitted to the Board and on the the report from Oregon Office of Energy.

Chair Linn asked me to chair the hearings on the proposed PUD boundaries. The first hearing date is set for Thursday, May 15th from 10:00am to noon and from 6:00pm to 8:00pm. Both hearings will be held in the Boardroom of the Multnomah Building, 501 SE Hawthorne Blvd. If necessary, the meeting will be continued to future meetings in order to hear all of the testimony.

There is enormous interest in the future of PGE and the implications for the 730,000 ratepayers that PGE serves throughout a six-county territory. If you wish to submit written testimony to be entered into the record, you may send it to Board Clerk Deb Bogstad, 501 SE Hawthorne Blvd Suite 600, Portland, OR 97214.

Update on County Budget & Timeline

It is budget time at the County: the Board of County Commissioners will vote on the 2003-2004 budget on June 12th. There will be a lot of work sessions and public meetings to provide input in the coming weeks. To learn more about these sessions click onto the following link:

http://www.co.multnomah.or.us/cc/budget_hearings.shtml

Vote by May 20th!

These are unusual times for Multnomah County. We are facing tremendous economic challenges and a budget crisis of unprecedented proportions. We simply don't have the resources we need for basic services: like schools, seniors and safe neighborhoods. The Legislature's inability to solve the state budget crisis and the failure of Measure 28 have dealt drastic cuts to our basic services.

As a result of these budget cuts, schools are facing hundreds of teacher layoffs and increased class sizes; school districts will cut more instructional programs and school days. Many of the mentally ill have been cut off from their medication and turned out to the streets. Senior citizens and disabled folks with little or no resources have lost medication, care and housing assistance. Prisoners are being released from jail early.

Measure 26-48 is a bridge to better times, protecting the basic services we rely on for three years while we get our economy moving again. The measure does not introduce new programs, but protects and restores basic services for schools, senior citizens, mentally ill and disabled individuals, and for public safety.

Measure 26-48 will raise between \$128 and \$135 million each year for three years. For the typical taxpayer (\$45,000/yr), this comes out to about \$22/month, after state and federal deductions. Revenue from the measure goes directly to the people it is meant to help. This means:

- Money for schools will be directed to the classroom.
- Funding for human services will go directly to serve people in need.
- Money for public safety will target repeat criminals.

Don't forget to vote by May 20th!

More information on Measure 26-48 can be found at the County's webpage:
<http://www.co.multnomah.or.us/measure26-48/faq.shtml>.

As always, I welcome your feedback on these important issues.

Sincerely,

 sign

Commissioner Serena Cruz
Multnomah County District 2

(503) 988-5219 PHONE • (503) 988-5440 FAX • 501 SE Hawthorne Blvd
Portland OR 97214

serena@co.multnomah.or.us • <http://www.co.multnomah.or.us/cc/ds2/>

If you do not want to receive *CruzMail* in the future please send an email to
serena@co.multnomah.or.us to unsubscribe. Thank you.

*PS: In response to the anti-war resolution that Commissioner Rojo de Steffey and I introduced, I was contacted by the PBS show, NOW with Bill Moyers. We discussed the severe financial impact we are experiencing in our community because of federal spending on the war. For a show transcript:
http://www.pbs.org/now/transcript/transcript213_full.html.*

The agenda has not yet been prepared for the May 15th PUD public hearing – although the date/time for the morning and evening hearings were set by Board Resolution 03-029. I am attaching the Resolution as well as a draft notice of the May 15 sessions as well as other potential hearing dates which may or may not be utilized. I will send you an agenda for the 15th when it is available. Thank you.

Deb Bogstad, Board Clerk
Multnomah County Chair's Office
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277
<http://www.co.multnomah.or.us/cc>

-----Original Message-----

From: Bottomly, Bernie [mailto:Bernie.Bottomly@PacifiCorp.com]
Sent: Thursday, April 10, 2003 9:50 AM
To: 'deborah.l.bogstad@co.multnomah.or.us'
Subject: Multnomah County PUD

Deborah:

Can you point me to the link that has the hearing agenda for the May 15th hearing on the proposed Multnomah County PUD?

Thanks,

Bernie Bottomly
PacifiCorp
Director, Community Relations -- West Region
825 NE Multnomah
Portland, OR 97232
(503) 813-6165
(503) 813-5272 Fax
(503) 970-5016
bernie.bottomly@pacificorp.com

Contacts for Invited testimony for PUD hearings:

City of Portland (Erik Sten)
City of Gresham (Nina Regor)
City of Troutdale (Erik Kvarsten)
City of Maywood Park (Mark hardie)
City of Wood Village (Sheila Ritz)
City of Fairview (Mary Jo Briggs)
Rockwood PUD
Interlacken PUD

Commissioner Erik Sten
Mayor Charles Becker
City Manager Erik Kvarsten
Mayor Mark Hardie
Mayor David Fuller
Mayor Roger Vonderharr
Harvey Barnes 503-665-4179
Jean Ridings 503-666-6433

Washington County
Clackamas County
Marian County
City of Salem
Yamhill County
Polk County
Jefferson County
Morrow County
Confederated Tribes of Grand Ronde
Confederated Tribes of Warm Springs
League of Oregon Cities
PUD Petitioner
PUD Petitioner
PUD Petitioner
PUD Petitioner
PUD Petitioner
PUD Petitioner

Chair Tom Brian
Commissioner Larry Sowa
Commissioner Mike Ryan
Mayor Janet Taylor
Board of County Commissioner
Board of County Commissioner
Board of County Commissioner
Board of County Commissioner
Intergovernmental Agency
Tribal Council
Ken Strobeck
Judith Barnes
Frank Gearhart
Elizabeth Trojan
Eric Dover
Bill Michtom
Scott Forrester

