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Via Electronic Filing

Public Utility Commission of Oregon
Attention: Filing Center
201 High Street SE, Suite 100
Salem, Oregon 97301

Re: Docket AR 679 – Rulemaking to Revise OAR 860-002-0000 Regarding Alternative Dispute Resolution

Portland General Electric Company (PGE) appreciates the opportunity to provide written comments on the proposed rule changes governing alternative dispute resolution (ADR) in Oregon Administrative Rule (OAR) Chapter 860 Division 002 and other related mediation provisions in the Commission rules. PGE provides the following comments:

1. The 5-business day window to agree to mediation under consumer complaint provision We suggest the proposed rules are made clearer regarding the interaction between various parts of the proposed rules. In particular, we understand the intent is that the ADR rules do not apply to mediation requests related to consumer complaints. We suggest that this be made explicit under Division 002 as consumer complaints may be made under ORS 757.500, creating ambiguity as to whether Division 002 applies to mediations of consumer complaints. This clarification could be added to OAR 860-002-0030(1) which describes the applicability and scope of the general ADR rule.

2. The 5-business day window to agree to mediation under consumer complaint provision for electric utilities (OAR 860-021-0015(5)(a)) is very tight. PGE suggests that the utility be given 10 days to respond to a request to mediate.

3. Under the proposed rule OAR 860-002-0030(10), the ADR facilitator has the discretion to refuse to provide an independent assessment of the issues or potential outcome. PGE suggests that the rule language clarify that a requesting party may disclose the assessment to the other party to the ADR proceeding. We

believe this is the intent of the rule and that clarifying language would help avoid future disputes.

4. The rules should be clarified as to whether the rules continue to govern the ADR process if an outside arbitrator is selected under OAR 860-002-0030(2).

5. PGE is concerned about the five-page limit in OAR 860-002-0030(3), particularly given the expanded scope of disputes to which ADR may apply. Though parties may agree to exceed this limit, a discussion of complex or technical issues may take more than five pages. PGE suggests the default rule be increased to ten pages and that the ALJ has the discretion to set the page limit for good cause shown and allow parties to agree to exceed that limit.

6. OAR 860-021-0015 should be adjusted to reflect the addition of new subsection 5. For example, in the new subsection 8 references to subsection 6 should be changed to subsection 7.

PGE appreciates the collaboration of AHD and other stakeholders during this informal part of the rulemaking process. We are grateful for the opportunity to provide written comments in advance of the formal rulemaking.

Sincerely,

/s/ Jason Salmi-Klotz

Jason Salmi-Klotz
Senior Manager, Regulatory Strategy