



MEMORANDUM

Prepared for: Oregon State Senate
Date: May 29, 2020
By: Tyler Larson, Analyst
Re: Legislative Review of Executive Appointments

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

PUBLIC UTILITY COMMISSION

The Governor has appointed the following individual to the Public Utility Commission subject to Senate confirmation.¹

Appointees

Letha Tawney of Portland, Reappointment

Term

June 1, 2020 – May 31, 2024

Appointment/Confirmation Authority

[ORS 756.014 \(2019\)](#)

Statement of Economic Interest²

Required.

Statutory Requirements³

The commission consists of three commissioners appointed by the Governor and subject to confirmation by the Senate (DECKER (D), **TAWNEY (D)**, THOMPSON (R)).⁴ No more than two commissioners may be of the same political party. Commissioners serve four-year terms and hold office until a successor has been appointed and qualified. The Governor may at any time remove a commissioner for any cause after providing the commissioner with a copy of charges and an opportunity for a hearing. Before entering upon the duties of office, each commissioner must take and subscribe to an oath or affirmation to support the Constitution of the United States and of this state, and to faithfully and honestly discharge the duties of office.⁵

No member of the commission, or the spouse or minor children of a commissioner, may:⁶

- hold any other office of profit;
- hold any office or position under any political committee or party;

¹ See [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2019\)](#), [ORS 171.565 \(2019\)](#).

² See [ORS 244.050 \(2019\)](#).

³ See [ORS 182.100 \(2019\)](#) for affirmative action policy and [ORS 236.115 \(2019\)](#) for diversity criteria.

⁴ ORS [756.014 \(2019\)](#).

⁵ ORS [756.022 \(2019\)](#).

⁶ ORS [756.026 \(2019\)](#).

- hold any pecuniary interest in any business entity conducting operations which if conducted in this state would be subject to the commission's regulatory jurisdiction; or
- hold any pecuniary interest in, have any contract of employment with, or have any substantial voluntary transactions with any business or activity subject to the commission's regulatory jurisdiction.

If the Governor determines that any commissioner has performed any prohibited act, or that a commissioner's spouse or a minor child has performed any prohibited act, the Governor must remove the commissioner.

The Governor must designate one commissioner as chairperson to serve as the administrative head of the commission and who serves in that role at the pleasure of the Governor.⁷ A majority of commissioners constitutes a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission.⁸

Duties and Authority

The commission regulates rates of Oregon's investor-owned electric, natural gas, and telephone utilities, as well as select water companies, and enforces electric and natural gas safety standards and handles utility-related dispute resolution on behalf of Oregon residents.⁹

The commission must:¹⁰

- dismiss any employee of the commission who fails to file statements regarding pecuniary interests in any business or activity subject to the commission's regulation or fails to divest interests when ordered by the commission;
- represent the customers of any public utility or telecommunications utility and the public generally in all controversies respecting rates, valuations, service, and all matters over which the commission has jurisdiction;
- make use of the jurisdiction and powers of the office to protect customers, and the public generally, from unjust and unreasonable exactions and practices and to obtain for them adequate service at fair and reasonable rates;
- balance the interests of the utility investor and the consumer in establishing fair and reasonable rates;
- keep office at the capital and shall be provided with suitable office quarters;
- inquire into any violation of the laws administered by the commission and report all violations to the Attorney General;
- keep a record of all moneys deposited in the Public Utility Commission Account;
- establish, assess, and collect annual fees to be paid by regulated utilities; and
- receive, initiate, investigate, and adjudicate complaints against any person whose business or activities are regulated by the commission.

⁷ ORS [756.014 \(2019\)](#).

⁸ ORS [756.016 \(2019\)](#).

⁹ Oregon Public Utility Commission, *About Us*, <https://www.oregon.gov/puc/about-us/Pages/default.aspx> (last visited May 22, 2020).

¹⁰ ORS [756.028](#) to [756.610 \(2019\)](#).

