

1 **BEFORE THE PUBLIC UTILITY COMMISSION**

2 **OF OREGON**

3 UW 117

4 In the Matter of
5 PETE'S MOUNTAIN WATER CO., INC.
6

MOTION FOR EXTENSION OF TIME
AND TO REOPEN THE RECORD

7 The applicant, PETE'S MOUNTAIN WATER CO., INC., (herein "PMWC"), through
8 its attorney, James A. Cox, moves the Commission for an order as follows:

- 9 1. Extending the time for final action on PMWC's application for an additional three months
10 beyond March 4, 2007, and to continue the suspension of any rate increase during the
11 extension period; and,
12 2. Reopening the record in this proceeding to allow additional testimony and evidence to be
13 submitted.

14 **Grounds for this Motion**

15 **A. Extension of Time.** On December 4, 2006, the Commission entered an order (Order No.
16 06-657) disapproving the stipulation for a rate increase of \$41,801 as entered into between PMWC, PUC
17 Staff, and two customer intervenors. The order also extended the time for further action for an additional
18 three months beyond December 4, 2006.

19 It became apparent that—contrary to the position previously taken by Staff—affiliated interest
20 applications had to be filed by PMWC for employment of Suzanne Webber and Terry L. Webber,
21 stockholders and officers of PMWC.

22 The undersigned attorney for PMWC was out of his office on a long-planned vacation overseas
23 from December 7, 2006 until January 12, 2007. No work could be done during that period. The
24 undersigned is a sole practitioner. No one else was available to work on the affiliated interest ("AI")

1 applications or other issues involved in this proceeding. AI applications were filed as soon as
2 reasonably practical. They were electronically sent to Staff and electronically filed with the E-filing
3 Center after regular business hours on February 9, 2007, and were logged in on February 12, 2007.
4 Staff has indicated that it needs additional time to analyze the AI applications. The AI applications need
5 to be acted upon by the Commission before the Webbers' salary and compensation can be considered
6 in the rate case. PMWC, the Staff, and perhaps other parties desire to submit additional testimony in the
7 rate case. These matters will require additional hearing(s) and additional briefs by the parties. They
8 cannot be accomplished, and an appropriate record cannot be developed and presented to the
9 Commission, by March 4, 2007. PMWC is, of course, anxious to get the within proceedings resolved as
10 soon as possible, but it does not want it done without an adequate record. An additional three months
11 should be sufficient time. PMWC will cooperate to get the necessary tasks completed and submitted to
12 the Commission sooner if possible.

13 **B. Reopening the Record.** In order to properly address the wages and benefits issues
14 that will be involved after the AI applications have been decided, it will be necessary to reopen the
15 record.

16 PMWC is making arrangements to lease a less expensive vehicle. The reasonableness of the
17 new arrangements will need to be presented through new evidence in the record.

18 PMWC's legal expenses have greatly increased because of the complication of these
19 proceedings. The amount of those expenses and the reasonableness thereof—as well as the
20 appropriate length of time over which such expenses should be amortized—can only be presented
21 through new evidence.

22 There may be other factors on which PMWC acquiesced in order to reach the prior stipulation
23 that will need to be re-addressed now that the stipulation has been disapproved.

24 The stipulation reserved the right to present new evidence if the Commission disapproved the

1 CERTIFICATE OF SERVICE

2 STATE OF OREGON

3 County of Marion; ss.

4 I certify that I served the foregoing document on the following parties or
attorneys by electronic mail addressed as follows on February 16, 2007:

5 Jason W. Jones, PUC Staff attorney – Jason.w.jones@doj.state.or.us

6 Kenneth E. Roberts, intervenor – robek@fosterpdx.com

7 Jo Becker, intervenor – jojobkr@aol.com

8 David and Kay Pollack, intervenors - dapollack@aol.com;

9 and by United States mail deposited in the Post Office at Woodburn, Oregon on November 9, 2006:

10 Jason W. Jones
Assistant Attorney General
Regulated Utility & Business Section
11 1162 Court St NE
Salem Or 97301-4096

12 Kenneth E. Roberts
13 2700 SW Schaeffer Rd
West Linn OR 97068

14 David and Kay Pollack
15 2120 SW Schaeffer Rd
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16 Jo Becker
17 23661 SW Stafford Hill Dr
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19 _____
JAMES A. COX, OSB # 57019
Attorney for Applicant