State of Oregon Office of Energy
PUC
BPA
Multnomah County Budget Director
Multnomah County Elections Director
PGE
PacifiCorp

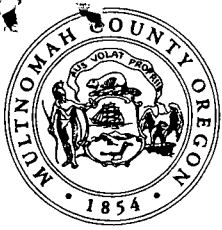
Roy Hemmingway

Dave Boyer
John Kauffman

1221 SW Fourth Avenue	Portland	OR	97204
1333 NW Eastman Pkway	Gresham	OR	97030
104 SE Kibling Avenue	Troutdale	OR	97060
4510 NE 102nd Annex 1	Portland	OR	97220
2055 NE 238th Dr	Wood Villa	OR	97060
1300 NE Village St PO Box 33	Fairview	OR	97024
1601 NE Halsey	Portland	OR	97230
21510 NE Blue lake Rd	Interlacher	OR	97024

155 N First Avenue #300	Hillsboro	OR	97124
906 Main St	Oregon Cit	OR	97045
555 Court St NE PO Box 145C	Salem	OR	97309
555 Liberty St SE #205	Salem	OR	97301
535 NE 5th St	McMinnvill	OR	97128
850 Main St	Dallas	OR	97338
66 SE D Street	Madras	OR	97741
100 Court St	Heppner	OR	97836
707 13th Street SE Suite 299	Salem	OR	97301
1233 Veterans St	Warm Spri	OR	97761
1201 Court St NE	Salem	OR	97301
1425 SE 37th Avenue	Portland	OR	97214
2103 NE 24th Court	Gresham	OR	97303
12320 SW 60th Avenue	Portland	OR	97219
2425 NE 48th Avene	Portland	OR	97239
1110 SW Clay St # 33	Portland	OR	97201
2030 NW 7th Place	Gresham	OR	97030

625 Marian St NE	Salem	OR	97301
550 Capitol ST NE # 215	Salem	OR	97308
PO Box 3621	Portland	OR	97208
501 SE Hawthorne Blvd	Portland	OR	97214
1040 SE Morrison Street	Portland	OR	97214
121 SW Salmon St	Portland	OR	97204



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

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PORTLAND, OREGON 97214

FAX 503.988.3377
503.988.3138

DAVID N. BLANKFELD
SANDRA N. DUFFY
SUSAN DUNAWAY
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PATRICK HENRY
JENNY M. MORF
MATTHEW O. RYAN
KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

April 30, 2003

COPY

Judith Barnes
1425 SE 37th Avenue
Portland, OR 97214

Dear Judith Barnes:

As one of the Chief Petitioners for the formation of the Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

The Board of County Commissioners will hold the hearing on Thursday, May 15, 2003 at 10:00 am until noon and at 6:00 pm until 8:00 pm that evening in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom.

The agenda for the morning session will be primarily reserved for invited testimony from the State of Oregon Office of Energy, the Chief Petitioners of the Multnomah County PUD, Portland General Electric, PacifiCorp and representatives from cities and jurisdictions within Multnomah County. Any time remaining may be available for public testimony. The evening session will be reserved primarily for public testimony.

We will allow the Chief Petitioners a total of thirty minutes for testimony. It is up to the Chief Petitioners to decide how to use the thirty minutes; either one presenter for 30 minutes, two presenters for 15 minutes, etc. Please contact the Board Clerk, Deb Bogstad at deborah.l.bogstad@co.multnomah.or.us or at 503-988-3277 by May 7th, 2003 to inform her who will be testifying. In addition, please inform her of your Audio/Visual requirements, such as PowerPoint, overhead projectors, etc, so that these arrangements can be made for your presentation.

Also at the morning session, we will allow a total of thirty minutes for the two electric utilities within the proposed Multnomah County PUD. Presumably, that will mean 15

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April 30, 2003

Page 2

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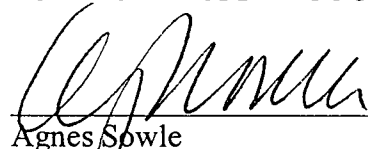
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Within 10 days of the conclusion of the hearing, the Board will issue a determination of the proposed PUD boundaries and will set the date for a special election to the electors.

I will be happy to answer any questions you may have about the process.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

A handwritten signature in cursive script, appearing to read 'Agnes Sowle', is written over a horizontal line.

Agnes Sowle
Acting County Attorney



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AGNES SOWLE
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SCOTT ERIK ASPHAUG
Deputy

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KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

April 30, 2003

COPY

Eric Dover
2425 NE 48th Avenue
Portland, OR 97213

Dear Eric Dover:

As one of the Chief Petitioners for the formation of the Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

The Board of County Commissioners will hold the hearing on Thursday, May 15, 2003 at 10:00 am until noon and at 6:00 pm until 8:00 pm that evening in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom.

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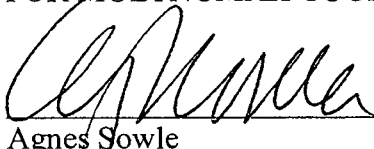
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Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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Agnes Sowle
Acting County Attorney



OFFICE OF MULTNOMAH COUNTY ATTORNEY

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SCOTT ERIK ASPHAUG
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KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

April 30, 2003

COPY

Scott Forrester
2030 NW 7th Place
Gresham, OR 97030

Dear Scott Forrester:

As one of the Chief Petitioners for the formation of the Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

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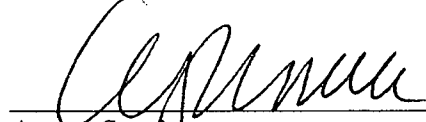
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I will be happy to answer any questions you may have about the process.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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Agnes Sowle
Acting County Attorney



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JACQUELINE A. WEBER
Assistants

April 30, 2003

COPY

Frank Gearhart
2103 NE 24th Court
Gresham, OR 97030

Dear Frank Gearhart:

