

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 660

In the Matter of

Adoption of Rules Relating to Resource
Adequacy.

RULING

DISPOSITION: COMMENTS ACCEPTED OUT OF TIME; WRITTEN COMMENT
PERIOD EXTENDED

On January 18, 2024, Northwest & Intermountain Power Producers Coalition (NIPPC) filed an expedited motion to extend the due date for written comments and modify the procedural schedule to incorporate initial and reply comments. On January 22, 2024, the motion was denied. Timely written comments were submitted on January 25, 2024, by Brookfield Renewable Trading and Marketing, and by PGE and PacifiCorp.

Idaho Power submitted comments on January 25, 2024, after the time deadline of 3 p.m. On January 26, 2024, Idaho Power filed a motion requesting that its comments be accepted out of time. Idaho Power states that, because its comments are “sufficiently different” from other filed comments, these comments should be accepted and included as a part of the formal rulemaking record in this case.¹

The formal phase of the Commission’s rulemaking process is guided by ORS 183.335. The statutory requirements for the agency include filing a notice with Secretary of State, service to a notification list and establishing a written comment deadline. A rulemaking hearing is often scheduled before the written comment deadline, as an additional means of gathering public comment, but is not a required procedural element.

Rulemaking proceedings are not procedurally complex like a contested case matter. The formal rulemaking schedule is intended to encourage the broadest participation. During the formal phase of rulemaking, the Commission encourages participants to provide their comments ahead of the deadline to allow other participants an opportunity to review and respond, resulting in fully vetted comments and a robust record.

To ensure that the record in these proceedings is complete, reflects broad participation, and contains substantive and comprehensive comments from all participants and interested persons, the comment due date is extended in this case to February 13, 2024. Comments must be filed by 3 p.m. or will not be accepted. Additional comments or responses to comments already filed are appropriate and encouraged, as explained above.

¹ Idaho Power Motion at 1 (Jan. 26, 2024).

Idaho Power's motion to accept late filed comments is granted. Comments filed by Idaho Power on January 25, 2024, after 3 p.m. will be included as part of the formal record.

Dated this 30th day of January, 2024 at Salem, Oregon.



Christopher J. Allwein
Administrative Law Judge