



Melanie Reif <mreif@utah.gov>

Scheduling Conference in Duncan et al. against Eagles Landing Water Company LLC; Docket No. 132477-02

11 messages

Melanie Reif <mreif@utah.gov>

Tue, Nov 19, 2013 at 8:33 AM

To: Brent & Raeleen Duncan <info@lq8r.com>, John & Mary Gavila <gavila1@cut.net>, Ronald & Phyllis Workman <dworkman2009@gmail.com>, Dustin & Brenda Bates <dandbbates@yahoo.com>, Elmo & Bonnie Richins <bill.richins@gmail.com>, Gene & Betty Alien <bettyborgquist@aol.com>, Gary & Pam Monson <monsongp69@gmail.com>, Chris & Sheri Paulos <candspaulos@hotmail.com>, Bryan & Teresa Young <bryanfitycal@gmail.com>, Trevor & Jessica Butterfield <jessas1108@gmail.com>, "J. Craig Smith" <jcsmith@smithlawonline.com>

Cc: Patricia Schmid <pschmid@utah.gov>, Justin Jetter <jjetter@utah.gov>, Brent Coleman <brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>, William Duncan <wduncan@utah.gov>

Parties:

The Commission will be scheduling a Scheduling Conference in this matter for next Tuesday, November 26, 2013. The Commission's calendar can accommodate a 9:00 a.m. morning or 1:30 p.m. afternoon meeting time, and anyone who is not able to attend personally will have the opportunity to join in by telephone. If you have a conflict with either of these times, please propose an alternate time that is acceptable to all other parties by Noon today. If it is necessary for parties to discuss an alternate time, please communicate among yourselves and then "reply all" to this message so all parties are informed. The Commission anticipates issuing a Notice of Scheduling Conference by the end of the business day today. Thank you.

Melanie A. Reif
Administrative Law Judge
Utah Public Service Commission

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Tue, Nov 19, 2013 at 8:33 AM

To: mreif@utah.gov

Delivery to the following recipient failed permanently:

info@lq8r.com

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain outbounds9.obsmtmp.com by outbounds9.obsmtmp.com. [74.125.148.12].

The error that the other server returned was:

550 Host not found for domain:lq8r.com - psmtmp

----- Original message -----

X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;

d=1e100.net; s=20130820;

h=x-gm-message-state:mime-version:from:date:message-id:subject:to:cc

:content-type;

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itcg==

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w==

X-Received: by 10.224.24.201 with SMTP id w9mr3195134qab.103.1384875223721;
Tue, 19 Nov 2013 07:33:43 -0800 (PST)

X-Received: by 10.224.24.201 with SMTP id w9mr3195099qab.103.1384875223610;
Tue, 19 Nov 2013 07:33:43 -0800 (PST)

MIME-Version: 1.0

Received: by 10.224.169.137 with HTTP; Tue, 19 Nov 2013 07:33:03 -0800 (PST)

From: Melanie Reif <mreif@utah.gov>

Date: Tue, 19 Nov 2013 08:33:03 -0700

Message-ID: <CALRBLsjzL44rGPutbEt3kFpa-98BFCG0OkxjrUfe-j2HeTH1cg@mail.gmail.com>

Subject: Scheduling Conference in Duncan et al. against Eagles Landing Water

Company LLC; Docket No. 132477-02

To: "Brent & Raeleen Duncan" <info@lqd8r.com>, "John & Mary Gavila" <gavila1@cut.net>,
"Ronald & Phyllis Workman" <dworkman2009@gmail.com>, "Dustin & Brenda Bates"

<dandbbates@yahoo.com>,
"Elmo & Bonnie Richins" <bill.richins@gmail.com>, "Gene & Betty Allen" <bettyborgquist@aol.com>,
"Gary & Pam Monson" <monsongp69@gmail.com>, "Chris & Sheri Paulos" <candspaulos@hotmail.com>,
"Bryan & Teresa Young" <bryanfiftycal@gmail.com>,
"Trevor & Jessica Butterfield" <jessas1108@gmail.com>, "J. Craig Smith" <jcsmith@smithlawonline.com>

Cc: Patricia Schmid <pschmid@utah.gov>, Justin Jetter <jjetter@utah.gov>,
Brent Coleman <brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>,
William Duncan <wduncan@utah.gov>

Content-Type: multipart/alternative; boundary=001a11c2a260c3111f04eb8963c4

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Melanie Reif <mreif@utah.gov>

