

Senate Bill No. 2180

Presented by: Sheri Haugen-Hoffart, Commissioner
Public Service Commission

Before: Senate State and Local Government Committee
The Honorable Kristin Roers, Chair

Date: January 24, 2025

TESTIMONY

Chair Roers and committee members, I'm Commissioner Sheri Haugen-Hoffart here to testify in opposition to SB 2180.

The Commission strongly values public participation as a cornerstone of good governance. We go to great lengths to ensure the public has ample opportunity to provide input in all our proceedings. For example, in rate cases, we hold public comment sessions both in-person and remotely in all affected areas. When siting energy infrastructure, the Commission travels to each impacted region to gather local feedback. Additionally, our robust public comment system allows individuals to submit their input in various formats, ensuring every voice is recorded and considered. To date, no one has ever been turned away from participating in these processes.

While the intent of SB 2180 may be well-meaning, the legislation presents significant practical and legal challenges. From a practical standpoint, the Public Service Commission does not operate like a traditional board or local political subdivision with periodic meetings. Under Chapter 44-04, any gathering of two or more commissioners discussing public matters is considered a "meeting,"

regardless of context. This includes legal evidentiary hearings, work sessions, committee appearances, and even informal events like employee retirement celebrations. If public comment were required at all such gatherings, the Commission could face disruptions, with multiple comment periods potentially stacked throughout a single day.

From a legal perspective, the Commission's work is primarily governed by the Administrative Practices Act (Chapter 28-32), which strictly prohibits agency heads from engaging in direct or indirect communication about pending proceedings without full notice and opportunity for all parties to participate. From the agency's experience, requiring public comment in such scenarios will likely create conflicts with these statutory obligations. It is these requirements, in addition to managing and establishing an evidentiary record, that the Commission goes to great lengths to provide structure and opportunity to the public to provide comment and input.

In summary, while the Commission is deeply committed to public engagement, SB 2180 would impose impractical burdens and risk violating legal safeguards inherent to our quasi-judicial role.

Chair Roers, thank you for your time and consideration. I am happy to answer any questions.