



Melanie Reif <mreif@utah.gov>

Scheduling Conference Scheduled for This Morning at 9:00 A.M. in the Matter of Formal Complaint of Daniel Beck against Lakeview Water Corporation; Docket No. 13-540-01

11 messages

Melanie Reif <mreif@utah.gov>

Mon, Jan 27, 2014 at 10:45 AM

To: dbeck177@gmail.com, lakeviewwatercorp@gmail.com, msmith@smithknowles.com, pmaughan@smithknowles.com

Cc: William Duncan <wduncan@utah.gov>, Mark Long <mlong@utah.gov>, Erika Tedder <etedder@utah.gov>, Gary Widerburg <gwiderburg@utah.gov>

Dear Parties,

As noticed on December 31, 2013, a scheduling conference was scheduled for this morning at 9:00 a.m. at the Heber M. Wells Building in downtown Salt Lake City. Mr. Beck was scheduled to appear by telephone; however, at the conference neither party appeared. Thereafter, I received a call from counsel for the Lakeview Water Corporation that Mr. Smith had essentially overlooked the appointment. Given the failure of the parties to attend the scheduling conference, please advise whether this matter is going forward and, if so, please communicate with one another and present a proposed schedule that is mutually agreeable. Once I receive the proposed schedule, I will make sure there are no conflicts with the Commission's calendar and issue a scheduling order. If this matter has been resolved such that going forward with a scheduling order and hearing are no longer needed, please advise the Commission as to complainant's desire to withdraw the complaint and have the matter dismissed.

Thank you for your prompt attention to this matter.

Melanie A. Reif
Administrative Law Judge
Utah Public Service Commission

Daniel Beck <dbeck177@gmail.com>

Mon, Jan 27, 2014 at 12:19 PM

To: Melanie Reif <mreif@utah.gov>

Cc: "lakeviewwatercorp@gmail.com" <lakeviewwatercorp@gmail.com>, "msmith@smithknowles.com" <msmith@smithknowles.com>, "pmaughan@smithknowles.com" <pmaughan@smithknowles.com>, William Duncan <wduncan@utah.gov>, Mark Long <mlong@utah.gov>, Erika Tedder <etedder@utah.gov>, Gary Widerburg <gwiderburg@utah.gov>

The matter is not resolved I called the number that was given me but got a busy signal. I am prepared to present my case, please let me know what day and time works best.

Daniel

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Melanie Reif <mreif@utah.gov>

Mon, Jan 27, 2014 at 12:51 PM

To: Daniel Beck <dbeck177@gmail.com>

Cc: "lakeviewwatercorp@gmail.com" <lakeviewwatercorp@gmail.com>, "msmith@smithknowles.com" <msmith@smithknowles.com>, "pmaughan@smithknowles.com" <pmaughan@smithknowles.com>, William Duncan <wduncan@utah.gov>, Mark Long <mlong@utah.gov>, Gary Widerburg <gwiderburg@utah.gov>

Mr. Beck: It's possible the line was busy when you phoned, but I will bring this matter to the attention of the

Commission Secretary in case there is a problem. In any event, did you phone again? I postponed the scheduling conference for several minutes and there were no calls. At this point, you and Mr. Smith will need to propose a mutually agreeable schedule for the docket. If you are unable to do that, the Commission will schedule the matter for you, but giving you the first crack at presenting a schedule would most likely be in the parties' best interest since you both can factor in your individual time constraints. Thank you. Judge Reif

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Daniel Beck <dbeck177@gmail.com>

Mon, Jan 27, 2014 at 2:55 PM

To: Melanie Reif <mreif@utah.gov>

Cc: "lakeviewwatercorp@gmail.com" <lakeviewwatercorp@gmail.com>, "msmith@smithknowles.com" <msmith@smithknowles.com>, "pmaughan@smithknowles.com" <pmaughan@smithknowles.com>, William Duncan <wduncan@utah.gov>, Mark Long <mlong@utah.gov>, Gary Widerburg <gwiderburg@utah.gov>

I called twice and both times the line was busy. I would propose Wed afternoon at 4:00 pm, which is the 29th. We had over a month to prepare for this so I would assume Lakeview Water does not require additional perpetration time. I do not know Mr Smith not have I spoken with him. If he cannot make Wed work I would ask the commission to re-schedule a date.

