ISSUED: September 8, 2025

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

AR 641

In the Matter of Rulemaking to Review and Amend Division 001 Procedural Rules.	MEMORANDUM

At its October 6, 2020 regular public meeting, the Public Utility Commission of Oregon adopted a recommendation from its Administrative Hearings Division (AHD) to open a rulemaking to review and amend the Commission's Division 001 rules.[1] Shortly thereafter, AHD held a series of workshops and stakeholders submitted comments to inform the rulemaking. In December 2021, the Chief Administrative Law Judge announced that the rulemaking would be paused to allow the Commission to focus on its docket and discovery tool replacement project.

AHD will move forward with the docket AR 641 rulemaking to review and amend the Commission's Division 001 rules beginning in the fall of 2025. We anticipate that this process will take considerable time and effort from AHD, Commission Staff, and stakeholders and we acknowledge that this work is additive to already busy workloads. We appreciate everyone's efforts to participate in this process to improve our Division 001 rules and make them more relevant to modern practice before the Commission. We anticipate addressing revisions to the Division 001 rules regarding protective orders and Justice Funding in other dockets soon but may re-address those rule sections later in this docket for the purposes of renaming or renumbering Division 001 and implementing consistency edits.

I intend to hold a series of workshops to discuss subsets of our Division 001 rules, based in the modules found in an attachment to this Memorandum. This approach is designed to make our discussions more manageable and focused. Each workshop will allow for discussion on a subset of our rules, followed by opportunity for written comment. As a first step in this process, I seek feedback on the composition of each module. Although I welcome all comments on the modules and how I have grouped rules for discussion purposes, I am particularly interested in comments on the following:

[1] Order No. 20-335 (Oct. 7, 2020).

- 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?

I ask that any written comments be submitted by October 15, 2025, at 3:00 p.m. After the workshop is scheduled, I will establish a deadline for additional comments to be submitted within approximately two weeks of the workshop.

Note that we are not currently soliciting feedback on the substance of any particular rule, only on the division of rules into modules and their sequencing for workshops to begin this fall. Additional comment opportunities will be announced when future workshops are scheduled.

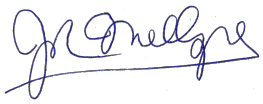
A remote workshop via Zoom video conference will be scheduled at one of the following times:

- October 21, 2025, at 1:30 p.m.
- October 23, 2025, at 9:30 a.m.
- October 24, 2025, at 1:30 p.m.
- October 27, 2025, at 9:30 a.m.
- October 29, 2025, at 1:30 p.m.

Any participant wishing to submit feedback on the scheduling of this initial workshop may do so by ranking the available options at: https://forms.office.com/g/JNGd892mWw. Each organization or entity planning to participate should submit only **one response for that entity.** The online poll will close on September 16, 2025, at 3:00 p.m.

After the initial workshop and rounds of comments, I will finalize a phased sequence for future workshops and set deadlines related to the first subset of rules to be discussed.

Dated: September 8, 2025



John Mellgren
Administrative Law Judge

Attachment: Division 001 Rules Modules

Division 001 Rules Modules

Module 1 (Administrative and General Requirements):

- 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 (Case Management, Motions, Misc.):

- 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 (Testimony and 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 (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 (Practice Before the Commission and Ethics):

- 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 (Wrap-Up):

- Wrap-up module to discuss all Division 001 rules and to inform a final proposed Division 001 rules package from AHD.