

HB 2985 -3 STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

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Meeting Dates: 2/20, 4/1

WHAT THE MEASURE DOES:

The measure modifies provisions relating to the administrative proceedings of the Oregon Public Utility Commission. It also repeals Oregon Revised Statutes (ORS) 756.450 (declaratory rulings); 756.512 (notice of complaint to defendant; responsive pleadings; and setting cause for hearing); 756.521 (public hearings; record required; and furnishing transcripts); and 756.543 (issuance of subpoenas and failure to comply).

Detailed summary:

Removes language in the Administrative Procedures Act (APA) (Oregon Revised Statute [ORS] chapter 183) that says it does not apply to the Oregon Public Utility Commission (PUC). Repeals ORS 756.450 (declaratory rulings); ORS 756.512 (notice of complaint to defendant; responsive pleadings; and setting cause for hearing); ORS 756.521 (public hearings; record required; and furnishing transcripts); and ORS 756.543 (issuance of subpoenas and failure to comply) and removes references to those statutes in ORS chapter 756. Removes requirement that PUC afford the parties in a major proceeding before the PUC an opportunity for oral argument before a final order is issued. Removes PUC authorization to adopt rules that establish criteria for determining which proceedings give rise to a right to oral argument in a major proceeding before the PUC and rules governing participation in oral arguments, cross-examination of witnesses, draft or proposed orders, or such other matters as the PUC deems appropriate. Establishes that provisions of the APA (ORS 183.413 to 183.470) apply to and govern all hearings upon any matter or issue coming before the PUC. Modifies provisions relating to the administrative proceedings of the Oregon Public Utility Commission.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 The -3 amendment modifies provisions in section 8 of the measure to specific types of information PUC must provide in every final order it issues.

Detailed summary:

Requires the Oregon Public Utility Commission (PUC) to include certain information in every final order issued by the PUC and in every order issued by the PUC that considers facts and makes a determination regarding whether a legal standard has been met. Requires the Court of Appeals to set aside, modify, or remand a final order of the PUC if the court finds that the findings, statement of reasons, and resolution of issues provided by PUC in their final orders are inadequate to support judicial review of the order.

- *FISCAL: May have fiscal impact, but no statement issued yet*
- *REVENUE: No revenue impact*

BACKGROUND:

The Oregon Public Utility Commission (PUC) is the state's regulatory body for investor-owned electric, natural gas, and telephone utilities, as well as certain water companies. The agency also provides safety regulation of cooperatives, people's utility districts, and municipally owned utilities. The PUC's Administrative Hearings Division is responsible for conducting hearings and writing orders for cases that fall under the agency's jurisdiction. The Division utilizes administrative law judges to operate the hearings process in two types of proceedings:

judicial-type contested cases and legislative-type rulemaking. Contested cases can apply to each of the regulated industries. Administrative decisions by the PUC can be appealed to the Court of Appeals.

According to the Oregon Department of Justice, the Oregon Administrative Procedures Act (APA) “requires state agencies to adopt rules of procedure in rulemaking, contested cases, and other proceedings.” The APA is outlined in Oregon Revised Statutes chapter 183. State agencies can use the state's Attorney General’s model rules of procedure when creating and enforcing regulations, or agencies can be exempted from following the model standards and create their own. The PUC has a hybrid model, where they are exempted from the standard requirements for rate-setting procedures.