

## 860-014-0085

### **Voluntary Settlements; Stipulation to Facts**

(1) In all Commission proceedings, some or all of the parties may enter into a voluntary settlement of issues, or enter into a stipulation upon any matter in controversy, at any time during the proceeding. Any such agreement shall be subject to sections (2) through (6) of this rule.

(2) Any party may attend any settlement conference in which the Commission staff participates. A settlement conference is any meeting called for the purpose of discussing resolution of issues in a proceeding. Examples of communications not constituting settlement conferences for purposes of this rule include, but are not limited to communications primarily for the purpose of discovery, and communications occurring prior to initiation of docketed proceedings.

(3) All parties to a proceeding shall be provided reasonable prior notice by Commission staff of any settlement conference in which staff intends to participate. The notice shall include the time and place of the settlement conference, the party or parties involved, and the issue(s) to be discussed. Once notice has been given by staff of a settlement conference involving a particular issue, additional notice of continuing settlement conferences involving the same issue need only be provided to parties attending the initial conference, or who have requested continuing notice.

(4) A stipulation or settlement shall not be binding on the Commission or Administrative Law Judge (ALJ). Settlements and stipulations shall be reduced to writing, served on the parties to the case, and filed for review by the Commission or the ALJ. Unless waived by the Commission or ALJ, settlements and stipulations filed for review shall be supported by an explanatory brief or written testimony filed and served concurrently therewith. Parties may present oral or written stipulations on the record at the hearing or other appropriate time with leave of the Commission or ALJ.

(5) Within 20 days of the filing of the settlement or stipulation, any party may file written objections to the settlement or stipulation or request a hearing. Upon request or its own motion, the Commission or ALJ may set another time period for objections and request for hearing. Objections may be on the merits or based upon failure of staff or a party to comply with this rule. The Commission or ALJ may hold a hearing to receive testimony and evidence regarding the settlement or stipulation. The Commission or ALJ may require evidence of any facts stipulated, notwithstanding the stipulation of the parties. The parties shall be afforded notice and an opportunity to submit proof, if such evidence is requested.

(6) If a stipulation is rejected, the Commission or ALJ shall provide the parties sufficient opportunity on the record to present evidence and argument on the matters contained in the settlement or stipulation. No further hearing need be held where a review hearing has

already been held under section (5) of this rule and the Commission or ALJ determines that the issues were fully addressed in the prior hearing.

Stat. Auth.: ORS 183 & 756

Stats. Implemented: ORS 756.040 & 756.500 - 756.575

Hist.: Adopted & ef. 3-10-13 (not filed with Secretary of State); PUC 1, f. & ef. 8-16-39 (Order No. 6798); PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 155, f. 7-3-73, ef. 7-15-73 (Order No. 73-436) 860-014-0085 Renumbered to 860-014-0095; PUC 1-1985, f. & ef. 2-1-85 (Order No. 85-075) Renumbered from 860-014-0075; PUC 10-1994, f. & cert. ef. 7-21-94 (Order No. 94-1127) Renumbered from 860-012-0030; PUC 12-1999, f. & cert. ef. 11-18-99