ITEM NO. RM2

PUBLIC UTILITY COMMISSION OF OREGON
AHD REPORT
PUBLIC MEETING DATE: April 14, 2026

REGULAR ___ CONSENT __ RULEMAKING __X__ EFFECTIVE DATE __N/A__

DATE: March 23, 2026

TO: Public Utility Commission

FROM: Michael Grant, Administrative Law Judge

THROUGH: Alison Lackey, Chief Administrative Law Judge **SIGNED**

SUBJECT: RULEMAKING TO AMEND RULES GOVERNING ALTERNATIVE DISPUTE RESOLUTION AND MEDIATION (Docket No. AR 679)
OAR Chapter 860 Divisions 002, 021, 034, 036, 037

RECOMMENDATION:

The Administrative Hearings Division (AHD) recommends that the Commission open a formal rulemaking to amend and clarify rules governing alternative dispute resolution (ADR) and mediation in Commission proceedings.

DISCUSSION:

Applicable Law

ORS 756.060 authorizes the Commission to adopt rules and regulations related to all statutes administered by the agency.

OAR Chapter 860 Division 002 contains rules governing the use of ADR in complaint proceedings before the Commission.

Commission rules governing consumer complaints are found in four divisions divided by utility type: Division 021—Energy and Large Telecommunication Utilities, Division 034—Small Telecommunications Utilities, Division 026—Water Utilities, and Division 037—Wastewater Utilities.

Background

The rules on ADR were developed in docket AR 629, a rulemaking that was opened out of the Commission's comprehensive investigation in docket UM 2000 into Oregon's implementation of the Public Utility Regulatory Policies Act (PURPA). The goal of the

rulemaking was to promote voluntary settlement of disputes and reduce litigation before the Commission. Although originally aimed at addressing disputes between utilities and qualifying facilities, the rules were expanded to apply to all complaints filed under ORS 756.500 as well as petitions for declaratory rulings filed under ORS 756.450.

Since the rules were adopted, the Commission and stakeholders noted difficulty with the rules' application to consumer complaints and declaratory rulings. First, the current rules with strict timelines and requirements for ADR do not lend themselves to consumer complaints, which are generally filed by individual customers without legal representation. Second, declaratory rulings—in which a person can request the Commission to address how it would apply a rule or statute to a set of facts—is not a suitable action for informal dispute resolution. The parties cannot reach voluntary settlement on how the Commission would decide a specified issue. The rules also do not accurately reflect that participation in ADR is voluntary for all parties involved. Due to that fact, they contain provisions that require petitioning of parties and sequential filings that can be streamlined or eliminated by requiring a joint request for alternative dispute resolution. The rules also impose strict deadlines that are difficult to meet under the varying circumstances that generally accompany these disputes.

To address these concerns, I reached out to stakeholders to explore possible changes to the ADR rules. On September 11, 2025, I sent a memorandum to the AR 629 service list and other interested persons inviting them to an informal workshop to discuss whether the rules governing ADR in should be amended. To help focus the discussion at the workshop, I attached a set of draft proposed rule amendments for review that identified five key proposed changes:

- Adopt a mediation option for consumer complaints and an ADR resolution process for other complaints
- Eliminate the option for informal resolution of petitions for declaratory rulings
- Require parties to jointly request formal ADR
- Require parties to file supporting information concurrently to assist the facilitator in the ADR process
- Adopt an expedited but flexible streamlined process for formal ADR

I held the workshop on September 29, 2025, and answered questions about the draft proposed changes, addressed other possible amendments, and generally discussed how the PUC can improve its rules to better promote informal resolution of disputes. Following the workshop, Northwest Natural Gas Company, dba NW Natural; NewSun Energy LLC; and Qualifying Facility (QF) Trade Groups (Renewable Energy Coalition, the Community Renewable Energy Association, and the Oregon Solar + Storage Industries Association) filed written comments.

Based on the comments received during and after the workshop, I made various changes in response to stakeholders' concerns and suggestions. I then circulated revised proposed rules with those changes and again invited further comment. The QF Trade Groups, NW Natural, and Portland General Electric (PGE) filed written comments generally supporting the changes and making additional recommendations.

Discussion

The proposed rules attached as Attachment 1 clarify the use of ADR and mediation in Commission complaint proceedings. With the limited exceptions addressed below, they incorporate stakeholder recommendations. The proposed rules are generally summarized as follows:

ADR v Mediation

The proposed rules provide that the ADR provisions in Division 002 apply to non-consumer complaints filed under ORS 756.500 and contain new provisions in the consumer complaint rules (Divisions 021, 034, 036, and 037) giving a complainant the opportunity to request mediation when filing a formal complaint. The respective rules are designed to address the different circumstances presented by the two types of complaints and will help keep these processes separate to eliminate confusion.

Consolidated ADR Provisions

For simplicity, the proposed rules combine all the ADR processes and timelines into one section. OAR 860-002-0030 now contains the various ADR rule provisions previously spread out through OAR 860-002-0030 through -0090.

Independent Assessment

The proposed rules modify provisions previously found in OAR 860-002-0090 to make clear that the ADR facilitator has the discretion whether to provide a confidential and independent assessment at the request of a party. The rules also clarify that any independent assessment is provided as privileged information to the requesting party, who holds the privilege and may decide whether to disclose the assessment to others.

