

SB 83 A STAFF MEASURE SUMMARY

Senate Committee On Business and Transportation

Action Date: 02/08/17

Action: Do pass with amendments. Refer to Judiciary by prior reference. (Printed A-Eng).

Vote: 5-0-0-0

Yeas: 5 - Beyer, Girod, Monroe, Riley, Thomsen

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Clarifies requirements for judicial review of orders issued by the Public Utility Commission.

ISSUES DISCUSSED:

- Addresses inconsistency in appeals process
- Amendment makes exception for appeals by Citizens' Utility Board

EFFECT OF AMENDMENT:

Specifies that judicial review of an order may only be sought by a party to the contested case except as provided in ORS 774.180.

BACKGROUND:

The Oregon Public Utility Commission (PUC) is the state's regulatory body for investor-owned electric, natural gas and telephone utilities, as well as certain water companies. The agency also provides safety regulation of cooperatives, people's utility districts and municipally-owned utilities. The PUC's Administrative Hearings Division is responsible for conducting hearings and writing orders for cases that fall under the agency's jurisdiction. The Division utilizes administrative law judges to operate the hearings process in two types of proceedings - judicial-type contested cases and legislative-type rulemaking. Contested cases can apply to each of the regulated industries. Administrative decisions by the PUC can be appealed to the Court of Appeals.

Previous legislation transferred jurisdiction for hearing appeals of PUC orders from the Circuit Court to the Court of Appeals. The Commission has indicated that a prior statutory change inadvertently designated all orders issued by the Commission subject to appeal, as opposed to just contested case orders. Senate Bill 83 clarifies the relationship between orders issued by the Public Utility Commission and the judicial review process.