

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**

3 UM 1381

4 THE PUBLIC UTILITY COMMISSION OF
5 OREGON,

6 Complainant,

7 v.

8 CROOKED RIVER RANCH WATER
9 COMPANY; and JAMES R. ROOKS, Director,
10 RANDOLPH M. SCOTT, Director, BRIAN
11 ELLIOTT, President, RICHARD A. KEEN,
12 Vice President, and RICHARD J. MILLER,
13 Secretary/Treasurer, in their capacities as the
14 CROOKED RIVER RANCH WATER
15 COMPANY BOARD OF DIRECTORS,

16 Defendants.

STAFF'S MOTION TO MODIFY SCHEDULE
EXPEDITED CONSIDERATION REQUESTED

17 **INTRODUCTION**

18 Concurrently with this motion, Public Utility Commission of Oregon Staff (Staff) is
19 filing a Motion for Summary Disposition regarding the vast majority of issues in this matter.
20 Because Staff testimony is currently due on July 2, 2008, Staff respectfully requests that this
21 Motion to Modify the Schedule be given expedited consideration. Alternatively, Staff requests
22 that the schedule be modified to provide that the Defendants must first file testimony to which
23 the other parties may respond.

24 **DISCUSSION**

25 The schedule in this proceeding currently provides for Staff testimony on July 2, 2008,
26 and Defendant/Intervenor testimony on July 16, 2008. Because Staff's testimony is currently
due July 2, 2008, Staff respectfully requests expedited consideration of its motion to modify the
schedule.

Modifying the schedule will best serve the efficiency of the hearings division and the
Commission. If Staff's motion for summary disposition is granted in whole or part, it will

1 significantly limit the issues necessary for testimony. If Staff’s motion to modify the schedule is
2 granted, Staff respectfully requests that a telephone prehearing conference be held soon after the
3 Commission issues a decision on Staff’s motion for summary disposition. At that time, the
4 parties will be aware of the scope of necessary testimony and the Administrative Law Judge can
5 set the appropriate remaining schedule.

6 Alternatively, Commission Staff respectfully requests that the schedule should be
7 modified to require Defendants to file the first round of testimony with Staff and Intervenors’
8 response. While it is typical for the complainant to file testimony first, this case is different in
9 that the parties have already filed information regarding the underlying facts of the Complaint
10 and the Commission has already found that Defendants are in violation of its orders.

11 Because Staff has already filed information regarding the underlying violations and the
12 Commission has already ruled on most of the factual matters (thus, much of the rationale of
13 Staff’s Motion for Summary Disposition), Staff is disadvantaged in that it is unaware of what
14 different or additional evidence the Defendants intend to offer in this proceeding. As a result of
15 these circumstances, it would be more appropriate to require the Defendants to first offer any
16 additional or different evidence which the other parties could then respond to in an appropriate
17 manner.

18 **CONCLUSION**

19 For the foregoing reasons, Staff respectfully requests that the Commission grant this
20 motion to modify the schedule by agreeing to establish a new schedule after ruling on the
21 concurrently filed Staff Motion for Summary Disposition. Alternatively, Staff requests that the

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1 Commission modify the schedule by requiring the Defendants to first file testimony to which
2 Staff and Intervenors can respond.

3 DATED this 1st day of July 2008.

4 Respectfully submitted,

5 HARDY MYERS
6 Attorney General

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8 s/ Jason W. Jones
9 Jason W. Jones, #00059
10 Assistant Attorney General
11 Of Attorneys for Staff of the Public Utility
12 Commission of Oregon
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1 **CERTIFICATE OF SERVICE**

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3 I certify that on July 1, 2008, I served the foregoing Staff Motion to Modify Schedule
4 upon all parties of record in this proceeding by delivering a copy by electronic mail and by
5 mailing a copy by postage prepaid first class mail or by hand delivery/shuttle mail to the parties
6 accepting paper service.

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24 **CROOKED RIVER RANCH WATER**
25 **COMPANY**
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