As one of the Chief Petitioners for the formation of the Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

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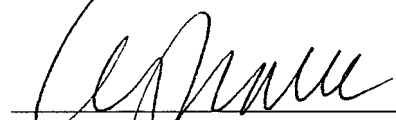
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AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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Agnes Sowle
Acting County Attorney



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KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

April 30, 2003

Joan Horton
0234 SW Curry
Portland, OR 97239

COPY

Dear Joan Horton:

As one of the Chief Petitioners for the formation of the Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

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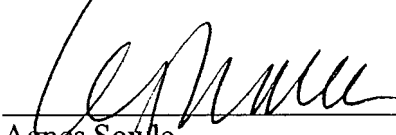
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Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
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JACQUELINE A. WEBER
Assistants

April 30, 2003

COPY

Bill Michtom
1110 SW Clay Street, #33
Portland, OR 97201

Dear Bill Michtom:

As one of the Chief Petitioners for the formation of the Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

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FOR MULTNOMAH COUNTY, OREGON

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Agnes Sowle
Acting County Attorney



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JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

April 30, 2003

COPY

Elizabeth Trojan
12320 SW 60th Avenue
Portland, OR 97219

Dear Elizabeth Trojan:

As one of the Chief Petitioners for the formation of the Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

The Board of County Commissioners will hold the hearing on Thursday, May 15, 2003 at 10:00 am until noon and at 6:00 pm until 8:00 pm that evening in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom.

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AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



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JACQUELINE A. WEBER
Assistants

May 8, 2003

COPY

Marg Nelson
BPA
PO Box 3621
Portland, OR 97208-3621

Dear Ms. Nelson:

As you are probably aware, on February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearings to consider the boundaries of the proposed PUD and invite you to attend and give testimony.

Pursuant to ORS 261.105, the Board of County Commissioners will hold a hearing on Thursday, May 15, 2003 at 10:00 am until noon and 6:00 pm until 8:00 pm in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom.

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It is expected that the Board will need to continue the hearings to a future date in order to hear all of the testimony on this issue. Within 10 days of the last hearing date, the Board will issue a determination of the proposed PUD boundaries.

If you would like to submit written testimony for the Board's consideration in determining the boundaries of the proposed PUD, please submit the testimony to Deb Bogstad, Multnomah County Board Clerk, 501 SE Hawthorne Blvd, Suite 600, Portland

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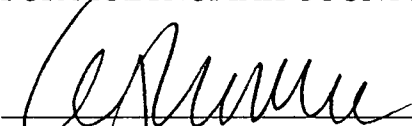
May 8, 2003
Page 2

OR 97214. Written testimony may also be submitted via email to deborah.l.bogstad@co.multnomah.or.us or faxed to 503-988-3013. The deadline for submitting testimony is May 30, 2003.

If you wish to attend a hearing to offer testimony, please contact Mary Carroll at 503-988-5275 to make those arrangements. A copy of the petition and the resolution setting the public hearing is enclosed.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
503.988.3138

DAVID N. BLANKFELD
SANDRA N. DUFFY
SUSAN DUNAWAY
KATIE GAETJENS
PATRICK HENRY
JENNY M. MORF
MATTHEW O. RYAN
KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

May 2, 2003

COPY

Board of County Commissioners
Clackamas County
906 Main Street
Oregon City, OR 97045

Dear Sir or Madam,

On February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

The Board of County Commissioners will hold the hearing on Thursday, May 15, 2003 at 10:00 am until noon and at 6:00 pm until 8:00 pm in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom.

The agenda for the morning session will be primarily reserved for invited testimony from the State of Oregon Office of Energy, the Chief Petitioners of the Multnomah County PUD, Portland General Electric, PacifiCorp and representatives from cities and jurisdictions within Multnomah County. Any time remaining may be available for public testimony. The evening session will be reserved primarily for public testimony.

It is expected that the Board may need to adjourn the hearing and continue on a future date or dates in order to hear all of the testimony. Within 10 days of the conclusion of the hearing, the Board will issue a determination of the proposed PUD boundaries and will set the date for a special election to the electors.

If you would like to submit written testimony for the Board's consideration in determining the boundaries of the proposed PUD, please submit the testimony to Deb

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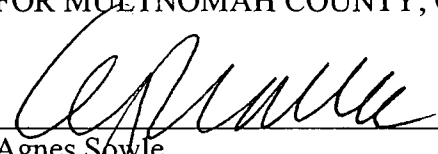
May 2, 2003
Page 2

Bogstad, Multnomah County Board Clerk, 501 SE Hawthorne Blvd, Suite 600, Portland OR 97214. Written testimony may also be submitted via email to deborah.l.bogstad@co.multnomah.or.us or faxed to 503-988-3013. The deadline for submitting testimony is May 30, 2003.

If you wish to attend a hearing to offer testimony, please contact Mary Carroll at 503-988-5275 to make those arrangements. A copy of the petition and the resolution setting the public hearing is enclosed.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney

Enclosures



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

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JACQUELINE A. WEBER
Assistants

May 7, 2003

COPY

Jean M. Ridings
Interlachen PUD
21510 NE Blue Lake Road
Interlachen, OR 97024

Dear Ms. Ridings:

On February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearings to consider the boundaries of the proposed PUD.

Pursuant to ORS 261.105, the Board of County Commissioners will hold hearings on Thursday, May 15, 2003 at 10:00 am until noon and again at 6:00 pm until 8:00 pm that evening in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom.

The agenda for the morning hearing will be primarily reserved for invited testimony from the State of Oregon Office of Energy, the Chief Petitioners of the Multnomah County PUD, Portland General Electric, PacifiCorp and representatives from cities and jurisdictions within Multnomah County. As the representative of the Interlachen PUD, we invite you to present testimony (limited to 5 minutes) or submit written testimony.

