

PUBLIC UTILITY COMMISSION OF OREGON
AHD REPORT
PUBLIC MEETING DATE: June 19, 2018

REGULAR ___ CONSENT X RULEMAKING EFFECTIVE DATE _____

DATE: July 3, 2018

TO: Public Utility Commission

FROM: Michael Grant, ^{MG} Chief Administrative Law Judge

SUBJECT: OREGON PUBLIC UTILITY COMMISSION: (Docket No. CD 23)
Delegation of Certain Duties and Powers.

AHD RECOMMENDATION:

Revise the Commission's delegation of authority.

DISCUSSION:

The Commission may delegate certain duties and powers to employees of the agency ORS 756.055. The Commission's current list of delegated authority is set forth in Order No. 17-388.

I recommend two changes to update the Commission's delegation. First, to provide uniformity of delegating the authority to sign orders to members of the Commission's executive management, the Commission should reassign certain delegated authority from the Central Services Administrator to the Chief Operating Officer.

Second, to provide greater efficiency with internal processes, the Commission should streamline and simplify the delegation of authority to sign orders memorializing decisions from Public Meetings, and reassign that authority from the COO to the Chief Administrative Law Judge.

The attached order revises that delegation accordingly.

PROPOSED COMMISSION MOTION:

Revise the Commission's delegation of authority as described in the attached order.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CD 23

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

The Delegation of Certain Duties and Powers
of the Public Utility Commission of Oregon.

ORDER

DISPOSITION: DELEGATION OF AUTHORITY AUTHORIZED

Under ORS 756.055, we may delegate certain duties and powers to employees of the agency. Our current list of delegated authority is set forth in Order No. 17-388.

We modify those delegations in two ways. First, we reassign the delegation of authority to sign certain orders from Central Services Administrator to the Chief Operating Officer (COO). Second, we streamline the delegated authority to sign orders to memorialize decisions made at a Public Meeting, and reassign that authority from the COO to the Chief Administrative Law Judge.

We deem it appropriate that the authority specified in Appendices A, B, C, D, and E to this order be delegated. These delegations supersede and replace all prior delegations.

IT IS SO ORDERED.

Made, entered and effective _____.

Megan W. Decker
Chair

Stephen M. Bloom
Commissioner

Letha Tawney
Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.

APPENDIX A

**DELEGATION OF AUTHORITY TO
COMMISSION CHAIR**

1. The Chair of the Commission is delegated the authority to take the following actions on behalf of the Commission:
 - a. Set the agenda for Regular Public Meetings, and determine whether to schedule a Special Public Meeting or convene an Executive Session.
 - b. Determine whether to waive a privilege held by the agency and publically disclose information otherwise exempt from disclosure under the Oregon Public Record Law;
 - c. Approve forms that must be approved or otherwise provided by the Commission;
 - d. Submit testimony and reports to the Oregon Legislative Assembly;
 - e. Determine whether the Commission should undertake joint investigations or enter into agreements with other federal or state agencies;
 - f. Provide testimony, comments, or argument to other federal or state courts or agencies;
 - g. Provide comments reflecting official positions of the Commission to federal and state elected officials, and
 - h. Approve sub-delegations of authority as provided in the delegations set forth in Appendices B, C, D, E, and F.
2. In exercising delegated authority, the Chair may consider the advice of any Commissioner, agency employee, or Commission Counsel who has knowledge of the subject matter.
3. The Chair may sub-delegate any of the specific authorities granted in this order in writing, as necessary, to another Commissioner.

