

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 172

In the Matter of

MOUNTAIN HOME WATER DISTRICT,

Compliance of Order No. 17-249 and
Request for Increase in Rates.

PREHEARING CONFERENCE
MEMORANDUM

DISPOSITION: SCHEDULE SET; PETITION TO INTERVENE GRANTED;
OFFICIAL NOTICE TAKEN

On October 26, 2017, the Public Utility Commission of Oregon held a public comment open house and prehearing conference in West Linn, Oregon, in this docket. Representatives appeared on behalf of Mountain Home Water District (Company) and Commission Staff. Mel Kroker appeared on his own behalf as a customer of Mountain Home.

On August 29, 2017, Mel and Connie Kroker filed a petition to intervene. I find that they have sufficient interest in the proceedings and that their appearance and participation will not unreasonably broaden the issues, burden the record, or delay the proceedings. Accordingly, I grant the motion.

Procedural Schedule

The parties agreed to the following procedural schedule, which was adopted:

EVENT	DATE
Deadline for Petitions to Intervene	November 2, 2017
Settlement Conference ¹	November 28, 2017
Staff and Intervenor Opening Testimony Due	December 19, 2017
Company Reply Testimony Due	January 18, 2018
Staff and Intervenor Rebuttal Testimony & Cross-Answering Testimony Due	February 15, 2018
Company Sur-rebuttal Testimony Due	March 7, 2018
Cross-Examination Statements Due	March 21, 2018
Evidentiary Hearing (if necessary)	March 29, 2018
Simultaneous Opening Brief Due	April 12, 2018
Simultaneous Closing Brief Due	April 20, 2018
Order Target Date ²	June 29, 2018

¹ Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule settlement conferences.

² The tariff suspension ends on July 1, 2018.

The schedule includes a requested date for petitions to intervene. By statute, a person may petition to intervene at any time before the close of the record.³ But because it is helpful if parties are identified early in the proceedings, the Commission requests that petitions to intervene be filed by the date identified above.

Mr. Kroker requested that the Commission take official notice of the record in UM 1769, Mountain Home's application to abandon water service. Mountain Home did not object to his request and I granted it.

Parties are reminded that attorneys not licensed in Oregon wanting to appear before the Commission in this docket must file an application for admission to appear pro hac vice.⁴

Dated this 30th day of October, 2017, at Salem, Oregon.



Patrick J. Power
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

³ See ORS 756.525.

⁴ See UTCR 3.170, OAR 860-001-0320.

NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

Hearing: The time and place of any hearing held in these proceedings will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at www.puc.state.or.us. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to these proceedings, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission Staff, if participating as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not be allowed to postpone the hearing to obtain counsel.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope of an ALJ's authority is defined in OAR 860-001-0090. The ALJs make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

Hearing Rights: You have the right to respond to all issues identified and present evidence and witnesses on those issues. *See* OAR 860-001-0450 through OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. *See* ORS 756.538 and 756.543; OAR 860-001-0500 through 860-001-0540.

Evidence: Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. *See* OAR 860-001-0450. Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

Record: The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

Final Order and Appeal: After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days from the date of service of the order. *See* ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days from the date of service of the order. *See* ORS 756.610.