

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1381

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. )

**RULING**

**DISPOSITION: MOTION FOR EXTENSION OF TIME DENIED**

On July 1, 2008, the Staff of the Public Utility Commission of Oregon filed a motion for summary disposition of certain issues in this proceeding. On July 10, 2008, Crooked River Ranch Water Company (Crooked River) filed a motion requesting an extension of time to file its response to Staff’s motion.

In support of its request for an extension of time Crooked River relies on its Petition for Alternative Writ of Mandamus and Order Allowing Writ of Mandamus filed in Jefferson County Circuit Court on July 7, 2008. Crooked River states that copies of its petition “were served on the Public Utility Commission.”

Crooked River states that its mandamus action would be dispositive of this matter if the Company were to prevail. “In the interest of judicial economy” Crooked River requests that time be extended until 15 days after the Jefferson County Circuit Court has ruled on the Company’s petition.

In light of time considerations I rule immediately on Crooked River’s motion. The motion is denied.

Crooked River states that “copies” of its petition “were served on the Public Utility Commission.” True copies of the petition were “served” by mail. However, service by mail is not adequate. As a matter of law service has not been effectuated.

ORS 34.140 (1) provides:

The writ shall be directed to the court, corporation, board, officer or person designated in the order of allowance, and may be served thereon, by any person authorized to serve a summons, by delivery of the original to such officer or person, or to any member of such court, or to any officer of such corporation upon whom a summons lawfully may be served. A certified copy of the writ shall be served on all intervenors, adverse parties and counsel for the defendant.

Clearly, Crooked River’s service of true copies by mail does not meet the statutory standard. The petition has not been served on any of the three named Defendants.

Crooked River filed its petition in Jefferson County. ORS 34.120 (2) provides that “the circuit court or judge thereof of the county wherein the defendant, if a public officer or body, exercises functions . . . shall have exclusive jurisdiction of mandamus proceedings.” The Public Utility Commission “exercises functions” in Marion County, where the Commissioners conduct their business. Jurisdiction over the Commission does not reside in Jefferson County.

If Crooked River were to file its petition in Marion County and if Crooked River were to effectuate service, its motion for an extension of time would be denied in any event. ORS 34.110 provides that: “The writ shall not be issued in any case where there is a plain, speedy and adequate remedy in the ordinary course of the law.” Crooked River’s legal recourse was to seek a stay of the Commission’s order asserting jurisdiction from the Oregon Court of Appeals. The Company has no recourse to circuit court.

Crooked River Ranch Water Company’s motion to for an extension of time to reply to Commission Staff’s Motion for Summary Disposition is denied.

Dated at Salem, Oregon, this 10th day of July, 2008.

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PATRICK POWER  
Administrative Law Judge