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BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

In the Matter of Tariffs for Water Service) UW 110
in the State of Oregon filed by Long Butte)
Water System, Inc.) **ANSWER TO PETITION**
) **TO INTERVENE**
Advice No. 03-11)
)
_____)

Long Butte Water System, Inc., by and through counsel, hereby answers and opposes the Petition to Intervene filed in this docket by “Whispering Pines Homeowners Association.”

1.

The Oregon Administrative Rules provide that a petition to intervene before the Commission must specifically include the “nature and extent of the petitioner’s interest in the proceeding.” OAR 860-012-0001. It must also include a description of the organization, its members, and its purposes. These requirements have not been met.

2.

The Petition to Intervene comes from the “Whispering Pines Homeowners Association.” Petitioner fails to state whether the 252 members it claims are all Long Butte Water System, Inc. customers. The petition is ambiguous whether there are

actually 252 persons whom petitioner speaks for, or whether the 252 persons simply reflects the number of persons currently served by Long Butte Water System in that region. The name “Whispering Pines Homeowners Association” appears misleading, since petitioner states that its primary purpose is not to act as a homeowner’s association, but to contest the application in this docket. In fact, the so-called “Whispering Pines Homeowners Association” is not a homeowners association in any usual sense, in that it does not collect dues, have officers, or have bylaws or rules to benefit an entire subdivision such as the Whispering Pines Subdivision. Long Butte Water System, Inc. only serves a portion of the actual Whispering Pines Subdivision. The number of residents in Whispering Pines subdivision is greater than 252.

3.

Since Petitioner does not identify the nature or extent of its interest in this docket, its Petition to Intervene is insufficient and should be dismissed. Since the Petitioner has failed to identify either the extent or nature of its interest in this docket, it is impossible for either Long Butte Water System, Inc. or the PUC to properly determine whether this is, in fact, an appropriate organization for intervention under OAR 860-012-0001, or whether it is simply a handful of individual opponents in this docket who are attempting to speak on behalf of others who do not necessarily share their interest or motivations.

4.

OAR 860-012-0001 allows intervention where “the petitioner’s appearance and participation will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding.” The Petition to Intervene suggests that petitioners would in fact unduly delay the proceedings, broaden the issues, and burden the record here. For example, petitioner announces that it wants to use this proceeding to request

a rate decrease, an issue that is not before the Commission. Petitioners have shown an unwillingness to comply with PUC procedures by failing to serve Long Butte Water System, Inc. with a copy of the Petition to Intervene. Petitioner has already requested an open-ended postponement of this docket, purportedly to generate money. Finally, petitioner has already indicated that it will try to use this docket improperly as a forum for collecting information that is outside the scope of the issues that are currently in front of the PUC. For instance, petitioners request records from “at least five other private water companies,” including the cost of their water installation. This request for information appears related to the “rate reduction” issue that petitioners want the PUC to entertain.

5.

Petitioners have failed to properly identify why their “Whispering Pines Homeowners Association” has an interest sufficient to allow its intervention in this matter. Petitioners fail to identify why their participation would benefit these proceedings. Rather, petitioners’ intervention in this case will unduly delay, burden, and distract this docket. Petitioners fail to explain why the procedures for individual intervention and public input are not adequate for them. Applicant Long Butte Water System, Inc. therefore requests that the Petition to Intervene be denied.

DATED this ____ day of September 2005.

FRANCIS, HANSEN & MARTIN, LLP

By: /s Martin E. Hansen
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