

ISSUED June 4, 2004

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1142

|                                |  |
|--------------------------------|--|
| CLEAR CREEK MUTUAL TELEPHONE ) |  |
| COMPANY, )                     |  |
| Complainant, )                 |  |
| v. )                           |  |
| BEAVER CREEK COOPERATIVE )     |  |
| TELEPHONE COMPANY, )           |  |
| Defendant. )                   |  |

RULING

**DISPOSITION: MOTION DENIED; SCHEDULE SET**

On June 4, 2004, a prehearing conference in this docket was held in Salem, Oregon. Tom Linstrom appeared for Beaver Creek; Jim Tiger and Mitchell Moore appeared for Clear Creek; Alex Duarte appeared for Qwest; and Mike Weirich appeared for Staff.

Beaver Creek had filed a response to the complaint that requested that the docket be stayed or cancelled, which is interpreted as a motion to dismiss or suspend the docket. Beaver Creek argued that the cooperatives should have an opportunity to resolve the complaint between them or file a complaint in court under chapter 62 of the Oregon Revised Statutes. Clear Creek's complaint alleged, among other things, a violation of OAR 860-032-0010(4). The Commission has jurisdiction over such a violation. The motion to dismiss was denied.

The parties agreed to an internal schedule to attempt to settle the dispute. Staff committed to submitting a letter by July 9, either submitting a stipulation or recommending that the docket proceed. That schedule is adopted.

Dated at Salem, Oregon, this 4th day of June, 2004.

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Christina M. Smith  
Administrative Law Judge