

ORDER NO. 25-408

ENTERED Oct 15 2025

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CD 27

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: ADMINISTRATIVE HEARINGS DIVISION'S RECOMMENDATION
ADOPTED**

This order memorializes our decision, made and effective at our October 14, 2025 Regular Public Meeting, to adopt the Administrative Hearings Division's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

Made, entered, and effective Oct 15 2025.



Letha Tawney
Chair



Les Perkins
Commissioner



Karin Power
Commissioner



A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

ITEM NO. CA6

**PUBLIC UTILITY COMMISSION OF OREGON
AHD REPORT
PUBLIC MEETING DATE: October 14, 2025**

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

DATE: October 8, 2025

TO: Public Utility Commission

FROM: Alison Lackey, Chief Administrative Law Judge **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION: (Docket No. CD 27)
 Delegation of Certain Duties and Powers.

RECOMMENDATION:

Revise the Commission's delegation of authority.

DISCUSSION:

The Commission may delegate certain duties and powers to employees of the agency under ORS 756.055. The Commission's current list of delegated authority is set forth in Order No. 23-321.

I recommend modifications to that list to reflect changes to the agency's organization and assignment of Appointing Authority, as set forth in Appendices A through H. I recommend that the Commission determine that the authority specified in Appendices A through H be delegated, with these delegations superceding and replacing all prior delegations.

First, the delegations should be modified as set forth in Appendices C and D to reflect separate delegations to the Energy Program Director, a new executive manager position that now heads the agency's Energy Rates and Regulatory Strategy and Energy Resources and Planning Divisions and the Water, Safety, and Consumer Program Director. I recommend establishing the delegations to the Energy Program Director as set forth in Appendix C and the delegations to the Water, Safety, and Consumer Program Director as set forth in Appendix D. Appendix C should also be modified to give the Energy Program Director broad authority to update standard data requests.

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Second, the delegations to the Chief Operating Officer should be updated to reflect the addition of authority to serve as the agency's Appointing Authority for all non-executive service employees, along with the Executive Director and the Human Resources Director. These changes are set forth in Appendices B, E, and G.

Third, the delegation to the Executive Director should be updated to include day-to-day decision-making related to public records and public records policies. These changes are set forth in Appendix B.

Fourth, the duties of the Chief Administrative Law Judge are clarified to reflect that the delegated authority to sign orders on behalf of the Commission following a unanimous decision in a public meeting to adopt the proposed Staff recommendation does not include decisions that make effective a rule, consistent with ORS 756.055(2)(c). The duties of the Chief Administrative Law Judge are also clarified with respect to issuing uncontested orders relating to Intervenor Funding Agreements to specifically identify those actions related to ongoing administration of the Intervenor Funding Agreements. These changes are set forth in Appendix F.

PROPOSED COMMISSION MOTION:

Revise the Commission's delegation of authority as set forth in the attached Appendices A through H.

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;
 - c. Approve forms that must be approved or otherwise provided by the Commission;
 - d. Submit testimony and reports to the Oregon Legislative Assembly, Governor's Office, or other units of government;
 - e. Provide direction for agency action in response to and during extreme events impacting utility service, including but not limited to seismic, wildfire, cyber, or storm events. These actions include communications and coordination within and outside of the agency during these extreme events, but this does not include the ability to make decisions related to utility rates or terms of service;
 - f. Determine whether the Commission should undertake joint investigations or enter into agreements with other federal or state agencies;
 - g. Provide testimony, comments, or argument to federal or state courts and agencies, groups of state and federal government officials, and regional energy organizations;
 - h. Provide comments reflecting official positions of the Commission to federal and state officials; and
 - i. Approve sub-delegations of authority as provided in the delegations set forth in Appendices B, C, D, E, F, G, and H.
2. In exercising delegated authority, the Chair may consider the advice of any Commissioner, agency employee, or an Assistant Attorney General 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 or the Executive Director.

APPENDIX B

**DELEGATION OF AUTHORITY TO
EXECUTIVE DIRECTOR**

1. The Executive Director is delegated the authority to:
 - a. Prescribe internal policies and procedures for the government of the Commission; the conduct of its employees; the assignment and performance of its business; and the custody, use, and preservation of its records, papers, and property in a manner consistent with applicable law;
 - b. Serve as agency Appointing Authority to appoint and employ all agency employees, with the exception of the agency's executive managers;
 - c. Consult with the Department of Justice and make decisions necessary for the management of pending litigation before federal or state courts or agencies relating to procedure and practice, and to approve the filing of case-related pleadings, testimony, comments, or argument; and
 - d. Determine whether to waive a privilege held by the agency and publicly disclose information otherwise exempt from disclosure under the Oregon Public Record Law.
2. The Executive Director may sub-delegate any of the specific authorities granted in this order in writing, as necessary, to any designee, subject to approval by the Commission Chair.