Stakeholder Comments

As discussed above, the proposed rules incorporate most suggestions received to date from stakeholders. There are two exceptions, however.

First, NW Natural recommends that the Division 002 rules be modified to be consistent with their original intent by limiting the use of ADR to complaints related to PURPA.

Second, PGE is concerned about two limits contained in the rules. PGE believes that the five-business day window for a utility to agree to mediation under the consumer complaint provisions (*e.g.*, OAR 860-021-0015(5)(a)) is very tight and suggests expanding it to ten days. PGE also explains that the five-page limit for supporting information filed in advance of the ADR (OAR 860-002-0030(3)) may be too restrictive. Because a discussion of complex or technical issues may require more explanation, PGE suggests the default be increased to ten pages.

I recommend declining to include either of these suggestions in the proposed rules. The Commission made the decisions back in docket AR 629 to expand the ADR rules to other complaints and to limit the supporting materials to five pages. Stakeholders can discuss these suggestions, as well as the five-business day window for a utility to agree to mediation in consumer complaints and other matters, as part of the formal rulemaking process.

Proposed Commission Motion:

Approve the Administrative Hearings Division's request to issue notice of proposed rulemaking set forth in Attachment 1 for amendments to rules in OAR Chapter 860, Divisions 002, 021, 034, 036, and 037 relating to the use of ADR and mediation in Commission complaint proceedings.

ATTACHMENT 1

AR 679 Proposed Redline of Oregon Administrative Rules

AMEND: 860-002-0000
RULE TITLE: Applicability of Division 002
RULE SUMMARY: To explain how parties may request alternative dispute resolution (ADR) to resolve disputes.
RULE TEXT:

(1) The rules in this division apply to a complaint **filed under ORS 756.500 that is not a consumer complaint filed under OAR Divisions 021, 034, 036 or 037** ~~subject to ORS 756.500 or OAR 860-029-0100 or OAR 860-082-0085 or a petition for declaratory ruling subject to ORS 756.450. These provisions supplement the generally applicable filing and contested case procedures contained in OAR chapter 860, division 001, division 029, and division 082~~ **are intended to facilitate informal resolution of disputes and to provide fair, timely, and confidential settlement of issues to reduce litigation before the Commission.**

(2) Upon request or its own motion, the Commission may waive any of the division 002 rules for good cause shown.

(3) Upon the filing of a ~~petition~~ **joint request** for alternative dispute resolution **(ADR)** ~~consistent with these rules~~, all procedural deadlines associated with a**ny** ~~related~~ complaint **that raises the same disputed facts and issues between the same parties** ~~or petition for declaratory ruling~~ are stayed. ~~A complaint or petition for declaratory ruling is related to the alternative dispute resolution if it raises the same dispute or concerns the same underlying circumstances, or both, and concerns the same parties.~~ The stay is lifted upon the conclusion of the ~~alternative dispute resolution~~ **ADR** process.

STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060
STATUTES/OTHER IMPLEMENTED: ORS 183.502

DELETE: 860-002-0010
RULE TITLE: Purpose of Division 002
RULE SUMMARY:
RULE TEXT:

~~(1) OAR chapter 860, division 002 is intended to facilitate informal resolution of disputes, prevent litigation, and save time and resources for electric companies, qualifying facilities, and the Commission.~~

~~(2) These rules are intended to provide for fair, timely, and confidential dispute resolution that will aid parties in reducing the issues presented to the Commission.~~

~~STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060~~
~~STATUTES/OTHER IMPLEMENTED: ORS 183.502~~

DELETE: 860-002-0020
RULE TITLE: Definitions
RULE SUMMARY:
RULE TEXT:

~~(1) "Mediator" refers to the person or persons appointed by the Chief Administrative Law Judge to serve as the Commission's representative to facilitate the alternative dispute resolution process.~~

~~(2) "Party" refers to either the petitioner or respondent identified in the petition for alternative dispute resolution.~~

~~(3) "Petitioner" refers to the party that files a petition for alternative dispute resolution under these rules.~~

~~(4) "Respondent" refers to the adverse party named in a petition for alternative dispute resolution under these rules, a complaint under ORS 756.500 or OAR 860-029-0100 or OAR 860-082-0085, or a petition for declaratory ruling filed pursuant to ORS 756.450.~~

~~STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060~~
~~STATUTES/OTHER IMPLEMENTED: ORS 183.502~~

AMEND: 860-002-0030
RULE TITLE: Alternative Dispute Resolution (ADR) Process
RULE SUMMARY: This rule sets forth the process and timeline of the ADR process contemplated in the division 002 rules.

(1) At any time or concurrent with the filing of a complaint **under ORS 756.500 that is not a consumer complaint filed under OAR Divisions 021, 034, 036 or 037** ~~or a petition for declaratory ruling in a dispute, either party~~ **disputing parties** may **jointly request on a form provided by the Commission the use of ADR to facilitate the informal resolution of a dispute. A request for ADR may be filed at any time**~~petition for alternative dispute resolution with the Commission. Before filing such a petition, the petitioner must first provide a written request to the non-petitioning party to participate in the alternative dispute resolution process before the Commission and the non-petitioning party must confirm in writing its agreement to participate in the alternative dispute resolution process. Once both parties confirm in writing their agreement to participate in the alternative dispute resolution process, the Commission will provide mediation services under these rules~~.

