

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

In the Matter of)	UW 110
)	
LONG BUTTE WATER SYSTEM, INC.)	PETITIONER’S REPLY TO FINAL
)	BRIEF OF DAN REY AND
Application for authorization to increase)	LISA ROBERTS
the company’s total annual revenues by)	
\$97,354.00 or 78 percent)	
_____)	

There are errors and misstatements in the Final Brief provided by the two Intervenor in this case that the Court probably recognizes but that petitioner Long Butte Water System Inc. (“LBWS”) wishes to briefly address and correct.

First, the Intervenor have once again tried to claim they represent “close to 100 of our neighbors.” The Court previously rejected an argument by intervenors that they represented a “homeowners association,” as they had misleadingly stated in their Petition to Intervene. The intervenors later admitted they are not associated with any such homeowners association. The two intervenors in this matter do not have authority under Oregon law to represent anyone other than themselves.

Second, the intervenors are still trying to re-litigate issues which were conclusively resolved in previous dockets. The intervenors’ claim that they are submitting correspondence (out of context) from a past docket only as exhibits or “evidence” is therefore disingenuous. When their Petition to Intervene was granted, it was of course limited to this proceeding and does not allow Intervenor to raise subjects that are not at issue. For example, Intervenor had stated that they

affirmatively wanted a rate decrease to result from this proceeding. The intervenors later conceded that their standing was limited to this matter.

Third, the intervenors cannot add to the record in their Final Brief as they try to do. They cannot bolster or rehabilitate their witnesses. The record was closed prior to the parties' final briefs. The evidence they are inappropriately trying to add is simply not probative or is otherwise objectionable. For example, the mid-docket letter from Judge Barkin in the prior closed docket is not probative of any issues raised in this matter. The intervenors' statement about what a CEC meter reader allegedly told the intervenors is, of course, inadmissible hearsay that should not be considered for any reason at this late stage. Similarly, the promotional software literature that the intervenors try to submit is not helpful or probative in this matter.

The PUC Staff and LBWS entered their stipulation based upon the tariff information provided by LBWS throughout this process. Staff and LBWS reached their stipulation because it is well-supported by the record, and permits the company a reasonable rate increase for the first time in its fourteen year history. The Commission should therefore adopt the stipulation and the joint testimony heard by Staff and LBWS.

Dated this 30th day of December, 2005.

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