APPENDIX C

**DELEGATION OF AUTHORITY TO
DIRECTOR OF THE ENERGY PROGRAM**

1. The Energy Program Director is delegated the authority to take action on behalf of the Commission relating to the following matters:
 - a. Approval of proposed Budget of Expenditures filed under ORS 757.105; and
 - b. Development and Updates to all Standard Data Requests referenced in Commission rule and delegated to the Chair.
2. The Energy Program Director may delegate the authority granted in this order to any designee, subject to approval by the Commission Chair.
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 D

**DELEGATION OF AUTHORITY TO
DIRECTOR OF THE WATER, SAFETY, AND CONSUMERS SERVICES
PROGRAM DIRECTOR**

1. The Water, Safety, and Consumer Services Program Director is delegated the authority to take action on behalf of the Commission relating to the following matters:
 - a. Settlement of Oregon Utility Notification Center complaints authorized by ORS 757.993; and
 - b. The use fees to make emergency repairs to water utilities under ORS 757.068.
2. The Water, Safety, and Consumer Services Program Director may delegate the authority granted in this order to any designee, subject to approval by the Commission Chair.
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
CHIEF OPERATING OFFICER**

1. The Chief Operating Officer is delegated the authority to:
 - a. Serve as agency Appointing Authority to appoint and employ all agency employees, with the exception of the agency's Executive Director and executive managers, as well as Appointing Authority for the Oregon Board of Maritime Pilots consistent with ORS 776.105(8)(b)(A) and (B);
 - b. Serve as Approving Officer for all out-of-state travel request for the Commission and the Oregon Board of Maritime Pilots;
 - c. Serve as Approving Officer for policy exception requests or justification for the deviation from statewide policies and procedures governing the Commission's Business Services Section, Human Resources Section, and Information Systems Section; and
 - d. Serve as Approving Officer for appropriation, allotment, and budget of expenditures for the Commission and Oregon Board of Maritime Pilots.
2. The Chief Operating Officer may delegate authority granted in this order to any designee, subject to the approval by the Commission Chair.

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

1. The Chief Administrative Law Judge is delegated the authority to:
 - a. Modify timelines 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;
 - e. Sign uncontested orders relating to Intervenor Funding Agreements that:
 - i. Approve or modify proposed budgets;
 - ii. Determine a proceeding to be eligible for issue or case funding;
 - iii. Certify an organization as eligible for issue or case funding; and
 - iv. Authorize partial or final payments.
 - 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 or makes effective a rule. *See* ORS 756.055(2)(b), (c);
 - g. Take action on behalf of the Commission relating to the following matters:
 - i. Uncontested designation of exclusive service territories of investor-owned water utilities or joint water/wastewater utilities as authorized under ORS 757.061 and ORS 757.063;
 - ii. Uncontested cases related to Certificates of Authority for Telecommunications Competitive Providers, including uncontested applications to transfer a certificate;
 - iii. Uncontested cases to certify Electricity Service Suppliers or register Electricity Service Aggregators;
 - iv. Uncontested review and action related to requests by telecommunications carriers for a safety valve mechanism to address the numbering resource requirements;
 - v. Nonpayment of invoices by Telecommunication Devices Access Program recipients being held financially responsible under OAR 860-033-0536 and OAR 860 033-0537;
 - vi. Eligibility of a person for Oregon Telephone Assistance Program benefits under OAR 860-033-0030;
 - vii. Uncontested assessments for nonpayment of the Residential Service Protection Fund surcharge revenue;

- viii. Assessments for nonpayment of Oregon Universal Service Fees under ORS 759.425; and
 - ix. Assessments for nonpayment of gross revenue fees under ORS 756.310 and 756.320.
- 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 the approval of the Commission Chair.
- 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 G

**DELEGATION OF AUTHORITY TO
HUMAN RESOURCES DIRECTOR**

The Human Resources Manager is delegated the authority to serve as agency Appointing Authority to appoint and employ all agency employees, with the exception of the agency's Executive Director and executive managers.

APPENDIX H

**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.