

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 511

In the Matter of )  
 )  
Rulemaking to Adopt and Amend ) **MEMORANDUM**  
Division 011 Rules. )

On November 28, 2006, the Public Utility Commission of Oregon (Commission) will hold a hearing to receive comments on a proposed rulemaking. The rulemaking will address three issues: (1) public records requests; (2) confidential information; and (3) fees and penalties.

Currently, Commission rules do not provide any process for the filing and review of requests made under Oregon's Public Records law, ORS Chapter 192. The proposed rules establish the requirements for making such requests, as well as the charges the agency will impose to recover its costs in responding. The rules also clarify how the Commission will process public records requests seeking information that has been designated as confidential.

Commission rules also fail to explain how the agency treats information that has been designated as confidential. While protective orders generally establish procedures governing the treatment of such information in contested case proceedings, the proposed rules establish default standards for confidential filings where no protective order exists.

Finally, the proposed rules clarify the fees or penalties the Commission will charge for annual subscriptions to agency orders, notices, rules and other publications, returned checks, untimely payment of fees required by statute, and late-filed statements and reports.

The November 28<sup>th</sup> rulemaking hearing will be divided into two parts. First, I will begin with a workshop setting to informally discuss the proposed rules and address any concerns or suggested revisions. Second, I will conduct a formal rulemaking hearing, at which time the participants may present formal comments for Commission consideration. I am hopeful that this process will help the Commission adopt rules that meet both the needs of the agency and those who appear before it.

Dated at Salem, Oregon, this 25th day of October 2006.

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Michael Grant  
Chief Administrative Law Judge