ORDER NO. 02-835

ENTERED NOV 26 2002

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OF OREGON

AR 444

In the Matter of a Rulemaking to Amend OAR) 860-012-0010(2) Pertaining to Former) ORDER Commission Employees Appearing in) Commission Proceedings on Behalf of Other) Parties.

DISPOSITION: RULE AMENDED

At its regular public meeting on August 20, 2002, the Commission voted to initiate a rulemaking to amend OAR 860-012-0010(2) pertaining to former Commission employees appearing in Commission proceedings on behalf of other parties.

The Commission filed a Notice of Proposed Rulemaking with the Secretary of State on September 6, 2002, proposing to amend the above rule. The notice informed the public that a public rulemaking hearing may be requested in writing by 10 or more people or by an association with 10 or more members within a given time frame. The period for comments expired on October 21, 2002. No requests for hearing or comments were received within the time frame.

At its Public Meeting of November 19, 2002, the Commission considered and adopted the amended rule as modified, as contained in Appendix A.

ORDER

IT IS ORDERED that:

- 1. The modification to Oregon Administrative Rule 860-012-0010(2), as set forth in Appendix A, is adopted.
- 2. The amended rule shall be effective upon filing with the Secretary of State.

Made, entered, and effective ______.

Roy Hemmingway Chairman Lee Beyer Commissioner

Joan H. Smith Commissioner

A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

860-012-0010

Former Employees

(1) No former Commission employee may appear on behalf of other parties in a formal proceeding in which the former employee took an active part on the Commission's behalf.

(2) Except with the Commission's written permission, no former Commission employee shall appear as a **n expert** witness on behalf of other parties in a formal proceeding in which the former employee took an active part on the Commission's behalf.

(3) Except with the Commission's written permission, no person now working for the Commission, who was formerly employed by a company subject to the jurisdiction of the Commission, or a company appearing before the Commission in a proceeding, or an affiliate of such company, shall appear as a witness on behalf of the Commission in a formal proceeding in which the person took an active part on the company's behalf as an employee of the company. Prior to giving its written permission to the person, the Commission shall notify the affected company and the other parties to the formal proceeding. The Commission shall allow the affected company an opportunity to object to the Commission granting permission to the person. The Commission will also allow the other parties to the formal proceeding an opportunity to respond to the affected company's objection, if any.

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stats. Implemented: ORS 756.040 & 756.500 through 756.575

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 1-1985, f. & ef. 2-1-85 (Order No. 85-075); PUC 15-1997, f. & ef. 11-20-97 (Order No. 97-443); PUC 3-2002, f. & ef. 2-5-02 (Order No. 02-010)

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