Tue, Nov 19, 2013 at 8:41 AM

To: John & Mary Gavila <gavila1@cut.net>, Ronald & Phyllis Workman <dworkman2009@gmail.com>, Dustin &
Brenda Bates <dandbbates@yahoo.com>, Elmo & Bonnie Richins <bill.richins@gmail.com>, Gene & Betty Allen
<bettyborgquist@aol.com>, Gary & Pam Monson <monsongp69@gmail.com>, Chris & Sheri Paulos
<candspaulos@hotmail.com>, Bryan & Teresa Young <bryanfiftycal@gmail.com>, Trevor & Jessica Butterfield
<jessas1108@gmail.com>, Brent & Raeleen Duncan <info@lqd8r.com>, "J. Craig Smith"
<jcsmith@smithlawonline.com>

Cc: Patricia Schmid <pschmid@utah.gov>, Justin Jetter <jjetter@utah.gov>, Brent Coleman
<brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>, William Duncan <wduncan@utah.gov>

FYI, there was an e-mail address error contained in the prior message. This message should correct that error.

Thank you.

[Quoted text hidden]

J. Craig Smith <jcsmith@smithlawonline.com>

Tue, Nov 19, 2013 at 10:25 AM

To: Melanie Reif <mreif@utah.gov>, John & Mary Gavila <gavila1@cut.net>, Ronald & Phyllis Workman
<dworkman2009@gmail.com>, Dustin & Brenda Bates <dandbbates@yahoo.com>, Elmo & Bonnie Richins
<bill.richins@gmail.com>, Gene & Betty Allen <bettyborgquist@aol.com>, Gary & Pam Monson
<monsongp69@gmail.com>, Chris & Sheri Paulos <candspaulos@hotmail.com>, Bryan & Teresa Young
<bryanfiftycal@gmail.com>, Trevor & Jessica Butterfield <jessas1108@gmail.com>, Brent & Raeleen Duncan
<info@lqd8r.com>

Cc: Patricia Schmid <pschmid@utah.gov>, Justin Jetter <jjetter@utah.gov>, Brent Coleman
<brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>, William Duncan <wduncan@utah.gov>, Adam Long
<ALong@smithlawonline.com>, David Olsen <hearthstoneddevelopment@hotmail.com>

Dear Judge Reif,

I am available by telephone at 9:00am on Tuesday, November 26, 2013. Adam Long at attorney in my office will appear along with David Olsen from the Company, in person. I am not available at 1:30pm on that day. Thanks for your consideration in providing alternate times.

Craig

J. Craig Smith, Esq.



SMITH HARTVIGSEN

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From: Melanie Reif [mailto:mreif@utah.gov]

Sent: Tuesday, November 19, 2013 8:42 AM

To: John & Mary Gavrila; Ronald & Phyllis Workman; Dustin & Brenda Bates; Elmo & Bonnie Richins; Gene & Betty Allen; Gary & Pam Monson; Chris & Sheri Paulos; Bryan & Teresa Young; Trevor & Jessica Butterfield; Brent & Raeleen Duncan; J. Craig Smith

Cc: Patricia Schmid; Justin Jetter; Brent Coleman; Michele Beck; William Duncan

Subject: Re: Scheduling Conference in Duncan et al. against Eagles Landing Water Company LLC; Docket No.

132477-02

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Diane Workman <dworkman2009@gmail.com>
To: Melanie Reif <mreif@utah.gov>

Tue, Nov 19, 2013 at 10:40 AM

Judge Reif,

Can you explain what the scheduling conference will entail? Is it just to get a feel for the time needed to be set aside for the official hearing?

We're in the process of contacting all neighbors who will be present, but anticipate that either time will be acceptable for us.

Phyllis Workman

On Tue, Nov 19, 2013 at 8:33 AM, Melanie Reif <mreif@utah.gov> wrote:

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Melanie Reif <mreif@utah.gov>

Tue, Nov 19, 2013 at 10:57 AM

To: Diane Workman <dworkman2009@gmail.com>

Cc: John & Mary Gavila <gavila1@cut.net>, Dustin & Brenda Bates <dandbbates@yahoo.com>, Elmo & Bonnie Richins <bill.richins@gmail.com>, Gene & Betty Allen <bettyborgquist@aol.com>, Gary & Pam Monson <monsongp69@gmail.com>, Chris & Sheri Paulos <candspaulos@hotmail.com>, Bryan & Teresa Young <bryanfitycal@gmail.com>, Trevor & Jessica Butterfield <jessas1108@gmail.com>, Brent & Raeleen Duncan <info@lqd8r.com>, "J. Craig Smith" <jcsmith@smithlawonline.com>, Patricia Schmid <pschmid@utah.gov>, Justin Jetter <jjetter@utah.gov>, Brent Coleman <brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>, William Duncan <wduncan@utah.gov>

The scheduling conference serves as the basis for the Scheduling Order in the docket. Parties should come prepared to discuss a schedule for the case, including a hearing date, filing dates for testimony or prehearing motions, and a cut-off for intervention of interested parties. Typically, the parties discuss these issues before the scheduling conference and, at the scheduling conference, propose a mutually agreed upon schedule for the Commission to then review and approve or otherwise alter where necessary. Where this does not occur, the scheduling conference takes much longer than it would otherwise, but it still covers all the issues needed to address the deadlines contained in the scheduling order.

