

Filing a Formal Complaint

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When do I file a formal complaint?

You may file a formal complaint with our Filing Center if you cannot resolve your billing or service dispute on your own or with the help of the 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 from the Administrative Hearings Division (AHD), 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 your service has been or will be discontinued, you may ask for our help. Depending on the circumstances the Commission may direct the utility to reconnect service until the dispute is resolved.

After the utility responds to your complaint, the Administrative Law Judge (ALJ) may schedule a prehearing conference. The ALJ will clarify issues, suggest a settlement and schedule a date for hearing. You will receive personally or by mail, a written notice that includes the time, date, and place of the hearing.

Who's who in a formal complaint case?

Parties – you and the utility are called parties. You may also be called the complainant. The utility is the defendant. At the hearing, each party may present evidence,

ask questions of witnesses, object to evidence, and argue points of law. 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. You present your evidence first. The utility company is next. You will then be able to “rebut”



(present evidence against) the utility company's evidence. You will have the last chance to present evidence.

Testimony is given under oath. Witnesses may be asked questions. You may request that your witnesses be ordered to appear. 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 must make an "offer of proof" to attempt to change the ALJ's ruling or ask the ALJ to have the Commission review the ruling. Only evidence that is admitted will be used to reach a decision.

After the evidence is offered, each party may give a closing argument. You should tell the Commission 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 tape-recorded or recorded by a court reporter to make an official record of the proceedings. If you request a copy of the tape recording, you must pay the amount established in the Commission's Administrative Rules. *See* OAR 860-011-0090. A word-for-word written transcript can also be made of the record. The Commission does not routinely request transcripts of hearings. If you request a transcript, you must pay the cost of preparing the transcript unless:

- 1) You appeal the decision to the courts. In this case, you pay only the cost of copying the transcript; or
- 2) You cannot afford to pay for 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.

A copy of the tape recording or a transcript may assist the parties in filing "briefs" (written legal arguments), assist the Commission in considering the ALJ's recommendations, and assist the courts in reviewing the Commission's decision, if necessary.

What happens after the hearing?

The ALJ makes recommendations to the Commission. You will not have the opportunity to comment on the ALJ's recommendation.

The Commission may accept, reject or modify the ALJ's recommendation. The final order is always issued by the Commission. 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 Commission 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 Commission 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.