

**PUBLIC UTILITY COMMISSION OF OREGON
AHD REPORT
PUBLIC MEETING DATE: January 24, 2017**

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____ **N/A** _____

DATE: January 16, 2017

TO: Public Utility Commission

FROM: Michael Grant *MG*

SUBJECT: PUBLIC UTILITY COMMISSION OF OREGON: (Docket No. CD 21)
Delegates Certain Duties and Powers.

RECOMMENDATION:

Revise delegations of agency authority as set forth in the attached draft order.

DISCUSSION:

Under ORS 756.055, the Commission may delegate certain powers and duties of the Commission to an individual commissioner or employee. The Commission has used this authority to delegate routine or noncontroversial actions for expediency and efficiency.

Traditionally, the Commission delegated authority in two ways—through orders under the “CD” docket designation and through internal agency policies. The Commission has also periodically revisited and revised the delegations.

The attached order consolidates all agency delegations. In the interest of transparency, the draft order specifies all delegations of authority, and supersedes all prior delegations, including those previously set forth in agency policy.

The order also revises current delegations to improve agency processes and to reflect changes in business practices. Among the changes, the delegations:

- Make explicit the authority of the Commission Chair to take certain actions on behalf of the Commission
- Transfer to the Chief Operating Office the authority to sign specified orders following a public meeting

- Provide the Chief Administrative Law Judge the authority to sign suspension orders for general rate proceedings, and
- Establish delegations for the Human Resources Director and the Agency Rules Coordinator

PROPOSED COMMISSION MOTION:

Adopt the delegations of authority as set forth in the attached draft order.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CD 21

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

In this order, we modify our process for delegating authority under ORS 756.055, and update those delegations to supersede and replace all prior delegations.

In the past, the Commission has delegated authority in two ways. First, we have used orders under the docket designation “CD” for a variety of delegations, including the authority to sign specified Commission orders. Second, we have use an internal Commission policy to delegate other authority, including duties to carry out necessary business functions.

We consolidate these processes going forward. In the interest of transparency, we will use orders under the “CD” docket designation for all delegations of authority.

We also update the delegations to improve agency processes and to reflect changes within our organization. We make three primary changes. First, we delegate to the Commission Chair the authority to take actions related to setting public meetings, waiving privileges held under the Public Records Law, to submit testimony or reports to the Oregon Legislative Assembly, and take other actions on behalf of the Commission. These delegations either make explicit authority provided by ORS 756.036(3) or provide the Commission greater flexibility in meeting its statutory obligations while ensuring continued collaboration among Commissioners.

Second, we delegate to the Chief Operating Officer the authority to sign specified orders following a unanimous decision in a public meeting, and to act as the Appointing Authority for the agency.

Third, we delegate to the Chief Administrative Law Judge the authority to sign suspension orders for general rate proceedings.

Finally, we add delegations to the Human Resources Director and the Agency Rules Coordinator to provide certain authority related to their specified roles within our organization.

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

IT IS SO ORDERED.

Made, entered and effective _____.

Lisa Hardie
Chair

John Savage
Commissioner

Stephen M. Bloom
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 on behalf of the Commission;
 - 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
ADMINISTRATOR
CENTRAL SERVICES DIVISION**

1. The Administrator of the Central Services Division is delegated the authority to 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. The Administrator of the Central Services Division 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 or in investigations initiated by the Commission.

APPENDIX C

**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 or in investigations initiated by the Commission.

APPENDIX D

**DELEGATION OF AUTHORITY TO
CHIEF OPERATING OFFICER**

1. The Chief Operating Officer is delegated the authority to:
 - a. Sign orders on behalf of the Commission following a unanimous decision in a public meeting relating to the following matters:
 - i. Suspension of Tariffs;
 - ii. Competitive Provider Cancellations;
 - iii. Interest Rate on Deposits/Late Payment Fees;
 - iv. Service Quality Measure Reports;
 - v. Natural Gas Company Earnings Reviews;
 - vi. Portfolio Options Committee Recommendations;
 - vii. Sale of Property;
 - viii. Affiliated Interest;
 - ix. Finance;
 - x. Deferred Accounting;
 - xi. Amortization of Deferred Costs;
 - xii. LSN (Less than Statutory Notice);
 - xiii. Sale of Securities.
 - xiv. Numbering conservation/Rate Center Numbering;
 - xv. Annual revenue fee levels.
 - xvi. Negotiated interconnection agreements between telecommunications service providers under Section 252(e) of the Telecommunications Act of 1996; and
 - xvii. Waiver of Commission rules; and
 - b. The authority to serve as agency Appointing Authority
 - c. The authority to approve agency procedures and forms required for agency business.
2. The Chief Operating Officer may delegate authority granted in this order to any designee, subject to review by the Commission.

APPENDIX E

**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; and
 - ii. Authorize final payment.
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 or in investigations initiated by the Commission.

APPENDIX F

**DELEGATION OF AUTHORITY TO
HUMAN RESOURCES DIRECTOR**

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

APPENDIX G

**DELEGATION OF AUTHORITY TO
AGENCY RULES COORDINATOR**

1. The Agency Rules Coordinator is delated 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.