~~(2) In the event a party files a complaint or petition for declaratory ruling but does not petition for alternative dispute resolution, the respondent named in the complaint or petition for declaratory ruling may file a petition for alternative dispute resolution under these rules. Before filing such a petition, the respondent must first provide written consent to the petitioner to participate in the alternative dispute resolution process before the Commission and petitioner must confirm in writing its agreement to participate in the alternative dispute resolution process. Once both parties confirm their agreement to participate in the alternative dispute resolution process, the Commission will provide mediation services under these rules.~~

~~(3) A party receiving a written request to participate in the alternative dispute resolution process under section (1) or (2) above must promptly advise in writing whether or not it agrees to participate in the alternative dispute resolution process under these rules. After the party consents to alternative dispute resolution, the petitioning party will promptly file its petition for alternative dispute resolution as provided in these rules.~~

(2) Upon receipt of a request for ADR, an Administrative Law Judge will be appointed to serve as facilitator as workload constraints allow. The parties may agree to hire an outside facilitator rather than seek ADR with the Commission. The parties must share equally the costs of an outside facilitator unless they mutually agree to a different payment arrangement. If an outside facilitator is used by the parties, the parties may decide to use rules governing the ADR process that are different than those contained in OAR Chapter 860 Division 002.

(3) Within seven business days of written notification that a facilitator has been appointed, each party must file directly with the facilitator and other party supporting materials. Supporting materials must not exceed five pages in length, unless otherwise agreed to by both parties, and

> **(a) Explain the core issues in the dispute and provide a summary of background information, and**
>
> **(b) Be accompanied by reference materials intended to aid the facilitator's understanding of the issues. Reference materials, such as an interconnection agreement or draft or partially executed power purchase agreements, will not count towards the five-page limit, and**
>
> **(c) Provide the parties' availability over the next 21 business days the parties are available to participate in an ADR session.**

(4) The facilitator will make best efforts to schedule a formal ADR session to be held within 15 business days after receiving the supporting materials. Subsequent formal ADR sessions may be scheduled, if both parties agree.

(5) Except as provided by subsection (b), only the parties and the facilitator may attend the ADR session.

> **(a) Unless otherwise agreed to by the parties, no more than four persons for each party may attend ADR sessions.**
>
> **(b) Parties may jointly request that Commission Staff participate in the ADR process. If appointed to participate, any selected Staff may not participate in any related complaint. Commission Support Staff may also attend as necessary for the purpose of hosting remote meetings.**

(6) The ADR session is led by the facilitator, who will begin the session by introducing parties, reviewing the protocol for the session, and stating the goals for the session. At the outset of the ADR session, each party will be given time to present their view of the dispute without interruption.

> **(a) Where appropriate, the facilitator may lead settlement discussions, engage in shuttle diplomacy between parties, or develop proposed settlement concepts after the ADR session for presentation at a subsequent ADR session.**

(b) If an agreement in principle is reached, the parties may request the facilitator to work with the parties to help resolve any disputes that may arise in drafting a final written settlement agreement.

(7) Unless otherwise agreed to in writing by the ADR participants, all written or oral communications made in preparation for or during the ADR process, including but not limited to offers of settlement, must be kept confidential by all ADR participants and may not be used for any purpose other than participation in the ADR process.

(8) For purposes of ORS 192.502(4), the Commission obligates itself to protect from disclosure any document submitted in confidence during the formal ADR process.

(9) If the parties are unable to reach informal resolution, then the facilitator will promptly file a statement with the Commission concluding the formal ADR. If an Administrative Law Judge serves as facilitator, that same Administrative Law Judge may not preside over any related complaint and may not discuss the merits of the dispute with other Commission employees.

(10) A party to an ADR session may request the facilitator provide an independent assessment of the issues and potential outcome of the case. If the facilitator agrees, the independent assessment may be provided orally or in writing and treated as privileged information that only the party requesting the assessment may disclose to others. If provided, the independent assessment reflects only the opinion of the facilitator and it not binding on the Commission.

DELETE: 860-002-0040
RULE TITLE: Process and Timeline for Alternative Dispute Resolution
RULE SUMMARY:
RULE TEXT:

~~(1) A petition for alternative dispute resolution under these rules will be filed with the Commission and will state the names of the parties and an affirmation that the non-petitioning party has agreed to participate in an alternative dispute resolution process.~~

~~(2) Within one business day of the filing of a petition for alternative dispute resolution, the Commission will contact the parties to inform them that a mediator has been appointed and to schedule the first mediation session.~~

~~(3) Within one business day of the appointment of a mediator, the petitioner will serve upon the non-petitioning party and the mediator the supporting materials described in OAR 860-002-0050.~~

~~(4) Within seven business days of receiving supporting materials, the non-petitioning party will serve a response on the petitioner and the mediator.~~

~~(5) A mediation session will be held within 14 business days after the initial petition is filed. Subsequent mediation sessions may be scheduled, if both parties agree.~~

~~(6) If no agreement is reached in the mediation session and the parties do not request additional mediation sessions, then, no later than three business days following the mediation session, the mediator will file a statement with the Commission indicating that no agreement was reached.~~