Daniel

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Melanie Reif <mreif@utah.gov>

Mon, Jan 27, 2014 at 3:15 PM

To: Daniel Beck <dbeck177@gmail.com>

Cc: "lakeviewwatercorp@gmail.com" <lakeviewwatercorp@gmail.com>, "msmith@smithknowles.com" <msmith@smithknowles.com>, "pmaughan@smithknowles.com" <pmaughan@smithknowles.com>, William Duncan <wduncan@utah.gov>, Mark Long <mlong@utah.gov>, Gary Widerburg <gwiderburg@utah.gov>

Mr. Beck: I have notified the the Commission Secretary regarding your concerns about the phone line. We are aware of no issues at this time that would have prevented you from reaching this Commission via the phone number provided in the notice.

At this morning's scheduling conference, parties were asked to "come prepared to discuss a schedule for the case, including a hearing date, filing dates for testimony or prehearing motions, and cut-off for intervention of interested parties." Based on similar dockets a proposed scheduling order should include at least the following dates: (1) complainant's testimony and exhibits, (2) company's testimony and exhibits, (3) hearing date, and (4) discovery turn-around times (i.e., deadlines to request and respond to data requests of either party). Parties may also wish to include an intervention deadline, if applicable, as well as rebuttal testimony deadlines.

Mr. Smith and his associate are both included in this email chain if you need assess to their addresses. Please do not include the Commission, however, when communicating with the company or its counsel.

Thank you.

Judge Reif

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Daniel Beck <dbeck177@gmail.com>

Mon, Jan 27, 2014 at 5:34 PM

To: Melanie Reif <mreif@utah.gov>

Cc: "lakeviewwatercorp@gmail.com" <lakeviewwatercorp@gmail.com>, "msmith@smithknowles.com" <msmith@smithknowles.com>, "pmaughan@smithknowles.com" <pmaughan@smithknowles.com>, William Duncan <wduncan@utah.gov>, Mark Long <mlong@utah.gov>, Gary Widerburg <gwiderburg@utah.gov>

Understood however due to the lack of communication between Lakeview Water and myself I highly doubt that they will cooperate with setting up a time for a new hearing. Therefore I am formally requesting the commission set up a new date for this dispute, is this possible?

Daniel

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Melven Smith <msmith@smithknowles.com>

Tue, Jan 28, 2014 at 11:11 AM

To: Daniel Beck <dbeck177@gmail.com>, Melanie Reif <mreif@utah.gov>

Cc: "lakeviewwatercorp@gmail.com" <lakeviewwatercorp@gmail.com>, Paula Maughan <pmaughan@smithknowles.com>, William Duncan <wduncan@utah.gov>, Mark Long <mlong@utah.gov>, Gary Widerburg <gwiderburg@utah.gov>

Dear Ms. Reif & Mr. Beck,

I am a bit more optimistic than Mr. Beck is about the possibility of resolving this matter without the need of pursuing the same before the Commission. We are not talking about a lot of money and the cost and inconvenience to all concerned will definitely exceed any amount in controversy, not to mention the time it will take.

I propose that I be given an opportunity to have a formal meeting with Lakeview Water and Mr. Beck to discuss the issues, show evidence and clearly state positions. Mr. Beck is a reasonable man and so is Ray Bowden. I will propose a few times Mr. Bowden can meet.

Mr. Beck, if we pursue this avenue, it will take several meetings and a lot of paper work before a decision will be rendered. It is not uncommon for the process to take months and many hours of time. I think we can resolve this if all will have an open mind. Lakeview is a tiny utility company. It is trying to keep a lid on costs to avoid a rate increase.

Mel Smith

smith | knowles

2225 Washington Boulevard, Suite 200

Ogden, Utah 84401

Phone - 801-476-0303

Fax – 801-476-0399

From: Daniel Beck [mailto:dbeck177@gmail.com]

Sent: Monday, January 27, 2014 5:35 PM

To: Melanie Reif

Cc: lakeviewwatercorp@gmail.com; Melven Smith; Paula Maughan; William Duncan; Mark Long; