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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

WJ9

In the Matter of

RICE HILL WATER DISTRICT

Assertion of Jurisdiction pursuant to
ORS 757.

MOTION/PETITION FOR
EXTENSION OF TIME TO
COMPLY WITH RULES AND
ORDERS

This motion and petition to the Oregon Public Utility Commission (PUC) relates to the above referenced PUC docket number (#WJ9) and Order (#06-675). The Rice Hill Owner's Association, Inc., (RHOA) by and through its President, Ellis E. Emory,(and individually to the extent this Order is intended to apply to him personally - "Emory"),¹ moves and petitions the PUC for a sixty (60) day extension of the effective date and time for compliance with this order. The reasons for this request follow.

RHOA (and Emory) need additional time to compile the financial history, budget, and operational procedures necessary to establish tariffs, information for rates, and to comply with the jurisdictional Order as this will take some considerable time to complete. Emory contacted the PUC, Michael Dougherty, and was told that an informal, informational meeting would be scheduled for interested persons. The meeting could not be scheduled by the PUC until February 13, 2007, in Cottage Grove, Oregon. Ellis E. Emory, RHOA President, appeared

¹
To the extent that PUC Order No. 06-675 is intended to effect Ellis E. Emory individually as President of the Rice Hill Owner's Association, Inc., he joins in this motion.

1 together with several others interested persons to discuss this Order and its requirements with
2 Michael Dougherty, PUC Program Manager for Water Regulation². There has been some
3 confusion as to whom the PUC's Order was directed.

4 The PUC Order was filed on December 19, 2006, and was mailed to Daniel M. Webb
5 and Ellis E. Emory with a letter dated December 21, 2006,³ by Program Manager, Michael
6 Dougherty. The Order recites that it is applicable to the "Rice Hill Water District," however, no
7 legal entity by that name is known to exist, and there was confusion as to whether such Order
8 does or should apply to RHOA (and Emory) as neither is named or mentioned in the Order.

9 In the informal meeting with Michael Dougherty, PUC Program Manager, on February
10 13, 2007 in Cottage Grove, Oregon, two entities were identified: The Rice Hill Owners
11 Association, Inc., a not for profit Oregon corporation⁴, and Rice Hill West Homeowner's
12 Association ("Homeowners Association")⁵, a consortium or association of individual property
13 owners created by a certain Declaration of Covenants, Conditions and Restrictions for Rice Hill
14 West Subdivision, section 8, recorded in the official records of Lane County, Oregon, on May
15 16, 1996, Douglas County Clerk and Recorder Reception No. 96-14065. Of the names and
16 entities used or identified, only The Rice Hill Owner's Association, Inc. appears to have any
17 legal status as an entity.

20 ²
21 Renee J. Sloan, PUC Water Utility Analyst, was scheduled to meet with interested
22 persons, but was reported by Mr. Dougherty to be ill.

23 ³
24 See attached and incorporated Exhibit 1, a copy of PUC letter of December 21,
25 2006

26 ⁴
"Mutual Benefit with members", Oregon Registry No. 128698-89.

⁵
See attached and incorporated Exhibit 2, a copy of the Douglas County Tax Assessor's Map
with the "Rice Hill West Water System" or "RHWWS" properties on the west side of Interstate
Highway 5 shaded.

1 Since September, 1988, the RHOA owned and operated a certain water supply system
2 and sewage and discharge system in the unincorporated area generally known as Rice Hill,
3 Douglas County, Oregon, which is generally located in the vicinity of Interstate Highway 5 at
4 the Rice Hill exit (Exit No. 148).

5 Daniel M. Webb (herein referred to as Webb) (who did not appear at the February 13,
6 2007, PUC informal meeting) is, and has been, the operator and owner of a certain water
7 supply system for certain real property owners on the west side of Interstate 5 at Rice Hill.⁶ The
8 water system operated by Webb will be referred to as the "Rice Hill West Water System" or
9 "RHWWS." The State Public Health Department, Drinking Water Program, Department of
10 Human Services, Douglas County Environmental Health and Social Services, and Douglas
11 County Planning Department all consider and identify the RHOA and the RHWWS systems as
12 separate entities with separate and independent responsibilities, even though the water for the
13 RHWWS is obtained from the RHOA.⁷

14 RHOA and the RHWWS have maintained their own financial records and documents.
15 Webb has not favored RHOA with his information and has claimed that the RHWWS is his
16 exclusive water system and property. Because the informational meeting occurred so close to
17 the 60 days for compliance with the Order, it was not possible to determine what or who should
18 respond. As it is, it appears that this may require information from Webb, the Homeowners
19 Association, and RHOA. As these have operated independently, it will take time to determine
20 how or whether to compile this separate information. In any event, RHOA has begun work on
21 providing information, but will need additional time. This is also "tax season" when
22 accountants are typically less available because of income tax filings. RHOA will pursue this
23 matter, but respectfully requests an additional 60 days to do so. At the informal meeting of

24 ⁶
25 See attached and incorporated Exhibit 3, a copy of Webb's then attorney's,
26 Terrence J. Hammons', letter dated August 3, 1999.

