# Oregon CUB

610 SW Broadway, Suite 400
Portland, OR 97205

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

**AR 641**

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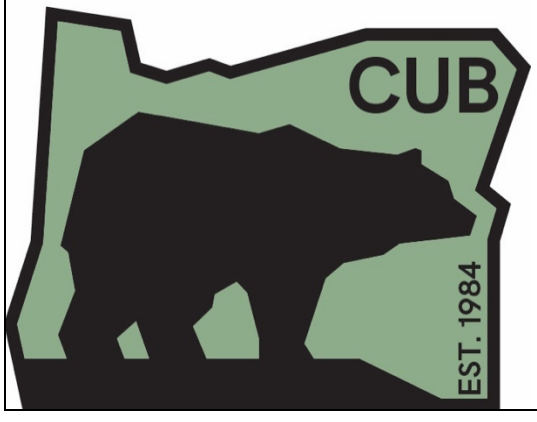
| | ) |

COMMENTS

OF THE

OREGON CITIZENS' UTILITY BOARD

April 6th, 2021



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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. CUB provides the following comments and redlines in response to Chief Administrative Law Judge Moser's March 24, 2021 Memorandum.

**A. Confidential Information – OAR 860-001-0070**

CUB supports the proposed draft revisions to this section circulated by the Administrative Hearings Division (AHD) on March 30, 2021 and has no additional proposed redlines. However, we incorporate the suggestions made in our earlier comments here by reference. CUB supports AHD's proposal to make the rules more general. If the rules do not specify all filing requirements—which is appropriate to retain flexibility—AHD can ensure filing requirements are up to date and available via a memorandum on the Commission's website or other platform. This is similar to how the Commission details its Internal Operating Guidelines.

## B. Data Requests – OAR 860-001-0540

CUB proposes the following changes to this section:

(1) A party may submit data requests to any other party, subject to the discovery rules in the ORCP. Data requests are written interrogatories or requests for production of documents. Data requests must be answered within 14 days from the date of service, unless parties have negotiated alternative deadlines. Each data request must be answered fully and separately in writing or by production of documents, or objected to in writing.

(2) A party submitting a data request must serve the request on all parties to the proceedings. For nonconfidential requests, service may be made by electronic mail or by electronic mail notification of upload to a designated shared workspace for data requests and responses. If the request contains confidential information, then the submitting party must serve a complete copy on all parties eligible to receive confidential information under the terms of a protective order and a redacted copy to all other parties. The complete confidential copy must be served using means identified in the protective order. Nonconfidential data requests and responses submitted to the Staff of the Commission must be sent to PUC.Datarequests@state.or.us. If a designated shared workspace is being used for data requests and responses, the notification of uploaded data requests and responses must be sent to PUC.Datarequests@state.or.us.

(3) The party answering the data request must provide a response or an electronic mail notification of upload to a designated shared workspace to the submitting party and all other parties ~~that filed a written request for a copy of the response.~~ A party must agree to be bound by the applicable protective order to be eligible to receive a response containing confidential information.

(4) A party may offer into evidence data requests and the answers to the data requests. Any objection to substance or form of a data request or answer must be attached to the submitted data request or answer with specific reference and grounds. Every remedy available to a party using deposition procedures is available to a party using data requests.

(5) Except when requested by the Commission or ALJ, or when seeking resolution of a discovery dispute under these rules, data requests are not filed with the Filing Center or provided to the ALJ.

**C. General Rate Revisions – OAR 860-002-0019**

CUB has no issues with this section, 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.

**D. Filing Requirements – OAR 860-001-0170**

CUB supports the proposed draft revisions to this section circulated by AHD on March 30, 2021 and has no additional proposed redlines. However, we incorporate the suggestions made in our earlier comments here by reference.

Thank you very much for your consideration of these comments.

Dated this 6th day of April, 2021

Respectfully submitted,

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