

**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.

CLARIFICATION NOTICE

On November 9, 2017, the Commission Staff filed an objection to the official notice taken of the record in docket UM 1769. The request was made by intervenor Mel Kroker. No party objected to his request and I granted it.

In its objection, Staff cites a portion of OAR 860-001-0460(2) which allows a party to “object to the fact noticed” within fifteen days. According to Staff, “it is not possible for Staff to review the entire UM 1769 record, and then identify and provide an explanation or rebuttal evidence for each fact to which Staff may object, within the time allotted.” Staff requests leave to provide evidence in this case that explains or rebuts noticed facts from docket UM 1769 in its testimony and at hearing.

Staff appears to have misconstrued my earlier notice. My ruling was in accord with OAR 860-001-0460(1)(d), which provides that the Commission may take official notice of “documents and records in the files of the Commission that have been made a part of the files in the regular course of performing the Commission’s duties.” I did not take official notice of any “general, technical, or scientific facts within the specialized knowledge of the agency” as is allowed under OAR 860-001-0460(1)(e).

Furthermore, the taking of official notice of the record in docket UM 1769 does not limit Staff or any party from offering testimony and evidence in this proceeding to rebut information contained in the UM 1769 record.

Dated this 13th day of November, at Salem, Oregon.



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Patrick J. Power  
Administrative Law Judge