

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**
3 **UM 1288**

4 PUBLIC UTILITY COMMISSION OF
5 OREGON,

6 Complainant,

7 v.

8 VCI COMPANY f/k/a STAN EFFERDING
9 and STANLEY JOHNSON, dba VILAIRE,
and VCI COMPANY, a Washington
corporation

10 Defendants.

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

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12 The Public Utility Commission of Oregon (Commission) moves for leave to file a
13 Response to Defendants' Reply in Support of its Motion for Disclosure of Ex Parte
14 Communications. Defendants in their original motion contended there had been *ex parte*
15 communications, but never addressed relevant provisions of the Commission *ex parte* rule
16 including OAR 860-012-0015(2)(b) (communication must "relate[] to the merits of an issue in
17 the pending contested case proceeding.") and OAR 860-012-0015(8)(a) (provisions do not apply
18 to procedural issues). Defendants' reply for the first time discusses these rules and two cases to
19 support their position.

20 In their motion Defendants also never addressed OAR 860-013-0055(1), the
21 Commission's default rule. Now in their reply brief Defendants for the first time address the rule
22 and cite to a disciplinary rule and a disciplinary case.

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Because all of these arguments were raised by Defendants for the first time in the reply briefs, the Commission has not had an opportunity to respond. The Commission requests the opportunity to file a response to Defendants’ reply and be granted a minimum of seven (7) days from the order allowing the response.

DATED this 28th day of November 2007.

Respectfully submitted,
HARDY MYERS
Attorney General

s/David B. Hatton
David B. Hatton, #75151
Assistant Attorney General
Of Attorneys for the Public Utility Commission
of Oregon

1 **CERTIFICATE OF SERVICE**


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3 I certify that on November 28, 2007, I served the foregoing upon all parties of record in

4 this proceeding by delivering a copy by electronic mail and by mailing a copy by postage prepaid

5 first class mail to:

6 **SCHWABE WILLIAMSON & WYATT**
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15 Department of Justice
16 Regulated Utility & Business Section