~~(7) Upon being informed that no agreement was reached, the Commission's Administrative Hearings Division will provide notice in any associated complaint or declaratory ruling docket that the stay on procedural deadlines is lifted.~~

~~(8) After the notice is provided, if the parties would like to continue discussions outside of the mediation process, the parties may jointly file a motion to stay further complaint proceedings to facilitate further settlement discussion. Thereafter, either party may provide notice that will end the stay.~~

~~(9) Any deadline in this rule may be modified by the agreement of the parties.~~

~~STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060~~
~~STATUTES/OTHER IMPLEMENTED: ORS 183.502~~

DELETE: 860-002-0050
RULE TITLE: Contents of a Petition for Alternative Dispute Resolution, Supporting Materials, and Response Requirements
RULE SUMMARY:
RULE TEXT:

~~(1) A petition for alternative dispute resolution under these rules will be filed using a form made available by the Commission. The petition will include the names of the parties, the docket number of the related complaint or petition for declaratory ruling (if applicable), and an affirmation that the non-petitioning party has agreed to participate in alternative dispute resolution.~~

~~(2) Supporting materials for a petition for alternative dispute resolution will not be filed with the Commission but instead will be exchanged by the parties in accordance with OAR 860-002-0040. Supporting materials must not exceed five in length, unless otherwise agreed to by both parties, and~~

~~(a) Must explain the core issues in the dispute and provide a summary of background information, and~~

~~(b) May be accompanied by reference material intended to aid the mediator's understanding of the issues. Petitioners are particularly encouraged to attach draft or partially-executed power purchase agreements to disputes related to a power purchase agreement. Reference material will not count towards the five-page limitation but should be limited in nature.~~

~~(3) The non-petitioning party's statement should not exceed five pages in length, unless otherwise agreed to by both parties, and~~

~~(a) The response must address the core issues in the dispute and provide a summary of background information.~~

~~(b) May be accompanied by reference material intended to aid the mediator's understanding of the issues. Non-petitioning parties are particularly encouraged to attach draft or partially-executed power purchase agreements to complaints related to a power purchase agreement. Reference material will not count towards the five-page limitation but should be limited in nature.~~

~~STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060~~
~~STATUTES/OTHER IMPLEMENTED: ORS 183.502~~

DELETE: 860-002-0060
RULE TITLE: Assignment of a Mediator
RULE SUMMARY:
RULE TEXT:

~~(1) For each request for alternative dispute resolution, the Chief Administrative Law Judge must appoint a mediator to facilitate the process.~~

~~(2) The Chief Administrative Law Judge may appoint an Administrative Law Judge trained in mediation, a mediation expert contracted to provide services to the Commission, or a mediator that has been suggested by both parties.~~

~~(a) If the Chief Administrative Law Judge appoints an Administrative Law Judge as mediator, that same Administrative Law Judge will not be appointed to preside over any related complaint or petition for declaratory ruling.~~

~~(b) An Administrative Law Judge that acts as mediator for a dispute is not permitted to disclose any aspect of the parties' positions, statements, or proposals with anyone (other than the parties), including but not limited to the Administrative Law Judge assigned to the related complaint or petition for declaratory ruling, Commissioners, Commission Staff, or Commission Advisors.~~

~~(c) The mediator must maintain confidentiality with respect to the mediation proceedings, and may disclose only whether an agreement was reached and if so, may disclose terms of the agreement if authorized by both parties.~~

~~STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060~~
~~STATUTES/OTHER IMPLEMENTED: ORS 183.502~~

DELETE: 860-002-0070
RULE TITLE: Confidentiality and Use of Statements, Proposals, or Materials in Alternative Dispute Resolution
RULE SUMMARY:
RULE TEXT:

~~(1) Unless otherwise agreed to by the parties in writing, all written or oral communications made by the parties in preparation for or during the mediation session(s) including but not limited to offers of settlement must be kept confidential by the parties and the mediator, may not be used by the non-disclosing party for any purpose other than participation in the mediation process, and may not be released to any third party or be offered into evidence in any legal proceeding unless agreed to in writing by both parties. Confidentiality obligations in this section apply to each party's employees and representatives (including each party's counsel).~~

~~(2) For purposes of ORS 192.502(4), the Commission obligates itself to protect from disclosure any document submitted in confidence during settlement discussions.~~

~~STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060~~
~~STATUTES/OTHER IMPLEMENTED: ORS 183.502~~

DELETE: 860-002-0080
RULE TITLE: Alternative Dispute Resolution Mediation Session
RULE SUMMARY:
RULE TEXT:

~~(1) Unless otherwise agreed to by the parties, no more than four persons for each party may attend the mediation session. Only the parties and the mediator may attend the mediation session, except as provided in section 2 of this rule.~~

~~(2) If agreed, parties may request that Commission Staff participate in a mediation. The Administrative Hearings Division will assess whether or not it is possible for Commission Staff to participate in an individual mediation. Any appointed Staff is not permitted to participate in any related complaint or petition for declaratory ruling proceedings, and is not permitted to disclose any aspect of the parties' positions, statements, or proposals with anyone (other than the parties), including but not limited to the Administrative Law Judge or Commission Staff assigned to the related complaint or petition for declaratory ruling, Commissioners, or Commission Advisors.~~

