

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UI 281 and UI 282

In the Matters of )  
)  
CROOKED RIVER RANCH WATER COMPANY, )  
)  
Affiliated Interest Application with James Rooks (UI 281); )  
)  
and )  
)  
CROOKED RIVER RANCH WATER COMPANY, )  
)  
Affiliated Interest Application with Jacquie Rooks (UI 282). )

ORDER

**DISPOSITION: MOTIONS TO CORRECT TRANSCRIPTS OF  
PROCEEDINGS DENIED**

On October 20, 2008, Crooked River Ranch Water Company (CRRWC) filed separate motions to correct a transcript submitted with the record on judicial review for the two dockets listed above. The Public Utility Commission of Oregon (Commission) transmitted the appellate record in CA A 139981 and CA A 139982 on October 5, 2008. Both motions seek two identical corrections to the transcript of a June 25, 2008 Public Meeting held by the Commission. First, on page 6, line 5, CRRWC seeks to change the word “contract” to “contracts.” Second, on page 8, line 4, CRRWC seeks to change the word “Commissioner” to “Commission.”

CRRWC filed the motion pursuant to Rule 4.22 of the Oregon Rules of Appellate Procedure (ORAP). That rule provides, in part:

(1) Within 15 days after the agency files the record of agency proceedings, or such further time as may be allowed by the court, any party may file with the agency a motion:

(a) To correct any errors appearing in the transcript or to have additional parts of the proceedings transcribed, if the record includes a transcript.

\* \* \* \* \*

(2) The party shall serve the court with a copy of the motion.

(3) The agency shall file with the court a copy of its order disposing of the motion to correct the record or to correct or add to the transcript. If the agency grants the motion in whole or in part, the agency shall serve on the adverse party or parties and file with the court a corrected record, a corrected transcript, or an additional transcript, as appropriate. When the agency files a corrected record or transcript, in the discretion of the agency, the agency may serve and file only those pages as have been corrected.

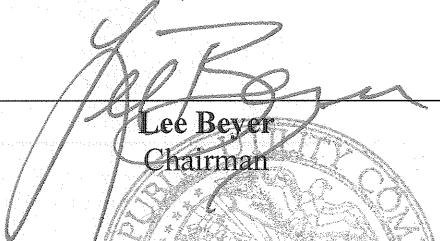
CRRWC failed to timely serve copies of the motions with the Court of Appeals, as required by ORAP 4.22(2). The original certificate of service indicates that copies were served only on the Department of Justice and other counsel representing CRRWC. Although CRRWC subsequently filed an amended certificate of service to indicate that copies of the motion were served on the State Court Administrator on October 27, 2008, that service was well past the 15-day deadline imposed by rule.

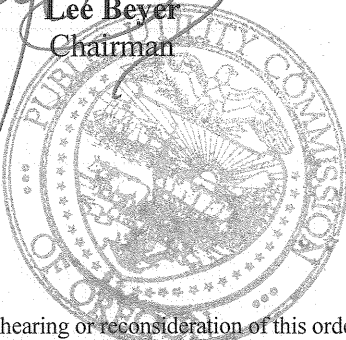
More importantly, the motions seek corrections to immaterial errors that do not affect the court's review of the Commission's decision on appeal. Given the nature of the transcribing process, most, if not all, transcripts will contain typographical errors. While some errors may be significant and warrant correcting, the ones identified here neither prejudice CRRWC nor confuse the appellate record. Granting the motion would unduly burden the record and has the potential to delay the proceedings. Given the demands placed on the appellate courts, motions to correct a record on judicial review should be reserved for material errors.


ORDER


IT IS ORDERED that Crooked River Ranch Water Company's Motions to Correct Transcripts of Proceedings are DENIED.

Made, entered, and effective NOV 04 2008.

  
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**Lee Beyer**  
Chairman



  
\_\_\_\_\_  
**John Savage**  
Commissioner

  
\_\_\_\_\_  
**Ray Baum**  
Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.