

Filing a Formal Complaint

Fact



Sheet

When do I file a formal complaint?

You may file a formal complaint with the PUC's Filing Center if you cannot resolve your billing or service dispute on your own or with the help of our Consumer Services Section.

How do I file a formal complaint?

Ask the Consumer Services Section for a formal complaint form. Return the completed form to the Filing Center.

What happens after I file a formal complaint?

Your complaint will receive a docket number, and a copy of the complaint will be sent to the utility. The utility has 15 days to respond, and you will receive a copy of the response.

If the utility has or intends to disconnect your service, you may ask for our help. Depending on the circumstances, the PUC may direct the utility to continue or restore service until your complaint is resolved.

After the utility responds to your complaint, an Administrative Law Judge (ALJ) will schedule a telephone conference with you and the utility. The ALJ will clarify issues, determine whether settlement can be reached, and if necessary schedule a date for hearing. You will receive a written notice that includes the time, date, and place of any hearing.

Who's who in a formal complaint case?

Parties – you and the utility are called parties. You are the complainant; the utility is the defendant. At the hearing, each party may present evidence, ask questions of witnesses, object to evidence, and present argument.

The utility may be represented by an attorney. You may hire an attorney to represent you, but you are not required to. If you decide during the hearing that you need an attorney, you may ask the ALJ for a continuance to obtain legal counsel. A continuance is not normally granted during the hearing unless you have a good reason for not hiring an attorney before the hearing.

How do I prepare for the hearing?

You can request information from the utility on issues in your complaint. You may subpoena witnesses. You may also ask the ALJ how to request information.

The hearing is similar to a trial before a judge without a jury. *See* ORS 756.518 to 756.610.

What happens at the hearing?

At the hearing, you and the utility will call witnesses and present evidence (orally or in writing) on all issues relating to your complaint. If you want to use documents (such as bills, receipts, letters or other papers), bring the original and three copies to the hearing. The hearing will not be postponed to give you more time to obtain additional evidence unless you show that you could



not have produced the evidence at the hearing. As the complainant, you must prove that you are entitled to the requested relief. The ALJ will decide the order in which evidence will be presented.

Testimony is given under oath. Witnesses may be asked questions. You may request that your witnesses be ordered to appear at the hearing. You should request subpoenas in writing to the ALJ at least 20 days before the hearing. The ALJ will resolve disputes regarding witnesses.

The ALJ may ask questions of you, the utility company or the witnesses. The ALJ will rule on any objections or motions made, and will admit evidence into the official case record. Both parties may object to the admission of evidence. If your evidence is not admitted, you may appeal the ruling. You may make an “offer of proof” of any evidence that is excluded if you would like to challenge the ALJ’s ruling to exclude the evidence. Only evidence that is admitted will be used by the PUC to reach a decision.

After the evidence is offered, each party may give a closing argument. You should tell the PUC how the facts apply to the law. You argue first, then the utility. You then may respond to the utility’s argument.

The hearing will be recorded to make an official record of the proceedings. The record of the hearing may be used to assist the parties in filing written legal arguments, the Commissioners in deciding the complaint, or the court in reviewing the PUC’s decision, if necessary.

The hearing will either be recorded by the ALJ via an audio recording, or by a court reporter. You may obtain a copy of an audio recording by paying the amount established in the PUC’s Administrative Rules. *See* OAR 860-001-0060.

If a court reporter recorded the hearing, you may request a word-for-word written transcript of the hearing. You must pay the court reporter for the cost of preparing the transcript. If you cannot afford to

pay for the copy of the transcript you must provide a statement called an “Affidavit of Indigency” explaining why you cannot afford to pay. Request the “Affidavit of Indigency” from AHD and provide it at the time you request the free copy.

What happens after the hearing?

The ALJ makes recommendations to the three PUC Commissioners. You will not have the opportunity to comment on the ALJ’s recommendation.

The Commissioners may accept, reject or modify the ALJ’s recommendation. The final order is always issued by the Commissioners. You will receive a copy of the final order.

The final order will include information about how to appeal the decision. You have 60 days from the date of service of the final order to appeal it. You may ask for reconsideration by the PUC or file an appeal to the court. By law, appeals go to the Court of Appeals, and then possibly to the Supreme Court. *See* ORS 756.610. ***The PUC cannot grant money damages or attorney fees.***

If you have questions about the process, call the Consumer Services Section at (800) 522-2404 before filing a formal complaint, or the Administrative Hearings Division at (503) 378-6678 after filing a formal complaint. TTY users call the Oregon Relay at 1-800-735-2900.