~~(3) The mediation session is led by the mediator. The mediator will begin the session by introducing parties, reviewing the protocol for the session, and stating the goals for the session. At the outset of the mediation, each party will be given time to present their view of the dispute without interruption.~~

~~(4) Where appropriate, the session may result in a negotiation. The assigned mediator will be available to the parties to support the development of settlement proposals.~~

~~(a) At the request of parties, the mediator may lead a settlement discussion, engage in shuttle diplomacy between parties, or develop proposed settlement concepts after the mediation session for presentation at a subsequent mediation session.~~

~~(b) If an agreement is reached, at the request of the parties, the mediator may continue to work with the parties under this rule in resolving any disputes that may arise in drafting a final written settlement agreement.~~

~~STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060~~
~~STATUTES/OTHER IMPLEMENTED: ORS 183.502~~

DELETE: 860-002-0090
RULE TITLE: Mediator Evaluation
RULE SUMMARY:
RULE TEXT:

~~(1) The mediator may provide parties with an independent assessment of the issues and potential outcome of the case.~~

~~(2) The mediator may provide the confidential assessment orally at the conclusion of a mediation session or, if requested by the parties, in writing to the parties following the session.~~

~~(3) The confidential independent assessment will be provided only to the parties and will not be provided to any other person, including any other party at the Commission, including, but not limited to, the Administrative Law Judge presiding over any related complaint or petition for declaratory ruling, the Commissioners, Commission Staff, or Commission Advisors. The assessment may not be admitted into in any legal proceeding unless agreed to in writing by both parties.~~

STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060
STATUTES/OTHER IMPLEMENTED: ORS 183.502

AMEND: 860-021-0015
RULE TITLE: Dispute Resolution
RULE SUMMARY: Explains dispute Resolution Process for Consumer Complaints
RULE TEXT:

(1) When a dispute occurs between a customer or applicant and a utility about any charge or service, the utility must:

(a) Thoroughly investigate the matter;

(b) Promptly report the results of its investigation to the complainant;

(c) Inform the complainant of the right to have a utility supervisor review any dispute;

(d) Prepare a written record of the dispute including the name and address of the complainant involved, the date the complaint was received, the issues in dispute, and the disposition of the matter; and

(e) Retain records of the dispute for at least 36 months after the investigation is closed.

(2) If the utility and complainant cannot resolve the dispute, the utility must inform the complainant of the right to contact the Commission's Consumer Services Section and request assistance in resolving the dispute. The utility must provide the following contact information for the Commission's Consumer Services Section:

(a) Telephone: 503-378-6600; 1-800-522-2404; TTY 711;

(b) Mailing address: Public Utility Commission of Oregon, Consumer Services Section, PO Box 1088, Salem, Oregon 97308;

(c) Physical address: Public Utility Commission of Oregon, 201 High Street SE, Suite 100, Salem, Oregon 97301;

(d) Electronic mail address: puc.consumer@puc.oregon.gov; and

(e) Website: https://apps.puc.state.or.us/consumer/complaint.asp.

(3) The Consumer Services Section will investigate any dispute upon request to determine whether it can be resolved as an informal complaint.

(4) If the Consumer Services Section cannot resolve the dispute the complainant may file a formal written complaint with the Commission under ORS 756.500. The formal complaint must be submitted on an approved form available from the Consumer Services Section.

(a) The complaint must be filed electronically with the Filing Center at PUC.FilingCenter@puc.oregon.gov;

(b) If complainant does not have access to electronic mail;

(A) The complaint may be mailed, faxed, or delivered to the Filing Center at the address set out in OAR 860-001-0140; and

(B) The complaint must include a request for waiver of electronic service and filing requirements. This request is included on the form available from the Commission's Consumer Services Section.

(c) The Commission will serve the complaint on the utility. The Commission may electronically serve the utility with the complaint if the electronic mail address is verified prior to service of the complaint and the delivery receipt is maintained in the official file;

(d) The utility must answer the complaint within 15 days of service of the complaint by the Commission; and

(e) The Commission will determine a procedural schedule after the utility's answer is filed. The utility must serve a copy of its answer on the complainant:

(A) If the utility files a motion to dismiss, the complainant may file a response within 15 days of the motion. If the complainant responds, the complainant must file the response with the Filing Center and send a copy to the utility. The Commission may make a decision on the formal complaint based on the information in the complaint, the utility's response and motion to dismiss, and the complainant's response to the utility's motion; or

(B) The Commission may set a procedural schedule for the complaint proceedings, including but not limited to, scheduling dates for receiving additional information from the parties, telephone conferences, or a hearing. A hearing may be held on less than 10 days' notice when good cause is shown.

(5) **At the time of the filing of a formal consumer complaint, the complainant may indicate on the consumer complaint form that the complainant is interested in using mediation to explore informal resolution.**

(a) Upon receipt of a complainant's interest in mediation, the Commission will direct the defendant utility to indicate, within five business days, whether it is willing to participate in mediation.

(b) If the utility agrees to mediation, the Commission will stay all procedural deadlines associated with the consumer complaint and expeditiously appoint an Administrative Law Judge to serve as mediator and schedule a mediation session. The mediator may request the parties to provide additional information to help facilitate the mediation.

