

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1381

THE PUBLIC UTILITY COMMISSION)
OF OREGON,)

Complainant,)

v.)

RULING

CROOKED RIVER RANCH WATER)
COMPANY; and JAMES R. ROOKS,)
Director, RANDOLPH M. SCOTT,)
Director, BRIAN ELLIOT, President,)
RICHARD A. KEEN, Vice President, and)
RICHARD MILLER, Secretary/Treasurer,)
in their capacities as the CROOKED)
RIVER RANCH WATER COMPANY)
BOARD OF DIRECTORS,)

Defendants.)

DISPOSITION: MOTION DENIED

By motion filed May 22, 2008, Crooked River Ranch Water Company (Crooked River or Company) moves to dismiss this complaint. Crooked River argues that the complaint should be dismissed because (1) the Public Utility Commission of Oregon (Commission) lacks subject matter jurisdiction; (2) the Commission has no regulatory authority over the Company; and (3) the complaint fails to state a claim.

In support of its motion, Crooked River argues that the Commission has no jurisdiction because the Company is organized as a cooperative – invoking an express exception to the Commission’s grant of authority in ORS 757.063. Crooked River further argues that, even if ORS 757.063 otherwise applied, the Commission violated its own administrative rules in asserting jurisdiction.

These arguments all were raised by Crooked River in Docket No. WJ 8, where the Commission addressed the Company’s status in Order 06-642. In that order

the Commission found that the Company's attempted reorganization as a cooperative was ineffective and rejected Crooked River's claims regarding the interpretation of the Commission's rules. The arguments are without merit.

Crooked River's argument that the complaint fails to state a claim is frivolous. The complaint fully recites the factual and legal bases for the claims against each defendant.

Crooked River's motion to dismiss is denied.

Dated at Salem, Oregon, this 29th day of May, 2008.

PATRICK POWER
Administrative Law Judge