

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

WJ8

In the Matters of

CROOKED RIVER RANCH WATER
COMPANY

**REPLY IN SUPPORT OF MOTION
TO DISMISS REHEARING
PROCEEDING AND CANCEL
HEARING**

An Investigation Pursuant to ORS 756.515 to
Determine Jurisdiction (WJ 8)

**By Crooked River Ranch Water
Company, nka Crooked River Ranch
Water Cooperative**

Crooked River Ranch Water Company, nka Crooked River Ranch Water Cooperative (“CRRWC”), submits this reply in support of its Motion to Dismiss Rehearing Proceeding and Cancel Hearing.

One argument of Staff in its “Response to Motion to Dismiss Rehearing Proceeding and Cancel Hearing” (the “Staff Response”) requires a reply because it misstates the argument made by CRRWC in its motion. Staff claim: “the Company incorrectly relies on ORS 183.482(6) for determining what the Court of Appeals may order as a remedy.” Staff Response at 2. CRRWC has made no such argument. The only relevance of ORS 183.482(6) in this case is that the Commission has previously withdrawn its orders regarding CRRWC for reconsideration pursuant to that subsection of the statute, rather than for rehearing pursuant to subsection (5).

In fact, CRRWC argues that the Court of Appeals’ own decision identifies the remedy it ordered, and that remedy was a remand *for reconsideration*. While accusing CRRWC of making an argument it did not make, Staff fails entirely to

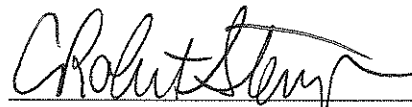
address the argument CRRWC *did* make, which is that the Court of Appeals' remand for reconsideration means what the DOJ's Administrative Law Manual says it means and what the Court of Appeals said it means in *Gritter*. That meaning is simple: PUC's review is limited to the record before it.

By opening this case up for rehearing before entering an order, the Commission will accomplish but two things: it will enter another order based on an erroneous interpretation of law that will require yet another remand, and it will expose the Commission to liability for CRRWC's attorney fees pursuant to ORS 183.497 for taking action without a reasonable basis in fact or in law.

Dated: January 22, 2010.

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Of Attorneys for Crooked River Ranch
Water Cooperative

CERTIFICATE OF FILING AND SERVICE

I certify that on January 22, 2010, I filed the foregoing **REPLY IN SUPPORT OF MOTION TO DISMISS REHEARING PROCEEDING AND CANCEL HEARING**, on the Public Utility Commission by email and first class mail, postage prepaid, addressed as follows:

Public Utility Commission of Oregon
Attn: Filing Center
P.O. Box 2148
Salem, OR 97308-2148
PUC.FilingCenter@state.or.us

I further certify that on January 22, 2010, I served copies of the foregoing **REPLY IN SUPPORT OF MOTION TO DISMISS REHEARING PROCEEDING AND CANCEL HEARING** addressed to the following email addresses:

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I further certify that on January 22, 2010, I served copies of the foregoing **REPLY IN SUPPORT OF MOTION TO DISMISS REHEARING PROCEEDING AND CANCEL HEARING** addressed to the following, via first class mail, postpaid, as follows:

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