The commission may:¹¹

- organize and reorganize the office of the commission in the manner that it considers necessary to properly discharge the responsibilities of the commission;
- contract for or procure on a fee or part-time basis, or both, such experts, technical, or other professional services as it may require for the discharge of its duties;
- obtain such other services as it considers necessary or desirable;
- participate in organizations of regional and national utility commissions;
- appoint advisory committees;
- through the chairperson and with the consent of one or more of the other members of the commission, appoint and employ all subordinate officers and employees, prescribe their duties, and fix their compensation;
- through the chairperson, prescribe internal policies and procedures for the government of the commission, the conduct of its employees, the assignment and performance of its business, and the custody, use, and preservation of its records, papers, and property in a manner consistent with applicable law;
- provide such assistance to the Legislative Assembly and its committees as required by the Legislative Assembly for the performance of its duties, and may furnish to the Legislative Assembly and its committees such information, resources, and advice as the members of the Legislative Assembly consider necessary for the performance of legislative duties;
- supervise and regulate every public utility and telecommunications utility in this state, and do all things necessary and convenient in the exercise of such power and jurisdiction;
- participate in any proceeding before any public officer, commission, or body of the United States or any state for the purpose of representing the public generally and the customers of the services of any public utility or telecommunications utility operating or providing service within this state;
- make joint investigations, hold joint hearings within or without this state, and issue concurrent orders in conjunction or concurrence with any official, board, commission, or agency of any state or of the United States;
- request from the Attorney General such attorneys as the commission finds necessary;
- for the purpose of requesting a state or nationwide criminal records check, require the fingerprints of specified persons;
- hold sessions and maintain offices at places other than the capital for the more convenient and efficient performance of the duties imposed upon the commission by law, and be provided by the county court or board of county commissioners of any county in the state with suitable rooms for offices and hearings;
- adopt and amend reasonable and proper rules and regulations relative to all statutes administered by the commission;
- inquire into the management of the business of all regulated utilities and obtain from those utilities all necessary information to enable the commission to perform its duties;

¹¹ [ORS 756.036 to 756.990](#).

- with regard to any regulated utility, enter upon any premises, equipment, or facilities; inspect the books, accounts, papers, records and memoranda; and examine under oath any officer, agent, or employee;
- require or subpoena the production of any books, accounts, papers, or records kept by any regulated utility;
- apply to any circuit court of the state for the enforcement of laws administered by the commission;
- by rule prescribe for the free distribution for public information or educational purposes, or prescribe applicable charge for any blank form, transcript, document, order, statistical data, or publication prepared by and on file in the office of the commission;
- on petition of any interested person, issue a declaratory ruling with respect to the applicability to any person, property, or state of facts of any law enforceable by the commission;
- administer oaths, certify to official acts, issue notices in the name of the commission, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony, take and receive testimony, and conduct hearings and investigations;
- rescind, suspend, or amend any order made by the commission;
- provide by rule that any public utility or telecommunications utility affected by any order shall within a time to be fixed by the commission, notify the commission whether the terms of the order are accepted and will be obeyed; and
- assess civil penalties for specified violations.

Executive Appointments Board Roster

Public Utility Commission

Agency: Energy
Authorization: ORS 756.014
Members: Min: 3 Max: 3
Term Length: 4 years Limit: None
Senate confirmation required? Yes
Paid Position: Yes

Policy Area: Energy

Board Contact:

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Current Appointments:

Member Name and Address (Alphabetical)

Megan W Decker
Democrat
Term(s): 04-01-2017 - 03-31-2021

Position Number: 1

Letha A Tawney
Democrat
Term(s): 06-01-2020 - 05-31-2024
06-18-2018 - 05-31-2020

Position Number: 3

Letha A Tawney
Democrat
Term(s): 06-01-2020 - 05-31-2024
06-18-2018 - 05-31-2020

Position Number: 3

Mark R Thompson
Republican
Term(s): 12-01-2019 - 11-30-2023

Position Number: 2