(c) If the parties do not agree to mediation, or the parties are unable to reach informal resolution through mediation, the Commission will appoint an Administrative Law Judge who did not serve as mediator to schedule the matter for hearing.

(6) Upon filing a formal complaint **relating to a proposed or actual termination of service**, the complainant may request a hearing to determine whether the complainant is entitled to continued or restored service pending the resolution of the complaint. Unless extraordinary circumstances exist, the Commission will conduct the hearing electronically within 3 business days. Notice of the hearing will be provided to the complainant and the utility at least 12 hours before the date and time of the hearing. Pending resolution of the dispute, the complainant's obligation to pay undisputed amounts continues.

(~~6~~**7**) A complainant who has a registered dispute or formal complaint pending with the Commission is entitled to continued or restored service when:

(a) Service was not terminated for tampering with utility property, stealing, diverting, or using unauthorized service, or failure to establish credit;

(b) A bona fide dispute exists in which the facts asserted entitle the complainant to service;

(c) Termination is based on nonpayment, and the customer agrees to pay undisputed charges; and

(d) The complainant diligently pursues conflict resolution under the Commission's rules.

(~~7~~**8**) If the conditions in section (6) of this rule are not satisfied, the utility has no obligation to provide continued service. A utility discontinuing service because of a failure to meet the

conditions of subsections (6)(c) or (6)(d) of this rule must give the customer five-day notice served in the same manner as provided by OAR 860-021-0405 or 860-021-0505, whichever applies, except the notice need only describe the defect in performance, the date and time when utility service will terminate, and the toll-free number of the Commission's Consumer Services Section.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759
STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 756.500, ORS 756.512

AMEND: 860-034-0060
RULE TITLE: Dispute Resolution
RULE SUMMARY: Explains dispute Resolution Process for Consumer Complaints
RULE TEXT:

(1) When a dispute occurs between a customer or applicant and a small telecommunications utility about any charge or service, the utility must:

(a) Thoroughly investigate the matter;

(b) Promptly report the results of its investigation to the complainant;

(c) Inform the complainant of the right to have a small telecommunications utility supervisor review any dispute;

(d) Prepare a written record of the dispute including the name and address of the complainant involved, the date the complaint was received, the issues in dispute, and the disposition of the matter; and

(e) Retain records of the dispute for at least 36 months after the investigation is closed.

(2) If the utility and complainant cannot resolve the dispute, the small telecommunications utility must inform the complainant of the right to contact the Consumer Services Section and request assistance in resolving the dispute. The small telecommunications utility must provide the following contact information for the Consumer Services Section:

(a) Telephone: 503-378-6600; 1-800-522-2404; TTY 711;

(b) Mailing address: Public Utility Commission of Oregon, Consumer Services Section, PO Box 1088, Salem, Oregon 97308;

(c) Physical address: Public Utility Commission of Oregon, 201 High Street SE, Suite 100, Salem, Oregon 97301;

(d) Electronic mail address: puc.consumer@state.or.us; and

(e) Website: http://puc.state.or.us/consumer/customer%20complaint%20process.pdf.

(3) The Consumer Services Section will investigate any dispute upon request to determine whether it can be resolved as an informal complaint.

(4) If the Consumer Services Section cannot resolve the dispute, the complainant may file a formal written complaint with the Commission under ORS 756.500. The formal complaint must be submitted on an approved form available from the Consumer Services Section.

(a) The complaint must be filed electronically with the Filing Center at PUC.FilingCenter@state.or.us.

(b) If the complainant does not have access to electronic mail,

(A) The complaint may be mailed or delivered to the Filing Center at the address set out in OAR 860-001-0140; and

(B) The complaint must include a request for waiver of electronic service and filing requirements. This request is included on the form available from the Commission's Consumer Services Division.

(c) The Commission will serve the complaint on the small telecommunications utility. The Commission may electronically serve the small telecommunications utility with the complaint if the electronic mail address is verified prior to service of the complaint and the delivery receipt is maintained in the official file.

(d) The small telecommunications utility must answer the complaint within 15 days of service of the complaint by the Commission.

(e) The Commission will determine a procedural schedule after the small telecommunications utility's answer is filed. The small telecommunications utility must serve a copy of its answer on the complainant.

(A) If the small telecommunications utility files a motion to dismiss, the complainant may file a response within 15 days of the motion. If the complainant responds, the complainant must file the response with the Filing Center and send a copy to the utility. The Commission may make a decision on the formal complaint based on the information in the complaint, the small telecommunications utility's response and motion to dismiss, and the complainant's response to the utility's motion; or

(B) The Commission may set a procedural schedule for the complaint proceedings, including, but not limited to, scheduling dates for receiving additional information from the parties, telephone conferences, or a hearing. A hearing may be held on less than 10 days' notice when good cause is shown.

(5) **At the time of the filing of a formal consumer complaint, the complainant may indicate on the consumer complaint form that the complainant is interested in using mediation to explore informal resolution.**

(a) Upon receipt of a complainant's interest in mediation, the Commission will direct the defendant utility to indicate, within five business days, whether it is willing to participate in mediation.

