

2015- Complainant Rulemaking

On July 20, 2015, the COGCC approved rule changes implementing a streamlined process for the public to submit complaints. The new online portal makes the agency's methods for receiving, processing, addressing, closing and communicating complaints more effective and transparent. It includes guidance for making a complaint, what a complainant can expect and the rights of the complainant.

A key component of this rulemaking was the definition of a new term "Petition for Review" which gives the commission authority to remand a petition back to the director if they disagree with it. The Commission adopted a new process for review, initiated by a complainant filing a Petition for Review. Brief argument by the complainant, the director, the affected operator, and any intervenors will be allowed. The Commission will review the director's decision pursuant to a "clearly erroneous" standard. It is the complainant's burden to show the director's decision was clearly erroneous.

Should the Commission find the director's decision was clearly erroneous, it may remand the matter to the director for further proceedings, set the matter for an OFV (Order Finding Violation) hearing in which the director would prosecute an alleged violation, issue an NOAV (Notice of Alleged Violation), or order other relief it deems just and reasonable. If the Commission finds the director's decision was not clearly erroneous, it will deny the Petition for Review.

The streamlining of the complainant process has positive impacts on all parties as it brings the complainant's objections to the Commission sooner than under the previous process. This increase in efficiency benefits all affected classes of persons as it generally reduces the cost of resolving a complainant's objections.

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