

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

WJ8, UW 120, UM1381 & UCR 100

In the Matters of

CROOKED RIVER RANCH WATER COMPANY

An Investigation Pursuant to ORS 756.515 to  
Determine Jurisdiction (WJ 8)

and

Request for rate increase in the total annual revenues  
from \$806,833 to \$868,453, or 8.13 percent.  
(UW 120)

**AMENDED CERTIFICATE OF  
SERVICE ON NOTICE  
REGARDING PUC ORDER NO. 09-  
026**

---

THE PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

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. (UM 1381)

---

G.T. & T.T.,

Complainants,

v.

CROOKED RIVER RANCH WATER COMPANY,

Defendant. (UCR 100).

I certify that on February 4, 2009, I filed the foregoing AMENDED CERTIFICATE OF SERVICE ON NOTICE RE: PUC ORDER NO. 09-026, on the Public Utility Commission by email and first class mail, postage prepaid, addressed as follows:

Public Utility Commission of Oregon  
Attn: Filing Center  
P.O. Box 2148  
Salem, OR 97308-2148  
[PUC.FilingCenter@state.or.us](mailto:PUC.FilingCenter@state.or.us)

I further certify that on February 4, 2009, I served copies of the foregoing AMENDED CERTIFICATE OF SERVICE ON NOTICE RE: PUC ORDER NO. 09-026, addressed to the following:

Steven Cook  
P.O. Box 1111  
Terrebonne, OR 97760  
[sewfab4u@hotmail.com](mailto:sewfab4u@hotmail.com)

Craig Soule  
11953 SW Horny Hollow  
Terrebonne, OR 97760  
[cby\\_64@yahoo.com](mailto:cby_64@yahoo.com)

Charles G. Nichols  
P.O. Box 1594  
Redmond, OR 97756  
[charlien@blazerind.com](mailto:charlien@blazerind.com)

Brian Elliott  
PMP 313 – 1604 S Hwy 97 #2  
Redmond, OR 97756

James R. Rooks  
P.O. Box 2319  
Terrebonne, OR 97760  
[jr@crrwc.com](mailto:jr@crrwc.com)

Jason Jones, Assistant Attorney General  
OREGON DEPARTMENT OF JUSTICE  
1162 Court Street NE  
Salem, OR 97301  
[jason.w.jones@state.or.us](mailto:jason.w.jones@state.or.us)

G.T. & T.T.  
13454 Golden Mantel  
Terrebonne, OR 97760

Timothy R. Gassner, OSB #023090,  
GLENN SITES REEDER & GASSNER LLP  
205 SE 5th St.  
Madras, OR 97741  
[timgassner@gmail.com](mailto:timgassner@gmail.com)

Michael Dougherty  
Public Utility Commission of Oregon  
P.O. Box 2148  
Salem, OR 97308-2148  
[michael.dougherty@state.or.us](mailto:michael.dougherty@state.or.us)

Frank Wood  
P.O. Box 151  
Clackamas, OR 97015  
[frank@imfd.com](mailto:frank@imfd.com)

David C. Glenn  
205 SE 5<sup>th</sup> Street  
Madras, OR 97741  
[gsr.dcg@gmail.com](mailto:gsr.dcg@gmail.com)

Rolf C. Moan, Acting Solicitor General  
Judy Lucas, Assistant Attorney General  
OREGON DEPARTMENT OF JUSTICE –  
APPELLATE DIVISION  
1162 Court Street NE  
Salem, OR 97301  
Of Attorneys for Public Utility  
Commission of Oregon

**HARRANG LONG GARY RUDNICK P.C.**



---

C. Robert Steringer, OSB #983514  
Of Attorneys Crooked River Ranch Water  
Company

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

WJ8, UW 120, UM1381 & UCR 100

In the Matters of

CROOKED RIVER RANCH WATER COMPANY

An Investigation Pursuant to ORS 756.515 to  
Determine Jurisdiction (WJ 8)

and

Request for rate increase in the total annual revenues  
from \$806,833 to \$868,453, or 8.13 percent.  
(UW 120)

**NOTICE REGARDING PUC  
ORDER NO. 09-026**

---

THE PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

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. (UM 1381)

---

G.T. & T.T.,

Complainants,

v.

CROOKED RIVER RANCH WATER COMPANY,

Defendant. (UCR 100).

