



Oregon Citizens' Utility Board

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February 22, 2025

To: Chair Lively, Vice-Chair Levy, Vice-Chair Gamba, and members of the House Climate on Climate, Energy, and Environment

From: Jennifer Hill-Hart, Policy & Program Director, Oregon Citizens' Utility Board (CUB)

Re: HB 2985 – CUB's Neutral Testimony

The Oregon Citizens' Utility Board (CUB) is a statewide nonprofit consumer advocacy organization developed by citizens' initiative in 1984. CUB represents the interests of Oregon households by advocating for utility regulations and policies that protect your wallet. To date, we have saved Oregon ratepayers over \$10 billion. Thank you for the opportunity to provide neutral testimony on HB 2985 reflecting our outstanding questions and concerns.

First off, CUB wants to thank Representative Helm and Marie Barlow for their testimony and presentation of the bill, and for reaching out to CUB to discuss the bill prior to the hearing. This helped us better understand the intent of the bill and reasons behind it.

CUB appreciates the intent of the bill which we understand is to ensure that Oregon Public Utility Commission (PUC) contested cases are transparent and procedurally just. CUB has been actively involved in the PUC's efforts to implement HB 2475 (2021), the Energy Affordability Act, which is centered around creating a more equitable and accessible process at the PUC. The PUC has been investigating and implementing various components of that law which necessarily meant needing to develop more transparent and accessible process for engaging in PUC issues. This process is new and ongoing, and we are curious to know whether those stakeholders are experiencing similar issues raised by Ms. Barlow in her presentation at the public hearing.

CUB is wholly committed to transparent and procedurally just processes. While we have not had the opportunity to do a full legal analysis of the bill as of yet, CUB has similar concerns to those raised by PUC Director Moser and Brant Wolf raised at the February 20 public hearing on this bill, particularly that the effect as implemented may unnecessarily prolong proceedings. And we are happy to attempt to work through the concerns raised below with Representative Helm and NewSun.

The Committee heard from Director Moser that the PUC's processes align with the APA's requirements in a lot of ways, so this bill may not change much, but for possibly requiring additional resources. CUB's concern is that if the end results of this bill may not be the same, it may force the PUC to allocate resources, say to more ALJs, when those resources may be better spent supporting the regulatory staff at the PUC with the increasing volume of cases before the Commission.

However, that does not mean the PUC's procedural processes are not ripe for a review. As I was listening to the hearing, I remembered that the Commission has an open docket, [AR 641](#), to review the agency's Division 1 procedural rules. While it has been suspended until the PUC finishes its filing and discovery system upgrade, I would be curious to hear if the PUC would be willing to open up that docket and create a track that carves out the transparent and accessibility concerns this bill seeks to address for

stakeholder engagement and review. Maybe engaging in AR 641 now could address the procedural concerns raised by this bill in a more expedited manner, particularly because it is highly likely the PUC would need to open a rulemaking to implement this bill anyway.

We're curious as to why the PUC has these exceptions to the Administrative Procedures Act (APA) in the first place, which may be similar reasons as to why ORS 183.315 exempts other agencies from nearly all the same laws as the PUC. Do those agencies share similar characteristics like having their own ALJs or similar legislative functions as part of their regulatory authority? While I have not had the opportunity to look into the legislative history from the APA's adoption in 1971, in my conversations with Marie Barlow at NewSun, it sounds like it isn't really clear.

CUB really appreciates that Representative Helm and supporters of HB 2895 are interested in finding ways to create a fairer and more transparent process at the Commission. CUB shares these same values. CUB makes these neutral comments to flag our outstanding questions and concerns about PUC resources, and with an eye toward procedural justice. We are happy to participate in future discussions about this bill language and/or any proposed amendments.