

Contract Compliance and Rate Regulation Committee
Decision-Making Criteria for Rate Adjustment (June 2, 2010)

County Code 21.428

CONTRACT COMPLIANCE AND RATE REGULATION COMMITTEE

(E) The CRC shall develop criteria to be used for rate adjustment decisions, to be approved by the Board.

County Code 21.432

CRC RATE REVIEW PROCEDURES

(B) CRC review of final recommended orders shall be confined to the record of the proceeding below, which shall include the following:

- (1) All materials, submitted by any party and received by the hearings officer;
- (2) All materials submitted by staff to the hearings officer;
- (3) The transcript of the hearing below; and
- (4) The findings and conclusions of the hearings officer.

(C) The CRC may allow oral or written argument by the parties.

(D) Parties shall limit their argument to the CRC to issues regarding an error of law or fact in the order which is essential to the decision and which the party raised in exceptions filed under these rules.

(E) The CRC may affirm, reverse, remand, or modify the decision of the hearings officer.

(F) The CRC shall prepare a decision which shall include written findings of fact and conclusions, based upon the record. The CRC shall serve the decision upon all parties to the hearing.

The Contract Compliance and Rate Regulation Committee has developed the following criteria to make rate adjustment decisions.

- 1) Did the hearings officer conduct a fair and unbiased hearing in which all parties and interveners were given adequate opportunity to present their facts and opinions into the record?
- 2) Was the hearing properly recorded?
- 3) Did the hearings officer articulate on the record the standards he would apply to the hearing? (because the applicable rules do not establish any standards for this type of proceeding and it is assumed he will apply those applicable to an Oregon Public Utilities Commission hearing), and if appropriate cite to or include in the record a copy of any such standards (so our committee can determine what standards his opinion is to be measured against)?
- 4) Did the hearings officer properly follow and apply the standards he adopted?
- 5) Did the hearings officer review all the evidence and testimony submitted in the hearing process?
- 6) Did the hearings officer properly weigh the evidence?
- 7) Did the hearings officer prepare findings of fact, conclusions of Law and Order in which he adequately explained the reason for the award, identify the evidence relied upon for it and explain why contrary evidence was not persuasive?
- 8) Is the award objectively reasonable based on the record?
- 9) Is the rate adjustment request consistent with RFP expectations? Were expectations reasonable and was the evidence sufficiently detailed to support the findings?