By Order No. 09-026, the Commission purports to assert regulatory jurisdiction over Crooked River Ranch Water Company (“CRRWC”), impose rates, require the hook-up of a particular property to CRRWC’s water system, distribute funds to its members, and close Docket UM 1381. The order also requires that CRRWC provide notice, pursuant to OAR 860-014-0094, as to whether the terms of the order are accepted and the time within which the order will be obeyed.

CRRWC hereby gives notice of the following:

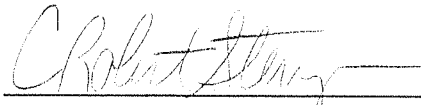
1. As CRRWC informed The Public Utility Commission of Oregon (“the PUC”) in correspondence dated January 29, 2009, the Commission has acted prematurely by purporting to take action in WJ 8 before an appellate judgment has been entered by the Court of Appeals in A134177. Moreover, the Commission’s action violates the stay entered by the Court of Appeals in A134177.
2. CRRWC agrees that Docket UM 1381 should be dismissed based on the Court of Appeals’ decision on Order No. 06-642. Otherwise, CRRWC does not accept the terms of Order No. 09-026 because, without waiving objections based on material errors in procedure, erroneous interpretations of law, a lack of substantial evidence, or any other grounds, the order: (a) was entered without jurisdiction; (b) violates the stays of orders entered by the Court of Appeals in A134177, A138805, and A139657; and (c) would be inconsistent with the Court of Appeals’ decision in A134177 dated December 24, 2008, if that decision is adhered to following CRRWC’s motion for reconsideration and if an appellate judgment is entered by the Court of Appeals based on that decision.

3. As the undersigned discussed with Senior Assistant Attorney General Paul Graham, this submission is made without waiving and without prejudice to CRRWC's position that Order No. 09-026 is invalid, with the understanding that the PUC is considering the issues raised by CRRWC's counsel to PUC counsel on January 29, 2009, but has not yet determined whether or how to respond.

Dated: February 2, 2009

GLENN SITES REEDER & GASSNER LLP  
Timothy R. Gassner, OSB #023090

**HARRANG LONG GARY RUDNICK P.C.**



---

C. Robert Steringer OSB #98351  
Of Attorneys for Crooked River Ranch  
Water Company

## CERTIFICATE OF FILING AND SERVICE

I certify that on February 2, 2009, I filed the foregoing NOTICE RE: PUC ORDER NO. 09-026, on the Public Utility Commission by email and first class mail, postage prepaid, addressed as follows:

Public Utility Commission of Oregon  
Attn: Filing Center  
P.O. Box 2148  
Salem, OR 97308-2148  
[PUC.FilingCenter@state.or.us](mailto:PUC.FilingCenter@state.or.us)

I further certify that on February 2, 2009, I served copies of the foregoing NOTICE RE: PUC ORDER NO. 09-026 addressed to the following email addresses:

[Michael.dougherty@state.or.us](mailto:Michael.dougherty@state.or.us)  
[sewfab4u@hotmail.com](mailto:sewfab4u@hotmail.com)  
[jason.w.jones@state.or.us](mailto:jason.w.jones@state.or.us)  
[charlien@blazerind.com](mailto:charlien@blazerind.com)  
[cby\\_64@yahoo.com](mailto:cby_64@yahoo.com)  
[gsr.dcg@gmail.com](mailto:gsr.dcg@gmail.com)  
[frank@imfd.com](mailto:frank@imfd.com)

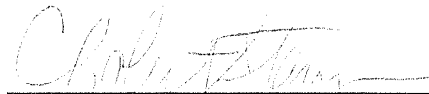
I further certify that on February 2, 2009, I served copies of the foregoing NOTICE RE: PUC ORDER NO. 09-026 addressed to the following, via first class mail, postpaid, as follows:

G.T. & T.T.  
13454 Golden Mantel  
Terrebonne, OR 97760

Rolf C. Moan, Acting Solicitor General  
Judy Lucas, Assistant Attorney General  
Jason Jones, Assistant Attorney General  
OREGON DEPARTMENT OF JUSTICE –  
APPELLATE DIVISION  
1162 Court Street NE  
Salem, OR 97301  
Of Attorneys for Public Utility  
Commission of Oregon

Timothy R. Gassner, OSB #023090,  
GLENN SITES REEDER & GASSNER LLP  
205 SE 5th St.  
Madras, OR 97741  
Of Attorneys for Crooked River  
Ranch Water Company

HARRANG LONG GARY RUDNICK P.C.



---

C. Robert Steringer, OSB #983514  
Of Attorneys Crooked River Ranch Water  
Company