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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1769

In the matter of

MOUNTAIN HOME WATER DISTRICT,

Application to Terminate Water Service
and Abandon Water Utility.

**MOUNTAIN HOME WATER DISTRICT'S
MOTION REQUESTING APPEARANCE
OF WITNESSES BY TELEPHONE**

CERTIFICATE OF CONFERRAL

In accordance with OAR 860-001-0420(2), counsel for the applicant, Mountain Home Water District (the "Company"), certifies that on November 23, 2016, she conferred by electronic mail with Sommer Moser, counsel for the Oregon Public Utility Commission Staff; and with Peter Mohr, counsel for intervenors Mel and Connie Kroker, regarding the Company's request to allow two witnesses to appear at the rescheduled hearing by telephone. PUC Staff does not oppose the Company's request. Intervenors oppose the request.

MOTION

The Company respectfully moves the Administrative Hearings Division for authorization to take the cross-examination testimony (if any) of two witnesses for the Company, Steve Hougak and Vance Wagner, by telephone during the hearing. The hearing was originally scheduled for the morning of December 7, 2016, in Salem or alternatively in West Linn. Intervenors' November 28, 2016 motion to reschedule the hearing for the afternoon of December 16, 2016, is pending, but the date of the hearing remains uncertain. Annette Scott has confirmed that the hearing will be held in Salem, regardless of the date. The Company's other two witnesses, Keith Ironside and Don Rushmer, will be available to attend in person.

1 **ARGUMENT**

2 Steve Hougak is a contractor who owns Steve’s Pump Service, located in Damascus,
3 Oregon, approximately 52 miles from the hearing location in Salem. Vance Wagner is a
4 contractor who is employed by Olsen Pulliam Well Drilling, located in Happy Valley, Oregon,
5 approximately 54 miles from the hearing location in Salem. For both witnesses, driving time
6 to and from Salem will be at least one hour, 20 minutes each way, and could be as much as
7 two or three hours with heavy traffic, if the hearing is scheduled in the afternoon. Attending
8 the hearing in person would likely require both Mr. Hougak and Mr. Wagner to miss a full
9 day’s work. Mr. Hougak is the owner and president of a small business, and a missed day of
10 work would be a hardship for him. Olsen Pulliam Well Drilling is also a small business, and
11 Mr. Wagner is the company’s only well driller. If he misses a day of work, the company’s drill
12 rig sits idle for that day, and the company pays Mr. Wagner’s wages and those of the assistant
13 driller but sacrifices a day’s worth of revenue.

14 The testimony of Steve Hougak, Company Exhibit 300 to 302, is two pages long with
15 two one-page exhibits. The testimony of Vance Wagner, Company Exhibit 400, is two pages
16 long with no exhibits. For both witnesses, the testimony addresses a discrete, ancillary issue
17 in this proceeding — the circumstances of the failure of the Company’s water supply well.
18 Intervenors have filed testimony in this case that suggests that the circumstances of the well’s
19 failure constitute an important issue in this proceeding, but that is not so. The fact that the
20 well failed, and the resulting expense of drilling a replacement well, created the Company’s
21 immediate motivation to proceed with this application for termination and abandonment.
22 However, well failure is not a requirement for approval of the Company’s application under
23 OAR 860-036-0708. The Company has provided three main reasons for seeking abandonment.
24 These reasons are summarized on pages 7–10 of Staff’s Reply Testimony. Each of the three
25 reasons — regulatory compliance issues, ongoing financial constraints, and the owner’s

1 personal circumstances — is discussed in the testimony of Keith Ironside (Company Exhibit 100
2 and 102) and Don Rushmer (Company Exhibit 200). The three reasons exist, and will continue
3 to exist, independent of the well's failure and the specific circumstances surrounding that
4 failure. Thus the testimony of Steve Hougak and Vance Wagner is ancillary to the primary
5 question of abandonment to be decided in this proceeding.

6 **REQUEST FOR EXPEDITED CONSIDERATION**

7 Pursuant to OAR 860-001-0420(6), the Company requests expedited consideration of
8 this motion. As set forth above, PUC Staff supports the motion but intervenors do not. The
9 hearing date for this proceeding is now set for December 7, 2016. Intervenors have requested
10 a set-over, but as of the date of this motion the parties have been unable to agree upon a new
11 hearing date. Because of this uncertainty, the Company respectfully requests that the time for
12 filing responses be shortened to five days or fewer, with the same time allocated for replies.

13 DATED this 29th day of November, 2016.

14 Respectfully submitted,

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16
17 /s/ Jennie L. Bricker

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CERTIFICATE OF FILING

I certify that on November 29, 2016, I filed the foregoing **UM 1769: Mountain Home Water District Motion Requesting Appearance of Witnesses by Telephone** by electronic mail with the Public Utility Commission at puc.filingcenter@state.or.us, with an electronic mail copy to the UM 1769 Service List, including interested parties:

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DATED: November 29, 2016

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