

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 152

In the Matter of

AIR ACRES WATER SYSTEM

Request for a General Rate Revision.

PREHEARING CONFERENCE
MEMORANDUM

On June 12, 2012, the Public Utility Commission of Oregon held a public comment open house and prehearing conference in this docket in North Plains, Oregon. Representatives appeared on behalf of Air Acres Water System, Commission Staff, and customers interested in the docket.

Public Comment

During the open house, the Administrative Law Judge and Commission Staff gave brief overviews of the rate case process and answered questions. Attendees had questions about the process and expressed concerns about rates and about a number of issues facing the water utility. Attendees were invited to participate in the proceedings as interested parties or more formally as intervenors.¹

Procedural Schedule

The following procedural schedule was adopted:

EVENT	DATE
Workshop (any customer may attend)	Week of July 23, 2012 ²
Deadline for Petitions to Intervene	August 15, 2012
Deadline for Staff/Intervenor Testimony	October 22, 2012
Settlement Conference (Air Acres, Staff, and intervenors may attend)	Week of September 17, 2012
Deadline for Air Acres' Rebuttal Testimony	November 19, 2012
Evidentiary Hearing (if needed)	December 6, 2012

¹ Forms are available at the Commission's website.


http://www.puc.state.or.us/puc/Pages/admin_hearings/Petition_to_Intervene_Form.aspx. If you do not have internet access contact the Administrative Hearings Division at 503-378-6678.

² The workshop will be scheduled for the week of July 23, 2012. Air Acres will confirm dates for this workshop and the first settlement conference (scheduled for the week of September 17, 2012) with Staff by the end of this week. Staff will provide notice of the place and time for these events. Workshop and settlement conference dates are included in the schedule for the parties' convenience; Parties do not need Commission approval to reschedule workshops or settlement conferences. Staff has indicated it may schedule a second settlement conference after Air Acres files its rebuttal testimony.

The schedule includes a requested date for petitions to intervene. By statute, a person may petition to intervene at any time before the close of the record.³ But because it is helpful if parties are identified early in the proceedings, the Commission requests that petitions to intervene be filed by the date identified above.

Potential issues for examination include Air Acres' revenues and expenses; proposed adjustments to existing rates; the appropriate rate of return; rate spread and rate design for the company; and the appropriate determinations of utility plant and rate base.

Dated this 13th day of June, 2012, at Salem, Oregon.



Lisa D. Hardie
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

³ See ORS 756.525.

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. 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.