



# Oregon

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## AR 638 Docket Strategy Announcement

This letter serves as an update to the AR 638 permanent rulemaking process and announces Public Utility Commission of Oregon Staff's (Staff) plan to initiate an interim rulemaking proceeding to implement near-term requirements of recently adopted state policy regarding utility wildfire mitigation planning.

### Permanent Rulemaking Strategy Update

The passage of Senate Bill 762, a comprehensive, omnibus wildfire bill, has required the PUC to modify its approach to rulemaking docket AR 638.

Among other things, SB 762 requires the investor-owned utilities to file risk-based wildfire mitigation and protection plans by December 31, 2021, for PUC approval within six months. Although the PUC has already opened docket AR 638 to establish rules for such plans, the SB 762 filing date is inconsistent with the current AR 638 plan to adopt permanent rules in spring 2022.

To account for this disparity, the PUC is contemplating the following actions:

- Open a new rulemaking docket, AR 648, to adopt simplified *interim* permanent rules.

In preparation for the December 31, 2021 filing requirement, Staff will recommend the Commission open a rulemaking to address the near-term administrative requirements of SB 762 and move directly to the formal rulemaking phase.

These rules will focus on the filing and review of the wildfire plans and require that the utilities meet the minimum criteria identified in Section 3(2)(a)-(h) of SB 762.

Staff will also recommend the appointment of an Independent Evaluator (IE), based on input from Staff, the utilities, and stakeholders, to assist the PUC review and evaluate the plans filed by the three utilities.

Anyone on the service list for AR 638 will be added to the service list for the new docket, AR 648.

- Retain the AR 638 rulemaking schedule.

AR 638 will continue with a focus on adding additional detail and guidance to the interim rules adopted in AR 648. The rules developed in AR 638 will be adopted in the spring of 2022. Retaining this schedule will provide needed time to ensure permanent rules are adequately developed.

Staff is in the process of reevaluating the current AR 638 scope and work group strategy. Staff expects to release a draft of proposed revisions for discussion with stakeholders at a workshop tentatively planned for the week of August 23. Staff's goal is a scope and strategy that focuses all parties' time and resources toward the most impactful topics and engagement opportunities for the development of permanent rules.

**In the meantime, Staff will cancel work group meetings that are scheduled to take place prior to the workshop.**

## Next steps

**AR 648:** Staff will recommend the Commission open a formal rulemaking to adopt interim permanent rules at the September 7, 2021 Public Meeting. Staff will post the proposed interim rules by August 10, 2021 to allow stakeholders the opportunity to review the rules in advance. Stakeholders may present comments to the proposed interim rules prior to or at the Public Meeting.

**AR 638:** Staff will release a revised rulemaking strategy, which includes details related to the proposed changes to the scope, schedule and processes before a workshop to be scheduled the week of August 23. Staff will be gathering feedback from stakeholders on the proposed strategy during the workshop.

Please feel free to contact us with questions or comments:

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