AR 641:
In the Matter of Rulemaking to Review and Amend Division 001 Procedural Rules

Oregon Public Utility Commission

Workshop 1:
Modules and Sequencing
October 27, 2025

Agenda

- Welcome and Introduction
- AR 641 Past, Present, Future
- AHD: Modules and Sequencing
- Review of Initial Public Comment
- Discussion/Comment Opportunity
- Upcoming Process and Next Steps

AR 641 History

- September 29, 2020: CALJ Moser recommended the Commission "open a rulemaking to review and amend Division 001 rules governing legal practice before the Commission and other procedural and administrative rules"
  - Need to review and revise rules to account for move away from paper filings; changes to processes during COVID-19 pandemic; and changes to docket and discovery systems.
  - Proposed process:
    - Informal Phase: "[W]orkshop-focused effort where broad objectives for the rulemaking will be discussed, proposals will be submitted to stakeholders, stakeholders will propose their own direction for the rulemaking, and eventually draft rules will be produced and reviewed."
    - AHD returns to Commission with ask to open formal rulemaking.
    - Formal Phase: formal proposed rule change, with written comment period and public comment hearing

AR 641 History

- October 7, 2020: Order 20-335 - Commission adopts AHD recommendation at 10/6/20 regular public meeting
- 2021: Workshops and written comments
- December 14, 2021: CALJ Moser pauses informal rulemaking
- Winter/Spring 2025: Legislative discussion re PUC rules and decisions
- September 8, 2025: ALJ memorandum announcing continuation of docket
  - Initial Comments by October 15, 2025; Survey re Workshop 1 scheduling
- September 18, 2025: ALJ Memorandum setting comment deadlines; Workshop 1 set

Scoping Questions

- Should any rules be addressed in more than one module? For example, I intend to include continued discussion of the primary rule on definitions, OAR 860-001-0010, in each module as we are likely to discuss needed definitions during the workshop for each module.
- How should the modules be sequenced?
- Are there any subjects not covered by the existing Division 001 rules that should be discussed during one or more modules? For example, I have added potential new rules related to orders in other than contested cases under the Oregon Administrative Procedures Act.
- How can we make these workshops more accessible to stakeholders?
- What other factors should I consider as I work to schedule workshops and comment deadlines?

Module 1 (Proposed): Administrative and General

- OAR 860-001-0000: Applicability and Waiver
- OAR 860-001-0010: Definitions
- OAR 860-001-0020: Hours of Operation, Location, and Contact Information
- OAR 860-001-0030: Notice of Commission Proceedings
- OAR 860-001-0040: Commission Publications
- OAR 860-001-0050: Late Fees and Penalties
- OAR 860-001-0060: Public Records Requests
- OAR 860-001-0090: Delegation of Authority to Administrative Law Judge
- OAR 860-001-0110: Appeal to the Commission from Ruling of Administrative Law Judge
- OAR 860-001-0140: General
- OAR 860-001-0150: Filing Dates
- OAR 860-001-0560: Public Meetings
- OAR 860-001-0600: Consolidation of Proceedings
- OAR 860-001-0700: Extension or Postponement of Date to Comply with Rules and Orders
- OAR 860-001-0710: Notice of Acceptance of Terms of Orders

Module 2 (Proposed): Case Mgmt; Motions

- OAR 860-001-0010: Definitions
- OAR 860-001-0170: Filing Requirements in Contested Case and Declaratory Ruling Proceedings
- OAR 860-001-0180: Service in Contested Case and Declaratory Ruling Proceedings
- OAR 860-001-0350: Settlements
- OAR 860-001-0360: Case Management Conferences
- OAR 860-001-0390: General
- OAR 860-001-0400: Pleadings Requirements
- OAR 860-001-0410: Default Upon Failure to Answer Complaint
- OAR 860-001-0420: Motions, Responses, and Replies
- OAR 860-001-0430: Petition for Declaratory Ruling
- OAR 860-001-0550: Joint Hearings with Other Entities
- OAR 860-001-0570: Notice of Contested Case Hearing
- OAR 860-001-0580: Postponements and Continuances of Hearings
- OAR 860-001-0590: Conferences
- OAR 860-001-0610: Failure to Appear
- OAR 860-001-0650: Legal Argument
- OAR 860-001-0660: Major Proceedings
- OAR 860-001-0720: Rehearing or Reconsideration