27 ⁷
28 See attached and incorporated Exhibit 4, a copy of the Oregon DHS, Health
29 Division, October 5, 1999 letter to Webb's engineer.

February 13, 2007, Michael Dougherty, PUC Program Manager, stated that he would not
1 oppose such an extension as did Dan G. McKinney, who said he represented the Rice Hill West
2 Homeowner's Association ("Homeowners Association").

3 Respectfully submitted this 16 day of February, 2007.

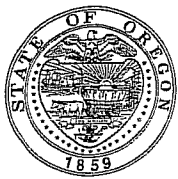
4 The Rice Hill Owners Association, Inc.

Ellis E. Emory

5
6 by Ellis E. Emory
7 Ellis E. Emory, President of the
8 The Rice Hill Owners Association, Inc.
9 c/o John A. Hudson
Eugene, OR 97401-2459
Eugene, OR 97401-2459

10
11 by John A. Hudson
12 John A. Hudson OSB #74149
13 of John A. Hudson Attorney at Law, LLC
14 Attorney for Ellis E. Emory
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Oregon

Theodore R. Kulongoski, Governor

Public Utility Commission

550 Capitol Street NE, Suite 215

Mailing Address: PO Box 2148

Salem, OR 97308-2148

Consumer Services

1-800-522-2404

Local: 503-378-6600

Administrative Services

503-373-7394

December 21, 2006

DANIEL M. WEBB
1800 NW HUGHWOOD AVE APT 318
ROSEBURG OR 97470-5560

ELLIS E. EMORY
89140 BRIDGE STREET
SPRINGFIELD OR 97478

RE: NOTICE OF JURISDICTION - SERVICE AND FINANCIAL REGULATION

The Commission issued Order No. 06-675 on December 20, 2006, asserting jurisdiction over Rice Hill Water Company (Rice Hill). The order requires Rice Hill to fill appropriate tariffs within 60 days of the date of the order. Because 60 days from the date of the order is Sunday, February 18, 2007, and Monday, February 19, is a holiday, Rice Hill's tariffs are due to the Commission by February 20, 2007.

To help you comply with Order No. 06-675, I have enclosed a Guide for Filing a Water Utility Rate Case and an Application Form for you to complete to establish Rice Hill's rates with the Commission. In addition, I have included a copy of the PUC Water Program General Information binder that contains the Commission's Administrative rules for water utilities, Notice and Petition Requirements, and other useful information for rate-regulated water utilities.

If you have any questions or require assistance in completing the application form, please contact me at the number listed below or contact Renee Sloan at 503-373-7871 or renee.sloan@state.or.us.

Michael Dougherty
Program Manager
Corporate Analysis & Water Regulation
Telephone: 503-378-3623
Email address: michael.dougherty@state.or.us

Enclosures

cc: Marc Hellman, PUC
Kathy Miller, PUC
Jason Jones, DOJ
Ralph Zeller, CPA
Al Brusenski (Lead Petitioner)

EXHIBIT 1

OREGON COMMUNITY FOUNDATION

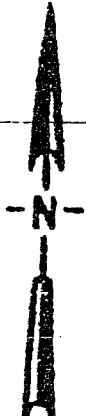
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OREGON COMMUNITY FOUNDATION
 3655.05

