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BEFORE THE OREGON PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION OF OREGON,

Complainant,

v.

VCI COMPANY f/k/a STAN EFFERDING and STANLEY JOHNSON d/b/a VILAIRE, and VCI COMPANY, a Washington corporation,

Defendants.

Docket No. UM1288

DEFENDANTS' RESPONSE TO PUBLIC UTILITY COMMISSION OF OREGON'S MOTION FOR LEAVE TO FILE A RESPONSE

Defendants do not object to complainant filing a response to defendants' Reply in Support of Motion to Disclose Ex Parte Communications as long as the response is limited to the issue identified in complainant's Motion for Leave, that being whether the communications at issue related to the merits of the case.


Defendants' decision to withhold objection is due to the seriousness of the ex parte communications and not an agreement with complainant's characterization that defendants failed to disclose, in their initial motion, the specific legal grounds for seeking disclosure of the communications. Given that the ex parte communications resulted in depriving defendants of their right to a hearing on the merits of the dispute, defendants did not anticipate that complainant would attempt to justify those communications as being merely "procedural."

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Subject to the limitation stated above, defendants do not object to the complainant filing a response.

Dated this 27th day of November, 2007.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: 
William J. Ohle, OSB #913866
wohle@schwabe.com
Facsimile: 503.796.2900
Of Attorneys for VCI COMPANY f/k/a
STAN EFFERDING and STANLEY
JOHNSON d/b/a VILAIRE, and VCI
COMPANY, a Washington corporation

1 CERTIFICATE OF SERVICE

2 I hereby certify that on this 29th day of November 2007, I served the foregoing
3 DEFENDANTS' RESPONSE TO PUBLIC UTILITY COMMISSION OF OREGON'S
4 MOTION FOR LEAVE TO FILE A RESPONSE on the following party at the following
5 address:

6 David B. Hatton
7 Assistant Attorney General
8 1162 Court Street NE
9 Salem, OR 97301-4096
10 David.Hatton@state.or.us

11 by electronic filing and emailing to him a true and correct copy thereof, certified by me as such,
12 placed in a sealed envelope addressed to him at the address set forth above, and deposited in the
13 U.S. Post Office at Portland, Oregon, on said day with postage prepaid.

14 
15 _____
16 William J. Ohle