

## **Senate Bill 2296**

**Presented by:** Randy Christmann, Chair  
Public Service Commission

**Before:** Senate Judiciary Committee  
The Honorable Diane Larson, Chair

**Date:** February 1, 2023

### **TESTIMONY**

Madame Chair and committee members, I am Randy Christmann, Chair of the Public Service Commission, and I'm submitting testimony in opposition to this bill on behalf of the Public Service Commission (Commission).

The Public Service Commission is a constitutional agency with three state-wide elected officials. Constitutional agencies are unique in that they hold executive power as prescribed by the legislature, but are not subject to executive appointment. Generally, the Commission is vested with authority over a number of jurisdictions relating to economic, environmental, and energy infrastructure regulation. Some examples of areas that have legal proceedings under the Commission's jurisdiction are enforcement of the One-Call law, economic regulation of utilities, energy siting, and the state's surface mining enforcement.

Although the Commission is permitted to conduct proceedings without an administrative law judge (ALJ), they are frequently employed to guide the procedure in lengthy, in-depth, or contentious hearings. This permits the commissioners to focus on the substance of the hearings. Less frequently, ALJ's are employed by the Commission in non-contentious cases to substantively hear

a case and provide a recommended decision. Recommended decisions are still reviewed by the agency and commissioners before adoption. There have been times when the Commission has modified the orders with additional measures to address ongoing policy concerns or to create consistency with other Commission actions.

In its application, SB 2296 passes final decision making to the ALJ. The commissioners are elected to carry out the requirements set forth by this legislative body, and it would be inappropriate to transfer final decision making outside of the agency. Also, with the ALJ as the final decision maker, it is still the Commission and agency resources that would be subject to appeal. If passed, SB 2296 will alter the Commission's hearing practices, curtail the use of ALJs, and conflict with the Commission's current administrative rules.

Madame Chair, this concludes our testimony. I will be happy to answer any questions.