(b) If the utility agrees to mediation, the Commission will stay all procedural deadlines associated with the consumer complaint and expeditiously appoint an Administrative Law Judge to serve as mediator and schedule a mediation session. The mediator may request the parties to provide additional information to help facilitate the mediation.

(c) If the parties do not agree to mediation, or the parties are unable to reach informal resolution through mediation, the Commission will appoint an Administrative Law Judge who did not serve as mediator to schedule the matter for hearing.

(6) Upon filing a formal complaint **relating to a proposed or actual termination of service**, the complainant may request a hearing to determine whether the complainant is entitled to continued or restored service pending the resolution of the complaint. Unless extraordinary circumstances exist, the Commission will conduct the hearing electronically within 3 business days. Notice of the hearing will be provided to the complainant and the utility at least 12 hours before the date and time of the hearing. Pending resolution of the dispute, the complainant's obligation to pay undisputed amounts continues.

(~~6~~**7**) A complainant who has a registered dispute or formal complaint pending with the Commission is entitled to continued or restored service when:

(a) Service was not terminated for tampering with utility property, stealing, diverting, or using unauthorized service, or failure to establish credit;

(b) A bona fide dispute exists in which the facts asserted entitle the complainant to service;

(c) Termination is based on nonpayment, and the customer agrees to pay undisputed charges; and

(d) The complainant diligently pursues conflict resolution under the Commission's rules.

(~~7~~**8**) If the conditions in section (6) of this rule are not satisfied, the utility has no obligation to provide continued service. A utility discontinuing service because of a failure to meet the conditions of subsections (6)(c) or (6)(d) of this rule must give the customer five-day notice served in the same manner as provided by OAR 860-021-0405 or 860-021-0505, whichever applies, except the notice need only describe the defect in performance, the date and time when utility service will terminate, and the toll-free number of the Commission's Consumer Services Section.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 759
STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 759.045, ORS 759.500

AMEND: 860-036-1150
RULE TITLE: Dispute Resolution
RULE SUMMARY: Explains dispute Resolution Process for Consumer Complaints
RULE TEXT:

(1) When a dispute occurs between an applicant or a customer and a water utility regarding any charge or service, the water utility must:

(a) Thoroughly investigate the matter;

(b) Promptly report the results of its investigation to the complainant;

(c) Inform the complainant of the right to have a water utility supervisor review any dispute;

(d) Prepare a written record of the dispute including the name and address of the complainant involved, the date the complaint was received, the issues in dispute, a summary of the water utility's efforts to resolve the dispute, and the disposition of the matter; and

(e) Retain records of the dispute for at least 36 months after the investigation is closed.

(2) If the water utility and the complainant cannot resolve the dispute, the water utility must inform the complainant of the right to contact the Consumer Services Section and request assistance in resolving the dispute. The water utility must provide the complainant information about how to contact the Consumer Services Section.

(3) The Consumer Services Section will investigate any dispute upon request to determine whether it can be resolved as an informal complaint.

(4) If the Consumer Services Section cannot resolve the dispute, the complainant may file a formal written complaint with the Commission under ORS 756.500. The formal complaint must be submitted on an approved form available from the Consumer Services Section.

(a) The complaint must be filed electronically with the Filing Center at PUC.FilingCenter@state.or.us.

(b) If the complainant does not have access to electronic mail,

(A) The complaint may be mailed, faxed, or delivered to the Filing Center at the address

set out in OAR 860-001-0140; and

(B) The complaint must include a request for waiver of electronic service and filing requirements. This request is included on the form available from the Consumer Services Section.

(c) The Commission will serve the complaint on the water utility. The Commission may electronically serve the water utility with the complaint if the electronic mail address is verified prior to service of the complaint and the delivery receipt is maintained in the official file.

(d) The water utility must answer the complaint within 15 calendar days of service of the complaint by the Commission. The water utility must serve a copy of its answer on the complainant.

(A) If the water utility files a motion to dismiss, the complainant may file a response within 15 calendar days of the motion. If the complainant responds, the complainant must file the response with the Filing Center and send a copy to the utility. The Commission may make a decision on the formal complaint based on the information in the complaint, the utility's response and motion to dismiss, and the complainant's response to the utility's motion; or

(B) The Commission may set a procedural schedule for the complaint proceedings, including, but not limited to, scheduling dates for receiving additional information from the parties, telephone conferences, or a hearing. A hearing may be held on less than 10 calendar days' notice when good cause is shown.

(5) At the time of the filing of a formal consumer complaint, the complainant may indicate on the consumer complaint form that the complainant is interested in using mediation to explore informal resolution.

(a) Upon receipt of a complainant's interest in mediation, the Commission will direct the defendant utility to indicate, within five business days, whether it is willing to participate in mediation.

(b) If the utility agrees to mediation, the Commission will stay all procedural deadlines associated with the consumer complaint and expeditiously appoint an Administrative Law Judge to serve as mediator and schedule a mediation session. The mediator may request the parties to provide additional information to help facilitate the mediation.