Please let me know if you need any further clarification. Also, as a reminder to all parties in this docket, please "reply all" when communicating to the ALJ. That way all parties are privy to the communication(s) taking place and thereby avoiding any appearance of *ex parte* communication.

Thank you.

Melanie A. Reif
Administrative Law Judge
Utah Public Service Commission

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Diane Workman <dworkman2009@gmail.com>

Tue, Nov 19, 2013 at 11:12 AM

To: Melanie Reif <mreif@utah.gov>

Cc: John & Mary Gavila <gavila1@cut.net>, Dustin & Brenda Bates <dandbbates@yahoo.com>, Elmo & Bonnie Richins <bill.richins@gmail.com>, Gene & Betty Allen <bettyborgquist@aol.com>, Gary & Pam Monson <monsongp69@gmail.com>, Chris & Sheri Paulos <candspaulos@hotmail.com>, Bryan & Teresa Young <bryanfitycal@gmail.com>, Trevor & Jessica Butterfield <jessas1108@gmail.com>, Brent & Raeleen Duncan <info@lqd8r.com>, "J. Craig Smith" <jcsmith@smithlawonline.com>, Patricia Schmid <pschmid@utah.gov>, Justin Jetter <jjetter@utah.gov>, Brent Coleman <brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>, William Duncan <wduncan@utah.gov>

Judge Reif,

For the purpose of travel time to Salt Lake, we've decided that the 1:30 timeframe would work better for all those choosing to be at the scheduling conference in person. Thank you.

Phyllis Workman

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J. Craig Smith <jcsmith@smithlawonline.com>

Tue, Nov 19, 2013 at 11:21 AM

To: Diane Workman <dworkman2009@gmail.com>, Melanie Reif <mreif@utah.gov>

Cc: John & Mary Gavila <gavila1@cut.net>, Dustin & Brenda Bates <dandbbates@yahoo.com>, Elmo & Bonnie Richins <bill.richins@gmail.com>, Gene & Betty Allen <bettyborgquist@aol.com>, Gary & Pam Monson <monsongp69@gmail.com>, Chris & Sheri Paulos <candspaulos@hotmail.com>, Bryan & Teresa Young <bryanfitycal@gmail.com>, Trevor & Jessica Butterfield <jessas1108@gmail.com>, Brent & Raeleen Duncan <info@lqd8r.com>, Patricia Schmid <pschmid@utah.gov>, Justin Jetter <jjetter@utah.gov>, Brent Coleman <brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>, William Duncan <wduncan@utah.gov>, Adam Long <ALong@smithlawonline.com>, David Olsen <hearhstonedevelopment@hotmail.com>

Judge Reif,

As previously communicated, I am not available at 1:30pm on the 26th. I also checked with Adam Long and he is not available at that time either. If 9:00am is inconvenient to others involved, I am available any time on Tuesday, December 3 or Wednesday December 4. Thanks again for your consideration of other commitments.

Craig

J. Craig Smith, Esq.



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From: Diane Workman [mailto:dworkman2009@gmail.com]

Sent: Tuesday, November 19, 2013 11:12 AM

To: Melanie Reif

Cc: John & Mary Gavril; Dustin & Brenda Bates; Elmo & Bonnie Richins; Gene & Betty Allen; Gary & Pam Monson; Chris & Sheri Paulos; Bryan & Teresa Young; Trevor & Jessica Butterfield; Brent & Raeleen Duncan; J. Craig Smith; Patricia Schmid; Justin Jetter; Brent Coleman; Michele Beck; William Duncan

Subject: Re: Scheduling Conference in Duncan et al. against Eagles Landing Water Company LLC; Docket No. 132477-02

Judge Reif,

[Quoted text hidden]

[Quoted text hidden]

