

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UI 281

In the Matter of

**CROOKED RIVER RANCH WATER
COMPANY,**

**Affiliated Interest Application with James
Rooks**

**MOTION FOR
RECONSIDERATION OF
ORDER NO. 08-347**

Crooked River Ranch Water Company (CRRWC) hereby requests reconsideration of Order No. 08-347, to the extent that it identifies the Public Utility Commission of Oregon (Commission) as having jurisdiction under ORS 757.005.

On the first page of the order, under the heading “Jurisdiction,” the Commission states: “ORS 757.005 defines a ‘public utility,’ and the Company [CRRWC] is a public utility subject to the Commission’s jurisdiction.” That statement is incorrect. CRRWC is not a public utility.

ORS 757.005 defined public utility in relevant part as:

“Any corporation, company, individual, association of individuals, or its lessees, trustees or receivers, that owns, operates, manages or controls all or a part of any plant or equipment in this state for the production, transmission, delivery or furnishing of heat, light, water or power, directly or indirectly to or for the public, whether or not such plant or equipment or part thereof is wholly within any town or city.”

(Emphasis added). CRRWC is a water cooperative that furnishes water only to its members. CRRWC does not provide water to or for the public.

The only possible basis for the Commission's jurisdiction is ORS 757.063. In case number WJ 8, the Commission asserted jurisdiction over CRRWC pursuant to ORS 757.063 which provides:

“(1) Any association of individuals that furnishes water to members of the association is subject to regulation in the same manner as provided by this chapter for public utilities, and must pay the fee provided for in ORS 756.310, if 20 percent or more of the members of the association file a petition with the Public Utility Commission requesting that the association be subject to such regulation.

“(2) The provisions of this section apply to an association of individuals even if the association does not furnish water directly to or for the public. The provisions of this section do not apply to any cooperative formed under ORS chapter 62 or to any public body as defined by ORS 174.109.”

CRRWC has appealed the Commission's decision in case number WJ 8 finding that it had jurisdiction over CRRWC pursuant to ORS 757.063. That appeal is currently pending before the Oregon Court of Appeals and is set for oral argument on August 8, 2008.

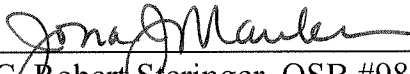
CRRWC intends to file a petition for judicial review of Order No. 08-347 on the basis that the Commission lacks jurisdiction over CRRWC, in order to preserve CRRWC's ability to challenge the order in the event that it is successful in its jurisdictional appeal of WJ 8.

CRRWC respectfully requests the Commission either remove the jurisdictional statement from Order No. 08-347 or correct the statement to reflect that the Commission has asserted jurisdiction over CRRWC pursuant to ORS 757.063.

Dated: July 8th, 2008.

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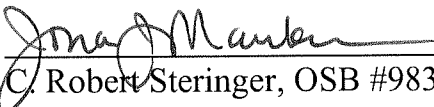
CERTIFICATE OF FILING AND SERVICE

I certify that on July 8th, 2008, I filed the original of the foregoing MOTION FOR RECONSIDERATION OF ORDER NO. 08-347 via first class mail and e-mail addressed to the following:

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