

Oregon Public Utility Commission AR638 Complaint Process

OAR 860-024-0061 Resolution of Violations of Commission Safety Rules in High Fire Risk Zones

- Carried over item from AR638 & UM2253 Wildfire Mitigation rules.
- Limited process; only relates to HFRZs.
- Focused occurrences, specific to ignition risks.
- Process for any Operator, power and telecom, IOU or COU.
- New process, subject to evolution as we learn.
- Leverages skills in Consumer Services in managing interactions with stakeholders; such as 811 complaint records and Damage Prevention complaints.





HFRZ Foreign-Owned Facilities Complaint Form

This form has been developed to ensure that the complaint process outlined in OAR 860-024-0061 can be conducted in a manner as expedited and streamlined as possible. Complainants should be aware that it is possible that the Commission will need to contact the Complainant further to request additional information to adjudicate this Complaint, and it is also possible that the Commission will need to employ formal procedures to gather additional evidence.

This form can be used for multiple violations of Commission rules and for violations associated with multiple notices to or received by the owner of the foreign-owned facility when located in a designated high fire risk zone (HFRZ).

If you have questions about the information that should accompany this form or the complaint process in general, please contact Consumer Services at (503) 378-6600 or puc.consumer@puc.oregon.gov.

- 1) Name of Complainant:
- 2) Name of Respondent:
- 3) List each violation for which a notice was sent (notices may include multiple violations) by pole number and location. If this complaint involves more than one notice, identify which violations correspond with which notice (e.g., by date of notice.)
- 4) Action taken and relief sought.
 - a. If you are a utility filing a complaint about an ignition risk in a HFRZ, state whether you have repaired the violation(s) and seek reimbursement or whether you seek to compel the owner to remedy the violation(s).
 - b. If you are a third-party pole or equipment owner contesting a notice or bill for repairs, please explain why the notice or bill is in error.

- 5) If you are seeking reimbursement or are contesting a bill, what is the dollar amount? Please break this out in itemized form (i.e., labor, parts, and any applicable surcharge).
- 6) Who at your organization can Commission Staff contact with additional questions about this Complaint? This person should be able to answer questions about, for instance, the names of potential witnesses such as the inspector who discovered the violation(s).
- 7) To the best of your knowledge, have you previously submitted complaints against this respondent or are other related proceedings currently before the Commission? If so, please attach those complaints or provide the relevant docket number.

The following documentation should be attached to this form where relevant:

- a. All notices sent regarding the violation(s) or alleged violation(s);
- b. Any additional correspondence with the respondent in question about the violations;
- c. Any supporting documentation that allows verification of the amount of reimbursement sought or contested;
- d. Any other complaints filed against the third party, if links or citations to those complaints are not provided above; and
- e. Any other information currently in your possession that is relevant to the Commission's determination and was not included with the notice (e.g., photographs of the violation(s)).



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Complaint form outcomes in OAR 860-024-0061

- ▶ Ordering interim relief where appropriate pending a final resolution;
- ▶ Ordering Respondent to repair the violation or remove the attachment from the pole within a prescribed timeframe;
- ▶ Ordering Respondent to take any necessary actions to avoid future non-compliance;
- ▶ Imposing a penalty upon the Respondent pursuant to ORS 757.990(1); and/or
- ▶ Ordering reimbursement to Complainant for work it has done to remedy the violation as specified in OAR 860-024-0018(9). If the Commission deems that a party was wrongfully assessed for repairs, it may order such monetary relief as it deems necessary to make that party whole.



ORS 757.990(1)

- ▶ Any person or municipality, or their agents, lessees, trustees or receivers, who omits, fails or refuses to do any act required by ORS 757.035 (Adoption of safety rules and regulations), or fails to comply with any orders, rules or regulations of the Public Utility Commission made in pursuance of ORS 757.035 (Adoption of safety rules and regulations), **shall forfeit and pay into the State Treasury a sum of not less than \$100, nor more than \$10,000 for each such offense.**

