

How to File a Formal Consumer Complaint

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When do I file a formal complaint?

If you have an unresolved billing or service dispute with your utility company, and the PUC's Consumer Services staff has been unable to help you reach a solution, you may file a formal complaint with the Commission under the provisions of Oregon Revised Statute (ORS) 756.500.

You may request a complaint form from the Consumer Services Section. Fill it out completely and return it to them. The Administrative Hearings Division (AHD) will give your complaint a docket number and send a copy to the utility company. The utility company will respond within 15 days.

If the utility company has discontinued your service, or proposes discontinuing it, you may request that the Commission intervene. Depending on the circumstances of your complaint, the Commission may direct the utility company to continue service or reconnect it while the dispute is pending.

Questions should be directed to Consumer Services Section staff at (800) 522-2404, or to the Administrative Hearings Division at (503) 378-6607. TTY users please call through the Oregon Relay at 1-800-735-2900.

What is a formal complaint hearing?

A consumer complaint hearing is a formal proceeding conducted under the authority set forth in ORS 756.518 to 756.610. The hearing is similar to a trial before a judge without a jury.

At the hearing, you and the utility company will be given the opportunity to call witnesses and present evidence on all issues relating to your complaint. Evidence can be oral (testimony) or written (documents). In either case, it should be factual. If you want to use documentary evidence (such as bills, receipts, letters or other papers), bring the original and three copies to the hearing. The hearing will not be postponed to give you time to obtain additional evidence unless you show that you could not have produced the evidence at the hearing.



Who's who at the hearing?

The Administrative Law Judge (ALJ) The ALJ is an attorney employed by the Commission to conduct hearings. The ALJ presides over the hearing in an impartial way, and recommends a decision to the Commission.

The ALJ may ask questions of you, the utility company or the witnesses. The ALJ's questions are to provide the Commission with enough information to make an informed decision. The information produced by the ALJ's questions may have the effect of helping or hurting your position. Part of the ALJ's job in conducting the hearing is to make rulings on objections and motions.

If you do not agree with an ALJ's ruling, and the ruling either terminates your involvement or the ALJ certifies that the ruling is an important one, you may appeal to the Commission. The Commission may uphold, modify or reverse the ruling.

The Parties You and the utility company are called "parties." As parties, you both may present evidence, crossexamine witnesses, object to evidence, and argue points of law. All testimony must address the issues in the case. Witnesses testify under oath and are there to provide information. The utility company may have an attorney and witnesses present to testify and answer questions.

What happens before the hearing?

Prehearing Conference After the utility company responds to your complaint, the ALJ may schedule a prehearing conference with the parties to help identify and clarify issues, see if the matter can be settled, and schedule a date for the hearing.

Discovery To help you present your case, you can request information from the utility on matters that are relevant to your complaint. You may ask the utility company for copies of records, subpoena witnesses, or request access to public records. If necessary, you may ask the ALJ how to request information.

Notice You will receive personally or by mail a written notice that includes the time, date and place of the hearing.

What happens at the hearing?

Order of Presentation As the complainant, you have the burden to prove that you are entitled to the relief requested. For that reason, you have the opportunity to present your evidence first. When you have finished, the utility company will present its evidence. You will then have an opportunity to “rebut” the utility company’s evidence. When appropriate, the ALJ will permit additional evidence after rebuttal. You will have the last opportunity to present evidence.



Evidence Testimony is given under oath and witnesses are subject to questioning from the other party. The hearing normally will not be delayed for lack of evidence or witnesses. To ensure that witnesses attend, you may request, prior to the hearing, that your witnesses be subpoenaed. Requests for subpoenas should be made in writing to the ALJ assigned to the case. If there is a dispute, the ALJ decides whether a witness attends.

Objections If you have reason to believe that evidence presented by the utility company should not be used, you may object to the admission of the evidence. Similarly, the utility company may object to your evidence. The ALJ will rule on the objection. Only evidence which is admitted will be used by the Commission in making its decision. If the party offering excluded evidence wants to appeal a ruling, the party may make an “offer of proof.” The evidence will be taken, but will not be considered unless the Commission reverses the ALJ’s ruling.

Record of Proceedings The ALJ will admit evidence into the official case record. The hearing will also be tape-recorded or recorded by a court reporter to preserve an official record of the proceedings.

Closing Argument After all the evidence is presented both you and the utility company will usually have an opportunity to make a closing argument. Arguments tell the Commission how it should apply the law to the facts. You make your argument first. The utility company will argue next. You will then have the opportunity to rebut the utility company’s argument.

Legal Representation You do not need to be represented by an attorney. If you want legal representation, you should arrange for it prior to the hearing. You are responsible for finding and hiring your own attorney. If you decide during the hearing that you need an attorney, you may ask the ALJ for a continuance to obtain legal counsel. However, a continuance is not normally granted during the hearing unless you have a good reason for not getting an attorney prior to the hearing.

Transcripts A wordforword written transcript can be made of the record. Transcripts are used to assist the parties in filing briefs (written legal arguments), assist the Commission in reviewing orders proposed by the ALJ, and to permit the courts to review the Commission’s decision, if necessary.

If you request a transcript, you must pay the cost of preparing the transcript unless:

- 1) You ask for reconsideration or appeal to the courts. In these cases, you pay only the cost of copying the transcript; or
- 2) You cannot afford to pay for the transcript. You must provide a statement explaining why you cannot afford to pay. This statement, called an “Affidavit of Indigency,” must be provided at the time you request the free copy.

What happens after the hearing?

The Decision The ALJ will prepare a recommended final order for the Commission’s consideration. Only the Commission will review the order, and, on occasion, may change the ALJ’s recommendation. The final order is always issued by the Commission. You will receive a copy of the final order.

After the Order If you do not agree with the Commission’s final order, you have 60 days within the date of service of the final order to dispute it. First, you may ask the Commission to rehear the case or reconsider the decision. A description of the reconsideration process is set forth in OAR 860-014-0095. Second, you may also directly appeal the decision to the courts. Appeals go to the Court of Appeals, and then possibly to the Supreme Court, under the provisions of ORS 756.610.

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Note: The Commission cannot grant money damages or attorney fees.

