

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 464

In the Matter of a Proposed Rulemaking )  
to Adopt Rules for the Inclusion of ) **RULING**  
Government Human Services Information )  
in Telephone Directories. )

**DISPOSITION: COMMENTS EXCLUDED FROM THE RECORD**

At its December 7, 2004, Public Meeting, the Commission opened a rulemaking docket to consider a proposed rule regarding the inclusion of government human services information in directories published by telecommunications utilities. On December 14, 2004, the Commission filed a Notice of Proposed Rulemaking Hearing with the Archives Division of the Secretary of State and, on December 29, 2004, served it on persons interested in such matters.

The notice set out the amendments proposed by Commission Staff, and included a Statement of Need, Statutory Authority, Principal Documents Relied Upon, and Fiscal and Economic Impact. The Notice clearly stated: “February 8, 2005, Last day for Public Comment.”

The Notice notwithstanding, the City of Portland filed Supplemental Comments on February 17, 2005, Jim Long filed Comments on February 23, 2005, and Dex Media filed Supplemental Comments on March 2, 2005. Julie Mikalson emailed comments to the Commission on February 8, 2005, but failed to follow up the electronic filing with a hard copy, as required by OAR 860-013-0036.

**Discussion.** All interested persons had ample opportunity to submit comments prior to the hearing date, and every person wishing to testify at the hearing did so. Oregon law requires the exclusion of late-filed comments.<sup>1</sup> The reason is simple: submission of late-filed comments undermines administrative fairness and the orderly conduct of the Commission’s business in the public interest.<sup>2</sup>

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<sup>1</sup>See ORS 183.335(14).

<sup>2</sup>Qwest filed Supplemental Comments after the close of the public hearing, but before the end of the March 8, 2005, business day. The Qwest Supplemental Comments could not be excluded because they complied with the precise wording of the Notice.

## **RULING**

All comments filed with the Commission in this docket after the close of business on February 8, 2005, or otherwise failing to be in compliance with Commission rules are EXCLUDED FROM THE RECORD.

Dated at Salem, Oregon, this 8<sup>th</sup> day of March, 2005.

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Allan J. Arlow  
Administrative Law Judge

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