

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UP 384

In the Matter of the Joint Application for  
Approval of the Sale of

SUNRIVER WATER, LLC,

to

NW NATURAL WATER OF OREGON,  
LLC,

Pursuant to ORS 757.480 and  
OAR 860-036-2120.

RULING

**DISPOSITION: EXTENSION OF TIME GRANTED**

By letter dated December 5, 2018, joint applicants NW Natural Water of Oregon, LLC, and Sunriver Water, LLC, express their concerns regarding the breadth and scope of planned participation in this proceeding by the Sunriver Owners Association, particularly in regard to the statement by SROA in its petition to intervene that its interest in the proceeding includes “a right of first refusal (ROFR) or a first offer right in SROA of the ownership interests in Sunriver Water LLC.”

In their letter, the joint applicants state that neither the SROA nor Sunriver Water has been able to locate an executed ROFR, and Sunriver Water does not believe that one exists. In their view, regardless of whether a ROFR exists, contractual issues relating to the existence or alleged breach of a ROFR are not within the Commission's jurisdiction and should be pursued in court.

The joint applicants request that I advise the parties as to whether this issue is best handled at the prehearing conference or through an objection to the petition. In the event that I intend to rule on the petition before a prehearing conference is held, they request an extension of time through Wednesday, December 12, 2018, to file an objection to SROA's petition.

I note that the joint applicants' request is based on the statement of interest by SROA in its petition to intervene. As to the issues SROA intends to raise at the hearing, it states:

Petitioner intends to represent itself and its members in connection with the proposed sale of Sunriver Water LLC to ensure that Petition and its members receive safe and adequate service at fair and reasonable rates. Petitioner also intends to assist, as appropriate, the investigation of issues raised by the Commission staff and other parties in the proceeding.

The joint applicants do not object to SROA's statement of the issues it intends to raise.

The joint applicants' concern is directed specifically to a possible discovery initiative by SROA regarding the alleged ROFR. I will not offer an advisory opinion on the merits of an unripened discovery question. Such rulings will be made in the ordinary course, where the discovery is initiated, the party objects, and the first party files a motion to compel discovery.

For good cause shown, I grant the request to extend the time for joint applicants to respond to SROA's petition to intervene to December 12, 2018.

Dated this 6th day of December, 2018, at Salem, Oregon.



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Patrick Power  
Administrative Law Judge