The evening hearing will be reserved primarily for public testimony.

It is expected that the Board will need to continue the hearings to a future date in order to hear all of the testimony on this issue. Within 10 days of the last hearing date, the Board will issue a determination of the proposed PUD boundaries.

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May 7, 2003

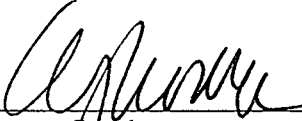
Page 2

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Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney

Enclosures



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

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JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

May 2, 2003

Board of County Commissioners
Jefferson County
66 SE "D" Street
Madras, OR 97741

COPY

Dear Sir or Madam,

On February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

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It is expected that the Board may need to adjourn the hearing and continue on a future date or dates in order to hear all of the testimony. Within 10 days of the conclusion of the hearing, the Board will issue a determination of the proposed PUD boundaries and will set the date for a special election to the electors.

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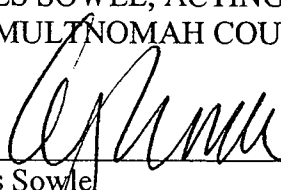
May 7, 2003
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Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney

Enclosures



OFFICE OF
MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

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JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

May 2, 2003

COPY

Board of County Commissioners
Marion County
555 Court Street NE
PO Box 14500
Salem, OR 97309-5036

Dear Sir or Madam,

On February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

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May 2, 2003

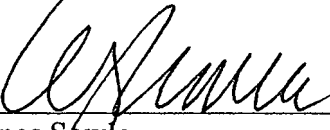
Page 2

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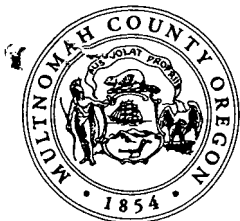
Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney

Enclosures



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
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JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

May 2, 2003

COPY

Board of County Commissioners
Morrow County
100 Court Street
Heppner, OR 97836

Dear Sir or Madam,

On February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

The Board of County Commissioners will hold the hearing on Thursday, May 15, 2003 at 10:00 am until noon and at 6:00 pm until 8:00 pm in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom.

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It is expected that the Board may need to adjourn the hearing and continue on a future date or dates in order to hear all of the testimony. Within 10 days of the conclusion of the hearing, the Board will issue a determination of the proposed PUD boundaries and will set the date for a special election to the electors.

If you would like to submit written testimony for the Board's consideration in determining the boundaries of the proposed PUD, please submit the testimony to Deb

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May 7, 2003
Page 2

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If you wish to attend a hearing to offer testimony, please contact Mary Carroll at 503-988-5275 to make those arrangements. A copy of the petition and the resolution setting the public hearing is enclosed.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney

Enclosures



OFFICE OF
MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
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KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

May 8, 2003

COPY

Kathy Stutafford
Office of Energy
625 Marion Street, NE
Salem, OR 97301-3742

Dear Ms. Stutafford:

As you know, on April 18, 2003, the Oregon Office of Energy issued its report on the proposed Multnomah County People's Utility District.

Pursuant to ORS 261.105, the Board of County Commissioners will hold a hearing on Thursday, May 15, 2003 at 10:00 am until noon and 6:00 pm until 8:00 pm in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom. We would like to invite you to present the OOE Report to the Board at the hearing.

The agenda for the morning session will be primarily reserved for invited testimony from the State of Oregon Office of Energy, the Chief Petitioners of the Multnomah County PUD, Portland General Electric, PacifiCorp and representatives from cities and jurisdictions within Multnomah County. The evening session will be reserved primarily for public testimony.

It is expected that the Board will need to continue the hearings to a future date in order to hear all of the testimony on this issue. Within 10 days of the last hearing date, the Board will issue a determination of the proposed PUD boundaries.

We are also accepting written testimony for the Board's consideration in determining the boundaries of the proposed PUD. Written testimony may be submitted to Deb Bogstad, Multnomah County Board Clerk, 501 SE Hawthorne Blvd, Suite 600, Portland OR 97214. Written testimony may also be submitted via email to deborah.l.bogstad@co.multnomah.or.us or faxed to 503-988-3013. The deadline for submitting testimony is May 30, 2003.

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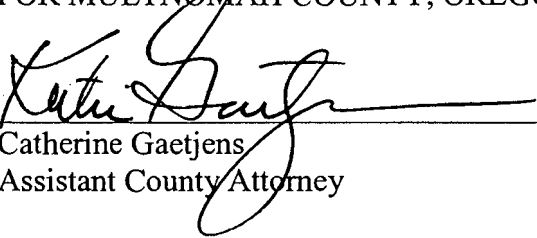
May 8, 2003

Page 2

Please contact Mary Carroll at 503-988-5275 to let us know if you or someone from the OOE will to attend the hearing to offer the report.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Catherine Gaetjens
Assistant County Attorney



OFFICE OF
MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

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KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

May 8, 2003

Robert D. VanBrocklin
Attorney for PacifiCorp
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

COPY

Dear Mr. VanBrocklin:

As you know, on February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearings to consider the boundaries of the proposed PUD and invite you to attend and give testimony.

Pursuant to ORS 261.105, the Board of County Commissioners will hold a hearing on Thursday, May 15, 2003 at 10:00 am until noon and 6:00 pm until 8:00 pm in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom.

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It is expected that the Board will need to continue the hearings to a future date in order to hear all of the testimony on this issue. Within 10 days of the last hearing date, the Board will issue a determination of the proposed PUD boundaries.

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May 8, 2003

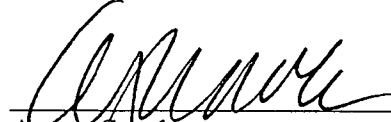
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If you wish to attend a hearing to offer testimony, please contact Mary Carroll at 503-988-5275 to make those arrangements.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

A handwritten signature in cursive script, appearing to read 'Agnes Sowle', is written over a horizontal line.

Agnes Sowle
Acting County Attorney



OFFICE OF
MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
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JACQUELINE A. WEBER
Assistants

May 2, 2003

COPY

Board of County Commissioners
Polk County
850 Main Street
Dallas, OR 97338

Dear Sir or Madam,

On February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

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May 2, 2003

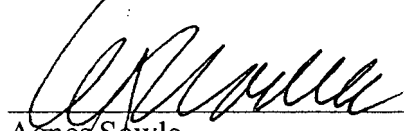
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If you wish to attend a hearing to offer testimony, please contact Mary Carroll at 503-988-5275 to make those arrangements. A copy of the petition and the resolution setting the public hearing is enclosed.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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Agnes Sowle
Acting County Attorney

Enclosures



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
503.988.3138

DAVID N. BLANKFELD
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KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

May 8, 2003

Deane Funk
Government Affairs
Portland General Electric Company
121 SW Salmon Street
Portland, OR 97204

COPY

Dear Ms. Funk:

As you know, on February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearings to consider the boundaries of the proposed PUD and invite you to attend and give testimony.

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May 8, 2003
Page 2

If you would like to submit written testimony for the Board's consideration in determining the boundaries of the proposed PUD, please submit the testimony to Deb Bogstad, Multnomah County Board Clerk, 501 SE Hawthorne Blvd, Suite 600, Portland OR 97214. Written testimony may also be submitted via email to deborah.l.bogstad@co.multnomah.or.us or faxed to 503-988-3013. The deadline for submitting testimony is May 30, 2003.

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Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney



OFFICE OF
MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
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MATTHEW O. RYAN
KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

May 8, 2003

COPY

Roy Hemmingway
PUC
550 Capitol Street NE, Suite 215
Salem, OR 97308

Dear Mr. Hemmingway:

As you know, on February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearings to consider the boundaries of the proposed PUD and invite you to attend and give testimony.

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May 8, 2003

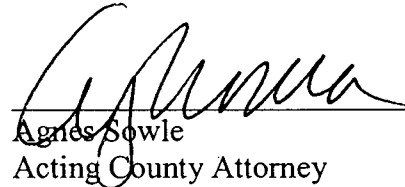
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OR 97214. Written testimony may also be submitted via email to deborah.l.bogstad@co.multnomah.or.us or faxed to 503-988-3013. The deadline for submitting testimony is May 30, 2003.

If you wish to attend a hearing to offer testimony, please contact Mary Carroll at 503-988-5275 to make those arrangements.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

FAX 503.988.3377
503.988.3138

DAVID N. BLANKFELD
SANDRA N. DUFFY
SUSAN DUNAWAY
KATIE GAETJENS
PATRICK HENRY
JENNY M. MORF
MATTHEW O. RYAN
KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

May 7, 2003

COPY

Harvey Barnes
Rockwood PUD
19601 NE Halsey
Portland OR 97230

Dear Mr. Barnes:

On February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearings to consider the boundaries of the proposed PUD.

Pursuant to ORS 261.105, the Board of County Commissioners will hold a hearing on Thursday, May 15, 2003 at 10:00 am until noon and 6:00 pm until 8:00 pm in the Multnomah Building, 501 SE Hawthorne Blvd in the first floor Commissioner Boardroom.

The agenda for the morning session will be primarily reserved for invited testimony from the State of Oregon Office of Energy, the Chief Petitioners of the Multnomah County PUD, Portland General Electric, PacifiCorp and representatives from cities and jurisdictions within Multnomah County. As the representative of the Rockwood PUD, we invite you to present testimony (limited to 5 minutes) or submit written testimony.

The evening session will be reserved primarily for public testimony (limited to 3 minutes each).

It is expected that the Board will need to continue the hearings to a future date in order to hear all of the testimony on this issue. Within 10 days of the last hearing date, the Board will issue a determination of the proposed PUD boundaries.

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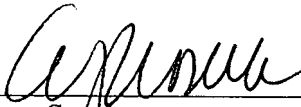
May 7, 2003
Page 2

If you would like to submit written testimony for the Board's consideration in determining the boundaries of the proposed PUD, please submit the testimony to Deb Bogstad, Multnomah County Board Clerk, 501 SE Hawthorne Blvd, Suite 600, Portland OR 97214. Written testimony may also be submitted via email to deborah.l.bogstad@co.multnomah.or.us or faxed to 503-988-3013. The deadline for submitting testimony is May 30, 2003.

If you wish to attend a hearing to offer testimony, please contact Mary Carroll at 503-988-5275 to make those arrangements. A copy of the petition and the resolution setting the public hearing is enclosed.

Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Agnes Sowle
Acting County Attorney

Enclosures



OFFICE OF
MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
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JACQUELINE A. WEBER
Assistants

May 2, 2003

COPY

Board of County Commissioners
Washington County
155 N 1st Avenue
Hillsboro, OR 97124

Dear Sir or Madam,

On February 19, 2003, a petition was certified by the Multnomah County Director of Elections to form a People's Utility District in Multnomah County. As an interested party to the formation of a Multnomah County People's Utility District, we would like to inform you of the Board of County Commissioner's hearing to consider the boundaries of the proposed PUD.

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It is expected that the Board may need to adjourn the hearing and continue on a future date or dates in order to hear all of the testimony. Within 10 days of the conclusion of the hearing, the Board will issue a determination of the proposed PUD boundaries and will set the date for a special election to the electors.

If you would like to submit written testimony for the Board's consideration in determining the boundaries of the proposed PUD, please submit the testimony to Deb

OFFICE COPY

May 2, 2003

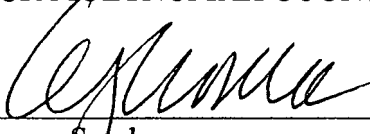
Page 2

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Sincerely,

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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Agnes Sowle
Acting County Attorney

Enclosures



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
Acting County Attorney

SCOTT ERIK ASPHAUG
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501 S.E. HAWTHORNE, SUITE 500
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JACQUELINE A. WEBER
Assistants

May 2, 2003

Board of County Commissioners
Yamhill County
535 NE 5th Street
McMinnville, OR 97128

COPY

Dear Sir or Madam,

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May 7, 2003

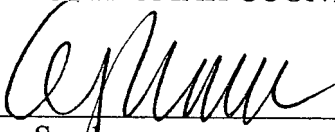
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FOR MULTNOMAH COUNTY, OREGON

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Agnes Sowle
Acting County Attorney

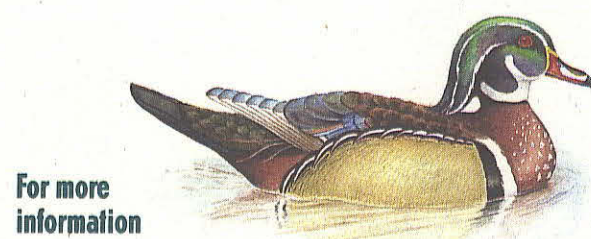
Enclosures



Aquatic and streamside vegetation, combined with clean water, attract a variety of wildlife. Most animals spend at least part of their lives around streams. Others, like frogs and salamanders, depend totally on clean water to reproduce. Mammals like beaver, raccoon, muskrat, river otter, and mink are common residents of metropolitan streams.

While good water quality may be difficult to see, a rich variety of plants and animals, from aquatic insects to cutthroat trout, indicate a healthy watershed and clean water.

Streams are also greenspace corridors for wildlife and people. Many of our regional trails such as the 40-Mile Loop and Willamette River Greenway in Oregon and the Chinook Trail and Burnt Bridge Creek Trail in Clark County follow streams and rivers.



For more information

Water Quality

Regional: Metro's Water Resources, 503-797-1700; Oregon Department of Environmental Quality (Emergency Management) 1-800-452-0311, 503-229-5696; Washington Department of Ecology, 206-753-2353

Wetland or Stream Alterations

U. S. EPA, 503-326-3250; U. S. Army Corps of Engineers, 503-326-6995; Oregon Division of State Lands, 503-378-3805; Washington Department of Ecology, 206-753-2353

Illegal Dumping

Metro Solid Waste, 503-234-3000 (for information and referral only)

Fish, Wildlife and Greenspaces

Audubon Society of Portland: Metropolitan Wildlife Refuge System Project and *The Urban Naturalist*, 503-292-6855; The Wetlands Conservancy's Urban Streams Council, 503-691-1394; Metro's Metropolitan Greenspaces Program, 503-22-GREEN

Urban Forestry

Oregon Urban and Community Forestry Council, 503-945-7391

Be a streamkeeper

Without your help, government agencies cannot protect and restore urban streams. Here are some things you and your neighbors can do today:

Don't waste water: Urban streams and rivers experience low summer flows with increased population.

Landscape with native vegetation: It requires less water, pesticides and herbicides.

Revegetate stream banks with native plants: They anchor the soil and provide wildlife habitat.

Don't dump into storm drains: Motor oil, paint and other toxic materials degrade streams and wetlands. Stencil the "Dump No Waste, Drains To Stream" logo on storm drains (permission and supplies available from local agencies).

Avoid or limit use of herbicides, pesticides and fertilizers: They drain into ditches, storm drains, streams, wetlands and the groundwater.

Don't dump yard debris or grass clippings into ravines, ditches or streams: These organic materials rob a stream of its oxygen.

Report chemical spills or illegal dumping.

Adopt a stream or wetland: Form a "Friends" group to monitor, restore and preserve your neighborhood stream.

Get to know your stream: Use this and other Urban Streams brochures to explore your stream; learn how it is part of the Greenspaces Network.



Wetlands, Wildlife, Water Quality
FAIRVIEW CREEK

Fairview Creek
Watershed Conservation Group
c/o East Multnomah SWCD
2115 SE Morrison
Portland, Oregon 97214

About the brochure

This is one of a series of urban streams brochures which was initially funded by: Audubon Society of Portland; US EPA; Oregon DEQ; U.S. Fish and Wildlife Service; Metro; Portland Bureau of Environmental Services and Unified Sewerage Agency. Primary funding for this brochure: Oregon Department of Forestry's Urban and Community Forestry Program in cooperation with USDA's Forest Service; City of Gresham Stormwater and Parks Divisions; Metro; U.S. Fish and Wildlife Service; Fujitsu Microelectronics, Inc.; City of Fairview; Governor's Watershed Enhancement Board, from Oregon Lottery Funds and EPA.

Graphic Design: Laurie Causgrove
Illustration: Evelyn Hicks
Text: Fairview Creek Watershed Conservation Group
Photography: Kevin Coulton, Mel Miracle
Printing: Premier Press

On the cover

Fairview Creek meanders past the Hannon residence in Fairview. George Hannon was an advocate for stream stewardship for over 40 years.



Beaver strip bark from dogwood limbs... A Belted Kingfisher waits patiently for minnows in the stream below... a mob of Red-winged Blackbirds harass a Great Blue Heron, driving it from their exposed nests... Wrens, wading birds, and waterfowl congregate in the shallower margins of the cattail marsh.

Amazingly, this is not a remote wilderness scene. It's a stream or wetland near your home, a part of our Metropolitan Greenspaces system of natural areas, open space, trails and greenways. Careful stewardship of urban streams and their associated urban forests will provide a green legacy for ourselves and future generations.

URBAN STREAMS, WETLANDS AND FORESTS ••• Metropolitan greenspace networks

Most of us recognize the importance of well-maintained roads and sewers but are unaware of the important ways in which a healthy network of urban streams and forests contribute to our quality of life. Streams are crucial to maintenance of water quality and flood control, fish and wildlife habitat, enhanced property values, scenic greenways, parks and recreational corridors and educational opportunities. Streamside trees also cool the air and water, control erosion, provide fish and wildlife habitat and enhance the quality of urban life.

However, streams, just like sewers and roads, are often abused. Activities far from the stream's edge can degrade streams and their wetlands. Even some well-intentioned cleanup efforts remove streamside or riparian vegetation, destroying fish and wildlife habitat and degrading water quality. Neglected streams also become dumping grounds for trash and chemical wastes.

THE BIG PICTURE ••• Watersheds & water quality

A stream is sustained by water from its entire watershed, being fed by tributaries which collect water from an area ranging from a few acres to many square miles. Some rainfall is stored as groundwater, while the rest drains directly into the stream. Urban development removes trees and other vegetation that naturally slows runoff and allows it to soak into the ground. Replacing vegetation, which filters out soil and other pollutants, with hard or impervious surfaces such as streets or parking lots causes rapid runoff and higher winter flows. Reduced groundwater lowers summertime flows, increases water temperature and decreases dissolved oxygen, which kills cold-water fish and other aquatic life.



DOWN FAIRVIEW CREEK



Just southeast of Grant Butte in Gresham, a spring-fed wetland signals the beginning of Fairview Creek, a little-known but important natural resource in East Multnomah County. The five-mile-long stream drains 11 square miles of residential, agricultural, commercial and industrial lands before entering Fairview Lake and the Columbia Slough. Citizens, businesses and public agencies formed the Fairview Creek Watershed Conservation Group to work together to improve water quality, solve flooding and erosion problems, restore the fish population and enhance livability along this important urban stream.



Roadway runoff from local streets, such as 223rd Avenue, may carry pollutants that are hazardous to fish and wildlife into the stream.

The Headwaters ••• SE Powell Boulevard to SE Division Street

The dense Douglas fir and western red cedar forests in the Grant Butte area were cleared by homesteaders during the 1850s. Remnants of the Butte's second-growth conifer and deciduous forests house more than 40 species of birds. Coyote, red fox and Red-tailed Hawk hunt the small mammals in woods and fields, while beaver and nutria inhabit the marsh below. The headwaters along Powell Boulevard, part of 37 acres owned by the City of Gresham and the only publicly owned property bordering Fairview Creek, is being restored as a natural wetland preserve. Community park facilities are also planned for the area.

SE Division Street to East Burnside Street

Passing through a culvert under Division Street, Fairview Creek disappears from view beneath Himalayan blackberries and behind the landscaping and buildings of a small business development. Re-emerging beside an abandoned rail line, the creek flows east to cross Birdsedale/202nd Avenue, resuming its northward course through open fields, a small industrial area and under the MAX light rail line. Although the stream is channelized, crayfish, minnows and some aquatic insects maintain life within this reach. American Dipper, Mallards and Great Blue Heron frequent the banks beneath red alder, willow and occasional snags.

East Burnside Street to SE Stark Street

Visible at several intersections within suburban residential developments, Fairview Creek is fenced away from most properties in this area on both banks. With education, neighborhood awareness and technical help, restoration of stream banks in this area can contribute a strong sense of community, higher property values, improved water quality and again attract wildlife and fish. Landowners along this section are already working with the Fairview Creek Group on nature-scaping and restoration projects.

SE Stark Street to NE Halsey Street

Shortly after crossing under Stark Street, the creek flows through a residential development that provides a picturesque setting to local homeowners for a private, linear park and trail. When it enters the Fujitsu Micro-electronics, Inc. property, the creek meanders among cottonwood, willow and grasses before flowing into one of two deep quarry ponds harboring a variety of nonnative fish.



Waterfowl, Green-backed Heron and Belted Kingfisher thrive around the creek-fed quarry ponds near Glisan Street.

Fairview Creek leaves Fujitsu and the City of Gresham when it crosses north beneath Glisan Street and enters the western-most of two ponds in the City of Fairview. In the fields beyond this point, the creek ceases to follow any definable channel and becomes a marsh, supporting a broad spectrum of stream-side life. Black-tailed deer and raccoon share the area with many bird species.



Volunteers and students measure water quality and quantity along Fairview Creek.

NE Halsey Street to Interstate 84

Fairview Creek is more familiar to many people north of Halsey Street where it parallels 223rd Avenue. Shaded by tall trees, the creek tumbles among rounded stones, past manicured lawns and beneath picturesque bridges. Fern, trillium, and wild rhubarb mingle with domestic plants along the mossy banks.

During periods of heavy rain, runoff from south of Glisan Street flows directly into the creek. This carries pollutants and degrades water quality that once provided ideal habitat for cut-throat trout and steelhead. Fairview residents take obvious pride, however, in their namesake stream and are working to improve the quality within this scenic attraction.

Protecting urban streams: watershed and forest management

Poor land use, unwise forest practices and eroded slopes from residential construction negatively impact a stream's water quality and quantity. Often these causes originate miles from the stream. Healthy watersheds have intact urban forests and native understory vegetation. They store and filter water, stabilize banks, provide shade and habitat and produce food for fish and other aquatic life.



Interstate 84 to Fairview Lake

North of I-84 and Sandy Boulevard, the creek angles west through cultivated berry fields, hidden by a dense buffer of vegetation, and widens as it approaches the southeast shore of Fairview Lake. Rich agricultural lands for many years, this area is now zoned for residential development. The lake itself supports Osprey, Bald Eagle, Heron and several fish species. Eventually the lake flows into the Columbia Slough, which in turn flows 18 miles into the Willamette River.

