

Submitter: Fair Oregon Utility Rates FOUR
On Behalf Of:
Committee: House Committee On Climate, Energy, and Environment
Measure, Appointment or Topic: HB2985

Fair Oregon Utility Rates (FOUR) supports HB2985. Small commercial customers are the second-largest group of ratepayers, and small nongovernmental and small business owners have a vested interest in these matters. When they are involved in proceedings, it is crucial that they receive fair process. Unfortunately, this is not always the case. Small businesses are significantly underrepresented at the Oregon Public Utility Commission, and when they do participate, their input is rarely on equal footing with other stakeholders. Small commercial customers face adverse decisions, and the only way to address these decisions is by filing for reconsideration and, if necessary, appealing.

A better approach would be to respond at an earlier stage to points raised, using a mechanism outlined in ORS 183.464, a process step included in this bill. We believe the bill could address the OPUC rules in OAR 860-001-0720—Rehearing or Reconsideration—which currently states that an unresponded petition after 60 days is deemed denied. This provision means that, after significant effort by a party or petitioner, the Commission can deny the petition simply by not responding, leaving the only option to appeal.

As the Legislature reviews OPUC proceedings, it is important to remember that many ratepayers cannot always afford legal counsel or is able to navigate this complex space with dedicated expert assistance. Furthermore, it is widely recognized that recent years have seen an unprecedented number of rate cases. Anyone who has been involved in an appeal knows it requires substantial work, especially while a rate case or other proceedings are ongoing, forcing an entity to decide where to allocate its resources. FOUR believes that if you're not at the table, you become the meal. Therefore, it fully supports this bill, as it requires the OPUC to be transparent in its proceedings and interpretations of statute.