



Oregon

Theodore R. Kulongoski, Governor

Public Utility Commission

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TO: Member of Commission Rulemaking List(s)

RE: Change in Rulemaking Procedure

In the past, the Commission has considered the adoption or amendment of administrative rules at a public meeting, during which it allowed comment from interested persons. Although persons on Commission rulemaking mailing lists have been notified of the public meeting, the notice has not been published in the Secretary of State's Bulletin. This is due, in part, to the difficulty in determining the exact date that the rules would be ready for adoption. It has come to our attention, however, that when persons other than Commission employees comment on the proposed rules at a public meeting, the Commission is essentially holding a rulemaking hearing under the Administrative Procedures Act that requires notice to be published in the Secretary of State's Bulletin.

Consequently, the Commission is changing its process. Rather than adopting new or amended rules at a public hearing, the Commission will announce its rulemaking decisions through the issuance of a Commission order. While this change in procedure will preclude the ability to provide final comment at a public meeting, it does not eliminate your ability to participate in the rulemaking process and provide both written and oral comment on rulemaking proposals. As you know, the Commission provides many opportunities for public participation in rulemakings. In addition to the workshops scheduled throughout a rule docket, we allow written and oral public comment at rulemaking hearings that are noticed in the Secretary of State's Bulletin. In the future, a rulemaking hearing will be scheduled in the vast majority of rule dockets. Moreover, in complex rule dockets such as AR 499, the notice filed with the Secretary of State will list several hearings before the Commission, so that the public comment can be made to both the Administrative Law Judge and the Commissioners at various stages of the proceeding.

If you have any questions, please do not hesitate to call.

Michael Grant

Chief Administrative Law Judge

Public Utility Commission of Oregon

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