

ISSUED: April 26, 2011

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1489

In the Matter of

FISH MILL LODGES WATER SYSTEM

Application for an Order Authorizing  
Abandonment of Water Service.

PREHEARING CONFERENCE  
MEMORANDUM

DISPOSITION: SCHEDULE ADOPTED

A prehearing conference was held in this matter on April 25, 2011. Parties appearing at the conference were Fish Mill Lodges Water System (Fish Mill), Customers D.V. and B. V., and Customer B. L., through her representative Ms. Bower, and the Staff of the Public Utility Commission of Oregon (Commission).<sup>1</sup>

Fish Mill's three non-affiliated customers were not served with the Company's application or notice of earlier proceedings. They were accorded actual notice of this prehearing conference by the Commission. In view of their interest in these proceedings, I grant Intervenor status to Customers D.V. and B.V., B. L., and D.D., without requiring that petitions to intervene be filed.

After hearing from the parties, I adopted the following schedule:

Staff files Testimony	May 2, 2011
Fish Mill's Rebuttal Testimony	May 23, 2011
Intervenor Testimony	June 1, 2011
Hearing	June 6, 2011

The hearing will be conducted via telephone.

Dated this 26<sup>th</sup> day of April, 2011, at Salem, Oregon.



Patrick Power  
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

<sup>1</sup> Attorney Ben Kearney appeared briefly at the beginning of the conference to inform the Administrative Law Judge that Fish Mill had asked him to withdraw as their attorney of record for this proceeding.

## NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

**Hearing:** The time and place of any hearing held in this proceeding will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 to 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the website at [www.puc.state.or.us](http://www.puc.state.or.us). The Commission will hear issues as identified by the parties.

**Right to Attorney:** As a party to this hearing, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission staff, if participating in the case, will be represented by the Department of Justice. Once a hearing has begun, you will not generally be allowed to postpone the hearing to obtain counsel.

**Administrative Law Judge:** The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-001-0090. The ALJ make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

**Hearing Rights:** You have the right to respond to all issues identified, and present evidence and witnesses on those issues. See OAR 860-001-0450 to OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. See ORS 756.538 and 756.543; OAR 860-001-0500 to 860-001-0540.

**Evidence:** Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. See OAR 860-001-0450(1)(b). Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Once a hearing is completed, the ALJ will not generally allow the introduction of additional evidence without good cause.

**Record:** The hearing will be recorded, either by a court reporter or by audio/digital tape, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request the Commission for a copy of the tape for a fee set forth in OAR 860-001-0060(3)(e)(B). The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

**Final Order and Appeal:** After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The ALJ's draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days. See ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days. See ORS 756.610.