DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

BOB SMITH

ROSE SCHULTE

DON OLIASON

DAVID SCOTT

WORKING FILE

FROM:SUSAN HAMLIN

DATE:JULY 25, 1997

RE:VALLEY VIEW SUBDIVISION, INC. REQUEST FOR CONTINUANCE OF HEARING AND PREFILE DEADLINES.

On July 16, 1997, Valley View Subdivision, Inc. (Valley View) sent a letter to the Commission requesting that the technical hearing set for August 20 be continued until late September or early October 1997.  Valley View also requests that the prehearing submission dates be moved to a later time commensurately with postponing the hearing.  The deadline for filing direct testimony was July 18, rebuttal testimony is due August 8, and the hearing is set for August 20.  To date Staff is the only party to file direct testimony.

The reason for this request is that the various residents who are served by the water and sewer districts run by Valley View have formed a water and sewer district (Water District) and have expressed interest in purchasing this system.  The Water District had offered to purchase the system from Valley View.  Valley View counter offered.  On July 14, 1997, the Water District met to discuss the counter offer to purchase the system.  The Water District has 30 to 40 days to meet with the members of the district and consider a counter proposal.  Valley View indicates that they are “making a bona fide offer to sell the system and is committed to make the necessary efforts to bring the negotiations to closure”.  Valley View states that it would assist in negotiations if the Commission would grant the requested continuance.

The Water District indicated in its reply to Valley View’s Motion that negotiations are continuing, however, did not take a position on the Motion to Continue but rather left it up to Commission discretion.  John Tait, an attorney representing a customer, concurred with the Water District’s reply to leave the decision to Commission discretion.

Staff’s Recommendation:

Staff does not oppose the Motion to Continue, however, points out this case has been in limbo for at least two years due to continuing negotiations.  If the Motion to Continue the hearing  is granted Staff recommends that a date certain be set immediately for the hearing and prefile dates.

Commission Decision:

Does the Commission wish to continue the hearing date and reschedule the filing dates in this case?

Susan Hamlin

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