(c) <u>If the parties do not agree to mediation, or the parties are unable to reach informal resolution through mediation, the Commission will appoint an Administrative Law Judge who did not serve as mediator to schedule the matter for hearing.</u>

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757
STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 756.500-558

AMEND: 860-037-0025
RULE TITLE: Dispute Resolution
RULE SUMMARY: Explains dispute Resolution Process for Consumer Complaints
RULE TEXT:

(1) When a dispute occurs between a customer or applicant and a wastewater utility about any charge or service, the wastewater utility must:

(a) Thoroughly investigate the matter;

(b) Promptly report the results of its investigation to the complainant;

(c) Inform the complainant of the right to have a wastewater utility supervisor review any dispute;

(d) Prepare a written record of the dispute including the name and address of the complainant involved, the date the complaint was received, the issues in dispute, and the disposition of the matter; and

(e) Retain records of the dispute for at least 36 months after the investigation is closed.

(2) If the utility and complainant cannot resolve the dispute, the wastewater utility must inform the complainant of the right to contact the Consumer Services Section and request assistance in resolving the dispute. The wastewater utility must provide the following contact information for the Consumer Services Section:

(a) Telephone: 503-378-6600; 1-800-522-2404; TTY 711;

(b) Mailing address: Public Utility Commission of Oregon, Consumer Services Section, PO Box 1088, Salem, Oregon 97308;

(c) Physical address: Public Utility Commission of Oregon, 201 High Street SE, Suite 100, Salem, Oregon 97301;

(d) Electronic mail address: puc.consumer@state.or.us; and

(e) Website: http://puc.state.or.us/consumer/customer%20complaint%20process.pdf.

(3) The Consumer Services Section will investigate any dispute upon request to determine whether it can be resolved as an informal complaint.

(4) If the Consumer Services Section cannot resolve the dispute, the complainant may file a formal written complaint with the Commission under ORS 756.500. The formal complaint must be submitted on an approved form available from the Consumer Services Section.

(a) The complaint must be filed electronically with the Filing Center @PUC.FilingCenter@state.or.us.

(b) If the complainant does not have access to electronic mail,

(A) The complaint may be mailed or delivered to the Filing Center at the address set out in OAR 860-001-0140; and.

(B) The complaint must include a request for waiver of electronic service and filing requirements. This request is included on the form available from the Consumer Services Division.

(c) The Commission will serve the complaint on the wastewater utility. The Commission may electronically serve the utility with the complaint if the electronic mail address is verified prior to service of the complaint and the delivery receipt is maintained in the official file.

(d) The wastewater utility must answer the complaint within 15 days of service of the complaint by the Commission.

(e) The Commission will determine a procedural schedule after the wastewater utility's answer is filed. The wastewater utility must serve a copy of its answer on the complainant.

(A) If the wastewater utility files a motion to dismiss, the complainant may file a response within 15 days of the motion. If the complainant responds, the complainant must file the response with the Filing Center and send a copy to the utility. The Commission may make a decision the formal complaint based on the information in the complaint, the utility's response and motion to dismiss, and the complainant's response to the utility's motion; or

(B) The Commission may set a procedural schedule for the complaint proceedings, including, but not limited to, scheduling dates for receiving additional information from the parties, telephone conferences, or a hearing. A hearing may be held on less than 10 days' notice when good cause is shown.

(5) **At the time of the filing of a formal consumer complaint, the complainant may indicate on the consumer complaint form that the complainant is interested in using mediation to explore informal resolution.**

(a) Upon receipt of a complainant's interest in mediation, the Commission will direct the defendant utility to indicate, within five business days, whether it is willing to participate in mediation.

(b) If the utility agrees to mediation, the Commission will stay all procedural deadlines associated with the consumer complaint and expeditiously appoint an Administrative Law Judge to serve as mediator and schedule a mediation session. The mediator may request the parties to provide additional information to help facilitate the mediation.

(c) If the parties do not agree to mediation, or the parties are unable to reach informal resolution through mediation, the Commission will appoint an Administrative Law Judge who did not serve as mediator to schedule the matter for hearing.

(6) Upon filing a formal complaint **relating to a proposed or actual termination of service**, the complainant may request a hearing to determine whether the complainant is entitled to continued or restored service pending the resolution of the complaint. Unless extraordinary circumstances exist, the Commission will conduct the hearing electronically within 3 business days. Notice of the hearing will be provided to the complainant and the utility at least 12 hours before the date and time of the hearing. Pending resolution of the dispute, the complainant's obligation to pay undisputed amounts continues.

(~~6~~**7**) A complainant who has a registered dispute or formal complaint pending with the Commission is entitled to continued or restored service when:

(a) Service was not terminated for tampering with utility property, stealing, diverting, or using unauthorized service, or failure to establish credit;

(b) A bona fide dispute exists in which the facts asserted entitle the complainant to service;

(c) Termination is based on nonpayment, and the customer agrees to pay undisputed charges; and

(d) The complainant diligently pursues conflict resolution under the Commission's rules.

(~~7~~**8**) If the conditions in section (6) of this rule are not satisfied, the utility has no obligation to provide continued service. A utility discontinuing service because of a failure to meet the conditions of subsections (6)(c) or (6)(d) of this rule must give the customer five-day notice served in the same manner as provided by OAR 860-021-0405 or 860-021-0505, whichever applies, except the notice need only describe the defect in performance, the date and time when utility service will terminate, and the toll-free number of the Commission's Consumer Services Section.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757
STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 756.500, ORS 756.512, ORS 757.005, ORS 757.061