SW COR.
 DLC NO. 47

KAY
 3653.00

1996-92



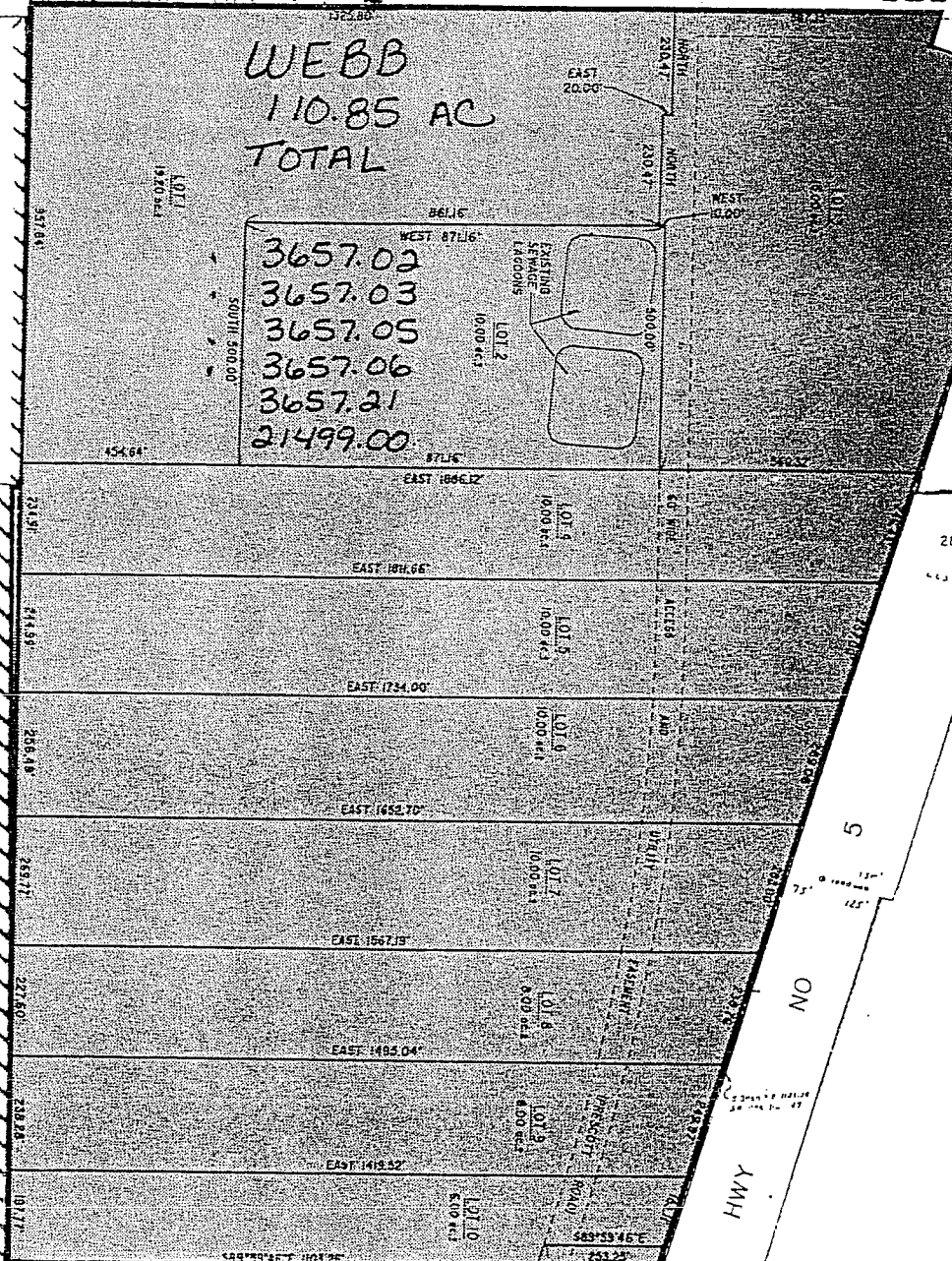
KAY
 3658.04

KAY
 3658.00
 3658.05
 3658.06

00

WEBB
 110.85 AC
 TOTAL

3657.02
 3657.03
 3657.05
 3657.06
 3657.21
 21499.00



U.S.

ALLEN
 3657.00
 3657.04

32-03

DUNCAN
 3693.00
 32-03

KIMBERLING
 3693.05

WEBB
 21500.00

HAMMONS & MILLS

ATTORNEYS AT LAW

EIGHTH & OLIVE BLDG.

115 W. 8TH AVE., SUITE 280

EUGENE, OREGON 97401

TERENCE J. HAMMONS
DAVID B. MILLS

PHONE (541) 484-1216
FAX (541) 484-5326

August 3, 1999

MR. SCOTT G. CURRY, P.E.
REGIONAL ENGINEER
DRINKING WATER PROGRAM
OREGON DEPT. OF HUMAN RESOURCES
HEALTH DIVISION

VIA/FAX: 503-731-0477

RE: Rice Hill West Subdivision

Dear Mr. Curry:

This office represents Dan Webb.

I have before me your letter of June 29, 1999 to Ellis Emory of the Rice Hill Owners Association, together with your letter of June 28, 1999 to Rich Schaff.

Please be advised that Dan Webb is the administrator and declarant of the Rice Hill West Subdivision, and is the sole owner of the water system mentioned in your letter of June 29 to Mr. Emory. Mr. Webb is the one who is developing the system and making the requested corrections. Mr. Emory has absolutely nothing to do with it, nor does the Rice Hill Owners Association. Accordingly, it would be appreciated if you could address your further correspondence directly to Dan Webb at PO Box 188, Yoncalla, Oregon, 97499.