APPENDIX B

**DELEGATION OF AUTHORITY TO
DIRECTOR
UTILITY PROGRAM**

1. The Director of the Utility Program is delegated the authority to take action and issue orders on behalf of the Commission relating to the following matters:
 - a. Settlement of Oregon Utility Notification Center complaints authorized by ORS 757.993;
 - b. Uncontested designation of exclusive service territories of investor-owned water utilities or joint water/wastewater utilities as authorized under ORS 757.061 and 757.063;
 - c. Uncontested cases related to Certificates of Authority for Telecommunications Competitive Providers, including uncontested applications to transfer a certificate;
 - d. Uncontested cases to certify Electricity Service Suppliers or register Electricity Service Aggregators;
 - e. Uncontested assertion of jurisdiction over a water utility under ORS 757.061(6) or an association under ORS 757.063(1);
 - f. Uncontested review and action related to requests by telecommunications carriers for a safety valve mechanism to address the numbering resource requirements; and
 - g. Approval of proposed Budget of Expenditures filed under ORS 757.105.
2. The Director of the Utility Program may delegate the authority granted in this order to any designee, subject to review by the Commission.
3. The authority to take action and issue orders on behalf of the Commission does not include authority to issue orders after hearing on an issue of fact or law.

APPENDIX C

**DELEGATION OF AUTHORITY TO
CHIEF OPERATING OFFICER**

The Chief Operating Officer is delegated the authority to the authority to:

1. Take action and issue orders on behalf of the Commission relating to the following matters:
 - a. Nonpayment of invoices by Telecommunication Devices Access Program recipients being held financially responsible under OAR 860-033-0536 and 860-033-0537;
 - b. Eligibility of a person for Oregon Telephone Assistance Program benefits under OAR 860-033-0030;
 - c. Uncontested assessments for nonpayment of the Residential Service Protection Fund surcharge revenue.
 - d. Assessments for nonpayment of Oregon Universal Service Fees under ORS 759.425; and
 - e. Assessments for nonpayment of gross revenue fees under ORS 756.310 and 756.320.
2. Serve as agency Appointing Authority for the Public Utility Commission, and for the Oregon Board of Maritime Pilots consistent with ORS 776.105(8)(b)(A) and (B).
3. Approve agency procedures and forms required for agency business.
4. The Chief Operating Officer may delegate authority granted in this order to any designee, subject to review by the Commission.

APPENDIX D

**DELEGATION OF AUTHORITY TO
CHIEF ADMINISTRATIVE LAW JUDGE**

1. The Chief Administrative Law Judge is delegated the authority to:
 - a. Modify time lines specified in a Commission order;
 - b. Sign suspension orders for general rate proceedings;
 - c. Stipulate with a utility under ORS 757.215(2) or a telecommunications utility under ORS 759.185(2) to extend a period of suspension;
 - d. Issue orders closing a docket where, prior to an evidentiary hearing:
 - i. The parties to a complaint proceeding reach a settlement and request the docket be closed; and
 - ii. The applicant, complainant or petitioner voluntarily withdraws the pleading that initiated the docket; and
 - e. Sign uncontested orders relating to Intervenor Funding Agreements that:
 - i. Approve or modify proposed budgets;
 - ii. Authorize final payment; and
 - f. Sign orders on behalf of the Commission following a unanimous decision in a public meeting to adopt the proposed Staff recommendation, unless the order adopts a recommendation that the Commission initiate an investigation on its own motion. *See* ORS 756.055(2)(b).
2. The Chief Administrative Law Judge may subsequently delegate authority to sign orders on behalf of the Commission relating to the above items to any designee, subject to review by the Commission.
3. The authority to take action and issue orders on behalf of the Commission does not include authority to issue orders after hearing on an issue of fact or law.

APPENDIX E

**DELEGATION OF AUTHORITY TO
HUMAN RESOURCES MANAGER**

1. The Human Resources Manager is delegated the authority to serve as agency Appointing Authority.
2. The Human Resources Manager may delegate authority granted in this order to any designee, subject to review by the Commission.

APPENDIX F

**DELEGATION OF AUTHORITY TO
AGENCY RULES COORDINATOR**

1. The Agency Rules Coordinator is delegated the authority to sign the Certificate and Order for filing Administrative Rules with the Secretary of State.
2. The Agency Rules Coordinator may delegate authority granted in this order to any designee, subject to review by the Commission.