1	BEFORE THE PUBLIC UTILITY COMMISSION	
2	OF OREGON	
3	ÚW 172	
4	In the Matter of	GT A FFIG OR A F GT A A
5	MOUNTAIN HOME WATER DISTRICT,	STAFF'S OBJECTION TO OFFICIAL NOTICE
6	Compliance of Order No. 17-249 and Request for Increase in Rates.	g (5 - 10
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8	Pursuant to OAR 860-001-0460(2), Staff of the Public Utility Commission of Oregon	
9	(Staff) files this objection to official notice taken of the UM 1769 record at the October 26, 2017	
10	prehearing conference and memorialized in Administrative Law Judge (ALJ) Power's October	
11	30, 2017 prehearing conference memorandum at the request of Intervenor Mel Kroker.	
12	OAR 860-001-0460(1)(d) provides that the Commission or ALJ may take official notice	
13	of certain items, including documents and records in the files of the Commission that have been	
14	made a part of the files in the regular course of performing the Commission's duties. Subsection	
15	(2) of the rule requires the Commission or ALJ give notice to the parties when official notice is	
16	taken, and that a party may object to the fact noticed within fifteen days of: the hearing during	
17	which notice was given, the ALJ ruling, or the Commission order. That subsection goes on to	
18	state that "The objecting party may explain or rebut the noticed fact." 1	
19	Staff finds that ALJ Power's grant of Intervenor Mel Kroker's request may be viewed as	
20	official "notice" under the administrative rule.	Staff files this objection at this time given the
21	language in the rule that limits the ability of a party to explain or rebut a noticed fact to an	
22	"objecting" party, and the rule's requirement that objections be filed within fifteen days of the	
23	date that official notice was given. Due to the	voluminous record in docket UM 1769, it is not
24	possible for Staff to review the entire UM 1769 record, and then identify and provide an	
25	explanation or rebuttal evidence for each fact to which Staff may object, within the time allotted	
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	1 OAR 860-001-0460(2) (emphasis added)	

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1	by the rule. Staff therefore requests leave to provide evidence in this case that explains or rebuts
2	noticed facts from docket UM 1769 in its testimony and at hearing, consistent with the schedule
3	adopted in this case. Allowing explanation and/or rebutting evidence to take place in the context
4	of testimony and the hearing will also allow for a more developed, efficient and clear record for
5	the issues in this case.
6	7th
7	DATED this day of November, 2017.
8	Respectfully submitted,
9	ELLEN F. ROSENBLUM
10	Attorney General
11	Samura Marry OSD # 105260
12	Sommer Moser, OSB # 105260 Assistant Attorney General
13	Of Attorneys for Staff of the Public Utility Commission of Oregon
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