Module 3 (Proposed): Testimony/Discovery

- OAR 860-001-0010: Definitions
- OAR 860-001-0450: Evidence
- OAR 860-001-0460: Official Notice
- OAR 860-001-0470: Resolutions
- OAR 860-001-0480: Testimony and Exhibits
- OAR 860-001-0490: Records in Other Proceedings
- OAR 860-001-0500: Discovery in Contested Case Proceedings
- OAR 860-001-0510: Subpoenas
- OAR 860-001-0520: Depositions
- OAR 860-001-0530: Admissions
- OAR 860-001-0540: Data Requests
- Potential new rule(s) re other than contested cases

Module 4 (Proposed): Rulemaking

- OAR 860-001-0010: Definitions
- OAR 860-001-0160: Filing Requirements in Rulemaking Proceedings
- OAR 860-001-0200: Public Participation
- OAR 860-001-0210: Permanent Rulemaking Notice
- OAR 860-001-0220: Conduct of Rulemaking Hearing
- OAR 860-001-0230: Rulemaking Record
- OAR 860-001-0240: Rulemaking Action
- OAR 860-001-0250: Petition to Promulgate, Amend, or Repeal Rule
- OAR 860-001-0260: Temporary Rulemaking

Module 5 (Proposed): Practice Before the PUC

- OAR 860-001-0010: Definitions
- OAR 860-001-0100: Impartiality
- OAR 860-001-0300: Practice Before the Commission
- OAR 860-001-0310: Representation and Ethical Conduct
- OAR 860-001-0320: Appearance of Attorneys; Pro Hac Vice
- OAR 860-001-0330: Former Employees
- OAR 860-001-0340: Ex Parte Communications

Module 6 (Proposed): Wrap Up

- Discussion of AHD proposed new rules not covered by other modules
- Discussion of new rules proposed by stakeholders
- Consistency edits; section numbering; definitions; needed amendments/additions related to docketing system upgrades
- Wrap-up module to discuss all Division 001 rules and to inform a final proposed Division 001 rules package from AHD.
- Potential need for multiple workshops.

Summary of Written Comments

- Sufficient time to review materials and prepare for workshops/prepare comments in advance of workshops.
- Consider schedules for other AR dockets in scheduling

- Sequencing Proposal:
  - Combine modules 1 (Administrative and General) and 5 (Practice Before the Commission)
  - Module 4
  - Combine modules 2 (Case mgmt./motions) and 3 (Testimony/Discovery)
  - New module to cover potential new rules

Summary of Written Comments

- Proposed New Rules:
  - Process and Content for all types of Commission orders (applicable to multiple modules)
  - Adopt AG Model Rules?
  - Confidentiality/Protective Orders important to address in near-term
- Notice general service list
- Avoid conflicts with BPA TC-27 Grid Access Transformation process

AR 641 Process

- Post initial proposed rules packet (PDF and Word)
- Schedule workshop and comment deadlines
  - Form scheduling?
  - Notify AHD of potential scheduling conflicts via email (or in form if applicable)
- Initial Comments
  - Redline/in-text comments helpful.
- Workshop
- Post-Workshop Comments
- Memo from ALJ with status update and next steps
- Repeat until ready for formal rulemaking proposal

- AR 672: Rulemaking re protective orders
  - Anticipated Dec. 2025 initial workshop

Model AG Rules

- Proposal in Comments to consider adopting Model Rules prepared by Oregon AG
- Located in Chapter 137 of Oregon Administrative Rules (OARs)
- As part of module comments, suggest adoption of specific Model AG rules in full or in part for discussion at workshop.

Discussion/Public Comment

- Opportunity for discussion, comments, questions about AR 641.

Oregon Public Utility Commission

Next Steps

- November 13, 2025 (3:00 p.m.): Deadline for post-workshop comments re Workshop 1 topics (puc.hearings@puc.oregon.gov)
- AHD will review all comments and today's discussion
- Workshop 2:
  - Finalize topics for Workshop 2
  - Publish packet of initial proposed rule changes for Workshop 2 topics
  - Schedule Workshop 2 and associated comment deadlines
  - Publish material in Dec. 2025; workshop 2 = Q1 2026
- Questions: puc.hearings@puc.oregon.gov