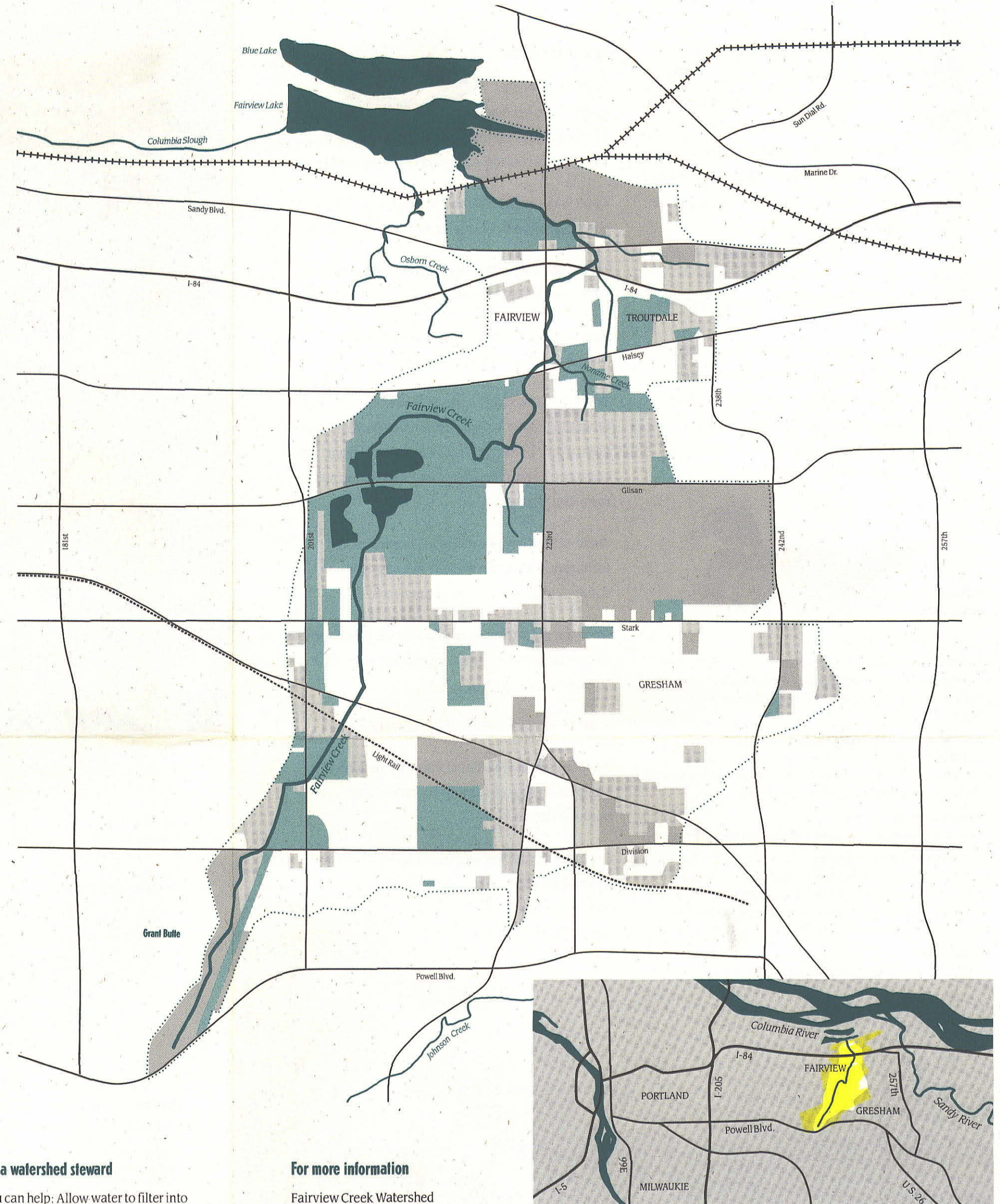
Periodic flooding has been a problem for residents along Fairview Creek, as shown here on Birdsedale Avenue. Local agencies are working to alleviate the problem.

Impervious surfaces such as parking lots, roads, roofs, and even lawns, increase stormwater runoff, carrying pollutants to streams. This contributes too much water during the winter and too little during the summer. Winter runoff scours channels and causes erosion. Successful restoration of local fish populations requires cooler, more abundant summer flows and reduced winter flows.

Be a watershed steward

You can help: Allow water to filter into the ground on your property. Create your own urban forest and backyard wildlife refuge by planting native trees and shrubs. (See *Naturescaping* by the Oregon Department of Fish & Wildlife.) Encourage businesses to landscape, pretreat runoff, decrease impervious surfaces and restore streamside, urban forest vegetation.

Urban streams can be destroyed by individual acts of neglect, or they can be restored through the combined efforts of individuals and businesses.



For more information

Fairview Creek Watershed Conservation Group, 231-2270
East Multnomah Soil and Water Conservation District, 231-2270
City of Gresham, Stormwater and Parks Divisions, 669-2531
City of Fairview, 665-7929
Urban Streams Resource Line (Urban Streams Council), 691-1394
Oregon Department of Fish and Wildlife, 229-5410
Blue and Fairview Lake Land Trust, 666-6433

The map was produced with the assistance of Metro's Data Resource Center Geographic Information System. Identification of greenspaces or natural areas is based on 1989 color infrared aerial photography of the Portland-Vancouver metropolitan region. Only 8% of the region's greenspaces are in public ownership. Specific sites referred to in this brochure are generally in public or semi-public ownership. Please respect private property when exploring urban streams.

- Greenspaces
- Commercial/Industrial
- Agricultural
- Areas shown in white represent single or multi-family development.
- Watershed Boundary