BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

AR 641

In the Matter of	)
	)
Rulemaking to Review and Amend Division 001 Procedural Rules.	)
	)
	)

COMMENTS

OF THE

OREGON CITIZENS' UTILITY BOARD

March 9, 2021

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I. Introduction

The Oregon Citizens' Utility Board (CUB) appreciates the opportunity to provide comments on selected sections of the Oregon Public Utility Commission's (Commission or PUC) Division 001 Procedural Rules. As remote and electronic work becomes the new norm for the Commission and its stakeholders, this proceeding to review and amend the rules is timely. Pursuant to Chief Administrative Law Judge Moser's February 24, 2021 memorandum, CUB provides comments on select sections of the administrative rules in an effort to foster efficiency and inclusivity in PUC proceedings.

II. Confidential Information – OAR 860-001-0070

- Section 3 – the requirement that confidential information on each page be marked clearly by inserting [Confidential] before and after the information in question has been loosely and inconsistently applied. CUB would appreciate consistent guidance, as it is sometimes confusing which parts of a confidential document are indeed confidential and which ones are not.
- Section 3 – the requirement that confidential information be provided "on a portable data storage device" should be clarified and revisited. In the past, large

confidential documents have been placed on a compact disc and served upon parties. This creates a burden for administrative staff of all parties. It is very time consuming to burn a CD, and most modern laptops do not come with CD ports. Additionally, many parties are moving away from allowing USB or thumb drives on their networks out of security concerns. CUB suggests using a hierarchy to compile and send confidential information—the information should be sent electronically if possible (Huddle is preferred). Next, a USB or thumb drive should be used. CDs should be avoided if at all possible.

- The treatment of highly confidential information is not explicitly addressed in this rule, but CUB would like to see consistent treatment of highly confidential information across utilities. Again, an online sharing platform such as Huddle would be an ideal venue to receive highly confidential information. To alleviate concerns about the inadvertent disclosure of information, perhaps the Commission could eliminate the ability to download highly confidential documents.
- The use of encrypted .zip files for serving confidential and highly confidential documents does not work on all platforms. Mac laptops, for example, may not be able to download all types of encrypted .zip files. The Commission should create consistency in rule. CUB believes the use of Huddle is ideal for this purpose. Given that many stakeholders are not convening in specific offices, the use of paper service has become impracticable. This would also lessen the burden on administrative staff and more efficiently reach a broader range of stakeholders.

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III. Data Requests – OAR 860-001-0540

- Section 1 – data request (DR) turnaround times are often negotiated in prehearing conferences. CUB suggests adding language indicating that the 14-day turnaround time stands "unless otherwise agreed to by parties in a specific proceeding."
- Section 3 – CUB is unsure whether the language regarding parties that have "filed a written request for a copy of the response" is still necessary now that we have fully transitioned to Huddle for DRs.
- CUB has encountered an issue when intervening in proceedings that have been going on for some time. Often, it is impossible to tell by eDockets whether the proceeding has been using Huddle for DRs, or whether information requests (IRs) have been served informally. CUB recommends that Commission staff or AHD make a simple filing in a proceeding in eDockets to alert parties that it is a Huddle docket. Further, in non-contested cases and informal advice filings, there is no mechanism to know whether IRs have been issued at all. Even if Huddle is not being used, some sort of notification should exist so that parties know Commission Staff is issuing discovery to the utility. CUB believes these small changes will help eliminate barriers to participation in proceedings and ensure a wide range of stakeholders will be able to track progress in a docket.

IV. General Rate Revisions – OAR 860-002-0019

CUB proposes no suggested revisions, but notes that a description of the Oregon-allocated rate impact in the Standard Data Requests is very helpful when examining the rate cases of multi-state utilities.

V. Filing Requirements – OAR 860-001-0170

- Section 1(a) – CUB suggests the same revision regarding portable data storage devices as suggested above for OAR 860-001-0070. Electronic filing should be used where available, with USB drives as a backup and CDs as a last resort. Similarly, encrypted .zip files do not work on all computers, and should be avoided.
- Section 1(d) –the Citizens' Utility Board of Oregon is now legally incorporated as the Oregon Citizens' Utility Board.
- Section 1(g) – in addition to the 2-business day requirement to submit confidential filings to the filing center, a confidential version of the filing should be required to be uploaded to Huddle on the same day the nonconfidential portion is due. Under this practice, CUB would also support eliminating the 2-business day requirement to submit confidential filings to the filing center and instead require confidential filings be provided same day.
- Section 2 – CUB would support eliminating the 100-page threshold for providing printed copies of filings. Instead, parties should be able to request a printed copy from another party if its filing exceeds 100 pages.
- CUB would appreciate guidance regarding when exactly a certificate of service should be filed, and where AHD would like it to be filed within the document. CUB's past practice has been to include a certificate of service only on confidential filings, since CUB is physically serving the various parties the information directly. That seems appropriate. However, recently, there was a request to put a certificate of service on nonconfidential filings as well. Since the

Filing Center, rather than CUB, is placing this filing on eDockets (thereby serving the parties), CUB historically refrained from this practice.

VI. Conclusion

CUB looks forward to working with the Commission and its stakeholders on this docket. Thank you very much for your consideration of these comments.

Dated this 9th day of March, 2021

Respectfully submitted,

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