Patricia Schmid <pschmid@utah.gov>

Tue, Nov 19, 2013 at 11:25 AM

To: Melanie Reif <mreif@utah.gov>

Cc: Brent & Raeleen Duncan <info@lq8r.com>, John & Mary Gavila <gavila1@cut.net>, Ronald & Phyllis Workman <dworkman2009@gmail.com>, Dustin & Brenda Bates <dandbbates@yahoo.com>, Elmo & Bonnie Richins <bill.richins@gmail.com>, Gene & Betty Allen <bettyborgquist@aol.com>, Gary & Pam Monson <monsongp69@gmail.com>, Chris & Sheri Paulos <candspaulos@hotmail.com>, Bryan & Teresa Young <bryanfiftycal@gmail.com>, Trevor & Jessica Butterfield <jessas1108@gmail.com>, "J. Craig Smith" <jcsmith@smithlawonline.com>, Justin Jetter <jjetter@utah.gov>, Brent Coleman <brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>, William Duncan <wduncan@utah.gov>

Judge Reif,

At this time, I am not planning on participating in this docket.

Thank you,
Trisha Schmid

On Tue, Nov 19, 2013 at 8:33 AM, Melanie Reif <mreif@utah.gov> wrote:
[Quoted text hidden]

--
Trisha Schmid
Assistant Attorney General
160 East 300 South
P.O. Box 140857
Salt Lake City, UT 84114-0857
(801) 366-0830
pschmid@utah.gov

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Melanie Reif <mreif@utah.gov> Tue, Nov 19, 2013 at 12:42 PM
To: Diane Workman <dworkman2009@gmail.com>
Cc: John & Mary Gavila <gavila1@cut.net>, Dustin & Brenda Bates <dandbbates@yahoo.com>, Elmo & Bonnie Richins <bill.richins@gmail.com>, Gene & Betty Allen <bettyborgquist@aol.com>, Gary & Pam Monson <monsongp69@gmail.com>, Chris & Sheri Paulos <candspaulos@hotmail.com>, Bryan & Teresa Young <bryanfitycal@gmail.com>, Trevor & Jessica Butterfield <jessas1108@gmail.com>, Brent & Raeleen Duncan <info@lqd8r.com>, "J. Craig Smith" <jcsmith@smithlawonline.com>, Patricia Schmid <pschmid@utah.gov>, Justin Jetter <jjetter@utah.gov>, Brent Coleman <brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>, William Duncan <wduncan@utah.gov>

As noted by counsel for Eagles Landing Water Company LLC, the 1:30 p.m. time does not work for him or his associate. The 9:30 a.m. time, however, does work.

If it helps clarify things further for complainants, the scheduling conference is not a proceeding on the record. It does not involve making arguments, taking positions, or giving testimony. It is simply an informal meeting to discuss and determine the schedule in the matter. Again, any party may participate by phone.

If the complaining parties are unable to make the 9:00 a.m. time next Tuesday, the Commission will need to set a date after the Thanksgiving holiday, which will further postpone the matter. Counsel for Eagles Landing Water Company LLC has proposed December 3 or 4 as possibilities, and both of those dates are available with the Commission. If either of these dates work with complainants, please advise. Alternatively, if you would like to reconsider the 9:00 a.m. time next Tuesday, please advise. If none of the dates already proposed work, the Commission will schedule this matter and advise the parties accordingly.

Thank you,

Melanie A. Reif

Administrative Law Judge
Utah Public Service Commission
[Quoted text hidden]

Diane Workman <dworkman2009@gmail.com>

Tue, Nov 19, 2013 at 1:24 PM

To: "J. Craig Smith" <jcsmith@smithlawonline.com>

Cc: Melanie Reif <mreif@utah.gov>, John & Mary Gavila <gavila1@cut.net>, Dustin & Brenda Bates <dandbbates@yahoo.com>, Elmo & Bonnie Richins <bill.richins@gmail.com>, Gene & Betty Allen <bettyborgquist@aol.com>, Gary & Pam Monson <monsongp69@gmail.com>, Chris & Sheri Paulos <candspaulos@hotmail.com>, Bryan & Teresa Young <bryanfiftycal@gmail.com>, Trevor & Jessica Butterfield <jessas1108@gmail.com>, Brent & Raeleen Duncan <info@lqd8r.com>, Patricia Schmid <pschmid@utah.gov>, Justin Jetter <jjetter@utah.gov>, Brent Coleman <brentcoleman@utah.gov>, Michele Beck <mbeck@utah.gov>, William Duncan <wduncan@utah.gov>, Adam Long <ALong@smithlawonline.com>, David Olsen <hearthstonedevelopment@hotmail.com>

Judge Reif,

Sorry your honor, for being unable to honor your request for alternate dates by the noon hour today. Since Mr. Smith is unable to adjust his schedule to the afternoon of November 26th, we must request an alternate date of his choosing for December 3 or 4th--with an afternoon preference to accommodate our travel time from Birdseye.

Phyllis Workman

[Quoted text hidden]