

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

WJ8, UW 120, UM1381 & UCR 100

In the Matters of

CROOKED RIVER RANCH WATER COMPANY

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

and

Request for rate increase in the total annual revenues
from \$806,833 to \$868,453, or 8.13 percent.
(UW 120)

**AMENDED CERTIFICATE OF
SERVICE ON NOTICE
REGARDING PUC ORDER NO. 09-
026**

THE PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

CROOKED RIVER RANCH WATER COMPANY;
and JAMES R. ROOKS, Director, RANDOLPH M.
SCOTT, Director, BRIAN ELLIOT, President,
RICHARD A. KEEN, Vice President, and RICHARD
MILLER, Secretary/Treasurer, in their capacities as
the CROOKED RIVER RANCH WATER
COMPANY BOARD OF DIRECTORS,

Defendants. (UM 1381)

G.T. & T.T.,

Complainants,

v.

CROOKED RIVER RANCH WATER COMPANY,

Defendant. (UCR 100).

I certify that on February 4, 2009, I filed the foregoing AMENDED CERTIFICATE OF SERVICE ON NOTICE RE: PUC ORDER NO. 09-026, 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 February 4, 2009, I served copies of the foregoing AMENDED CERTIFICATE OF SERVICE ON NOTICE RE: PUC ORDER NO. 09-026, addressed to the following:

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Of Attorneys Crooked River Ranch Water
Company

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CROOKED RIVER RANCH WATER COMPANY;
and JAMES R. ROOKS, Director, RANDOLPH M.
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RICHARD A. KEEN, Vice President, and RICHARD
MILLER, Secretary/Treasurer, in their capacities as
the CROOKED RIVER RANCH WATER
COMPANY BOARD OF DIRECTORS,

Defendants. (UM 1381)

G.T. & T.T.,

Complainants,

v.

CROOKED RIVER RANCH WATER COMPANY,

Defendant. (UCR 100).

By Order No. 09-026, the Commission purports to assert regulatory jurisdiction over Crooked River Ranch Water Company (“CRRWC”), impose rates, require the hook-up of a particular property to CRRWC’s water system, distribute funds to its members, and close Docket UM 1381. The order also requires that CRRWC provide notice, pursuant to OAR 860-014-0094, as to whether the terms of the order are accepted and the time within which the order will be obeyed.

CRRWC hereby gives notice of the following:

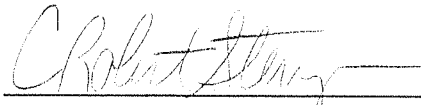
1. As CRRWC informed The Public Utility Commission of Oregon (“the PUC”) in correspondence dated January 29, 2009, the Commission has acted prematurely by purporting to take action in WJ 8 before an appellate judgment has been entered by the Court of Appeals in A134177. Moreover, the Commission’s action violates the stay entered by the Court of Appeals in A134177.
2. CRRWC agrees that Docket UM 1381 should be dismissed based on the Court of Appeals’ decision on Order No. 06-642. Otherwise, CRRWC does not accept the terms of Order No. 09-026 because, without waiving objections based on material errors in procedure, erroneous interpretations of law, a lack of substantial evidence, or any other grounds, the order: (a) was entered without jurisdiction; (b) violates the stays of orders entered by the Court of Appeals in A134177, A138805, and A139657; and (c) would be inconsistent with the Court of Appeals’ decision in A134177 dated December 24, 2008, if that decision is adhered to following CRRWC’s motion for reconsideration and if an appellate judgment is entered by the Court of Appeals based on that decision.

3. As the undersigned discussed with Senior Assistant Attorney General Paul Graham, this submission is made without waiving and without prejudice to CRRWC's position that Order No. 09-026 is invalid, with the understanding that the PUC is considering the issues raised by CRRWC's counsel to PUC counsel on January 29, 2009, but has not yet determined whether or how to respond.

Dated: February 2, 2009

GLENN SITES REEDER & GASSNER LLP
Timothy R. Gassner, OSB #023090

HARRANG LONG GARY RUDNICK P.C.



C. Robert Steringer OSB #98351
Of Attorneys for Crooked River Ranch
Water Company

CERTIFICATE OF FILING AND SERVICE

I certify that on February 2, 2009, I filed the foregoing NOTICE RE: PUC ORDER NO. 09-026, on the Public Utility Commission by email and first class mail, postage prepaid, addressed as follows:

Public Utility Commission of Oregon
Attn: Filing Center
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PUC.FilingCenter@state.or.us

I further certify that on February 2, 2009, I served copies of the foregoing NOTICE RE: PUC ORDER NO. 09-026 addressed to the following email addresses:

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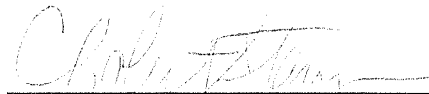
I further certify that on February 2, 2009, I served copies of the foregoing NOTICE RE: PUC ORDER NO. 09-026 addressed to the following, via first class mail, postpaid, as follows:

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