As the attorney for Mr. Webb I am interested in any correspondence you have had from Mr. Emory concerning this issue, either before your letter or in response to it, and I would appreciate it if you could send me copies of any such correspondence if it exists.

Thank you very much for your assistance.

Very truly yours,

HAMMONS & MILLS



Terence J. Hammons
TJH:sim

cc: Client



Oregon

John A. Kitzhaber, M.D., Governor

Department of Human Services

Health Division

800 NE Oregon Street # 21

Portland, OR 97232-2162

(503) 731-4030 Emergency

(503) 731-4381

(503) 731-4077

FAX

(503) 731-4031

TTY-Nonvoice (503) 731-4031

October 5, 1999



Mike A. Parker, P.E.
i.e. Engineering, Inc.
P.O. Box 1271
Roseburg, OR 97470

RE: Plan Review # 274-99 / Conditional Approval

Dear Mike:

We have received the following with regard to the water system that is serving the **Rice Hill West Subdivision in Douglas County**:

1. A letter describing the system layout and operation.
2. The \$250 plan review fee and documentation of land use compatibility.
3. An as-built drawing of the water distribution system.
4. A drawing of the typical customer service line, showing a check valve, flow restrictor, and a 119 gallon pressure tank.
5. Supporting documentation regarding expected flow rates and water pressures.
6. Copies of two bacteriological tests, taken on the same day but at different locations, one of which shows coliform bacteria present.

We understand that this subdivision, with a proposed total of 18 lots, will obtain its water from the adjacent Rice Hill Owner's Association, but will otherwise function as a separate public water system.

Since there are currently four connections to this system, we will activate this as a State-Regulated(or Non-Community) Public Water System on our inventory. When there are 15 connections, the classification will change to Community Water System, with additional water testing requirements.

We have the inorganic chemical analyses for the well water serving this project, so current

Mike Parker

10/4/99

page 2

water testing responsibilities will consist of quarterly bacteriological tests and a yearly nitrate test.

This public water system is approved, subject to the following condition:

1. Minimum pressure at the water meters shall be 20 psi.

We will activate this water system on our inventory, listing Dan Webb as the contact person. We will soon be sending him a water system identification number, to be used when submitting test results or other correspondence to our office.

Thank you for submitting this information for our review.

Sincerely,



Scott G. Curry, P.E.

Regional Engineer

Drinking Water Program

cc: ~~Dan Webb~~

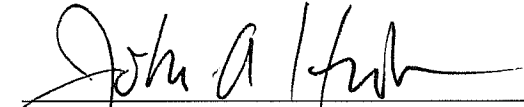
Gerry Meyer, Douglas Co. HD

CERTIFICATE OF SERVICE

I, John A. Hudson, hereby certify that I am the attorney for Ellis E. Emory, President of the Rice Hill Owner's Association, Inc. herein; that I served the within *Motion/Petition for Extension of Time to Comply With Rules and Orders* on February 16, 2007, by placing a duly certified copy thereof in a sealed envelope plainly addressed as follows:

(SEE ATTACHED SERVICE LIST)

- postage prepaid and deposited in the United States Post Office at Eugene, Oregon.
- by delivering a true copy to his/her office located at the above noted address.
- by causing a member of my staff to deliver a true copy to his/her office located at the above noted address.
- by transmitting a true copy via a telephonic facsimile. Attached is the printed confirmation of receipt of the transmittal by the transmitting machine.
- by hand-delivering a true copy to him/her while he/she at the Lane County Courthouse, at the time of trial or hearing, at 125 E. 8th Avenue, Eugene, Oregon.
- by hand-delivering a true copy to him while he was at my office at 66 Club Road, Suite 200, Eugene, Oregon.
- delivered by Pedaler's Express, messenger and delivery service of Eugene, Oregon, a messenger service employed by the undersigned.



 JOHN A. HUDSON, OSB #74149
 of John A. Hudson Attorney at Law, LLC
 Attorney for Ellis E. Emory, President RHOA

* * * * *

I, John A. Hudson, attorney for Ellis E. Emory, President of the Rice Hill Owner's Association, Inc., do hereby certify that the foregoing is a true copy.

 JOHN A. HUDSON, OSB #74149
 of John A. Hudson Attorney at Law, LLC
 Attorney for Ellis E. Emory, President RHOA

SERVICE LIST

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JAMES & DAWN FOX
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RONALD & SAUNDRA SUTHERLAND
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OREGON DEPT. OF ADMINISTRATIVE SERVICES
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SALEM, OREGON 97301-3972

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