

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 669, LC 80, LC 85, UE 463, UG 525,  
UM 2000, UM 2273, UM 2274, UM 2371,  
UM 2377, UM 2383, and UM 2417

In the Matter of

NEWSUN ENERGY LLC,

Request for Official Notice of the Decision  
of the Oregon Court of Appeals.

RULING

**DISPOSITION: REQUEST FOR OFFICIAL NOTICE DENIED**

For the reasons explained below, NewSun Energy LLC’s request to take official notice in dockets AR 669, LC 80, LC 85, UE 463, UG 525, UM 2274, UM 2371, UM 2377, UM 2383, and UM 2417 is denied because it is procedurally improper. In addition, NewSun Energy has failed to provide sufficient justification to support its request for official notice in dockets UM 2000 and UM 2273.

**I. BACKGROUND**

On January 20, 2026, NewSun Energy filed a request for the Commission to take official notice of the Oregon Court of Appeals’ decision<sup>1</sup> affirming Order No. 24-004. In that order, the Commission decided many issues related to the implementation of House Bill (HB) 2021 (2021), a measure now codified in ORS 469A.400 *et seq.* aimed at decarbonizing Oregon’s electric grid. NewSun Energy appealed the Commission’s interpretation of ORS 469A.405(2), finding that neither it nor any other provision of HB 2021 contains an explicit requirement for utilities to acquire in-state resources or produce in-state benefits.

NewSun Energy’s request is unusual in that it was presented in the form of a letter that contains a blanket request for official notice in 12 different dockets comprising of contested cases, public meeting items, and a rulemaking. Those dockets are:

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<sup>1</sup> *NewSun Energy, LLC, v. Public Utility Commission of Oregon*, 346 Or App 279 (2025) (nonprecedential memorandum opinion).

- AR 669 - *Rulemaking to Amend Integrated Resource Plan Guidelines and Competitive Bidding Rules*
- LC 80 - *In the Matter of Portland General Electric Company, 2023 Clean Energy Plan and Integrated Resource Plan*
- LC 85 - *In the Matter of PacifiCorp, dba Pacific Power, 2025 Integrated Resource Plan and Clean Energy Plan*
- UE 463 – *In the Matter of PacifiCorp, dba Pacific Power, Advice No. 25-015, Schedule 401 Service to New Large Energy Use Facilities*
- UG 525 – *In the Matter of Cascade Natural Gas Corporation, Request for a General Rate Revision*
- UM 2000 – *In the Matter of the Public Utility Commission of Oregon, Investigation into PURPA Implementation*
- UM 2273 - *In the Matter of the Public Utility Commission of Oregon, Investigation Into House Bill 2021 Implementation Issues*
- UM 2274 - *In the Matter of Portland General Electric Company, 2023 All-Source Request for Proposals*
- UM 2371 – *In the Matter of Portland General Electric Company, 2025 All-source Request for Proposals*
- UM 2377 - *In the Matter of Public Utility Commission of Oregon, Investigation into Marginal Cost Study Treatment of Costs for Large Customers and Further Modifications to Portland General Electric Company's Rule C and Rule I*
- UM 2383 – *In the Matter of PacifiCorp, dba Pacific Power, Request to Engage Independent Evaluator, and Approval of 2025 Draft RFP*
- UM 2417 - *In the Matter of Public Utility Commission of Oregon, Identifying Priorities in Implementation of Executive Orders 25-25 and 25-29*

## **II. APPLICABLE LAW**

The Commission takes official notice in contested case proceedings to allow well-known and easily verifiable facts to be added to an evidentiary record without requiring the formal introduction of evidence. The Commission may do so on its own motion or at the request of a party. If taken, the Commission must allow other parties the opportunity to respond.

Under OAR 860-001-0420(1), the Commission may take official notice of “[a]ll matters of which the courts of the State of Oregon take judicial notice.” By operation of ORS 40.090, these matters include “decisional” law of Oregon government, such as decisions by the Oregon Court of Appeals.

Taking official notice under Commission rules is a matter of discretion, however. Court decisions are law, and parties need not introduce them as evidence to in order to rely upon them when presenting legal argument. There is no reason for parties to seek official notice of judicial decisions as evidence, which would be administratively burdensome. Parties may cite the law without it being evidence in the record.

### **III. DISCUSSION**

As noted above, some dockets in which NewSun Energy seeks official notice are rulemaking proceedings or those being addressed through the Commission’s public meetings process. Because the purpose of taking official notice is to supplement an evidentiary record in contested case proceedings, it follows that the PUC may take official notice only in contested case proceedings. Thus, NewSun Energy’s request to take official notice in AR 669, LC 80, LC 85, UE 463, UG 525, UM 2274, UM 2371, UM 2383, and UM 2417—all dockets being addressed through rulemakings and public meetings with no evidentiary record—is procedurally invalid.

NewSun Energy’s request to take official notice in dockets UE 463, UG 525, and UM 2377 is also invalid and is denied. While those dockets are contested case proceedings, NewSun Energy is not a party in those cases and has no standing to request official notice be taken.

NewSun Energy’s request for official notice in the two remaining dockets—UM 2000 and UM 2273—is proper to the extent that they are all contested case proceedings to which NewSun Energy is a party. NewSun Energy, however, has failed to provide any explanation why the Commission should deviate from its practice and take official notice of a legal opinion. More importantly, NewSun Energy ignores that the Court of Appeals decision it cites is a “nonprecedential memorandum opinion pursuant to ORAP 10.30” and does not address how that designation impacts the Commission’s ability to take official notice of it or what precedential weights the Commission should afford it.

#### IV. RULING

For these reasons, NewSun Energy's request to take official notice in dockets UM 2000 and UM 2273 is denied. This ruling does not preclude NewSun Energy from addressing the Court of Appeal's nonprecedential memorandum opinion in comments or briefing filed consistent with the established schedule in those dockets, subject to any applicable limitations and requirements contained in ORAP 10.30.

Dated: January 23, 2026



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Alison Lackey  
Chief Administrative Law Judge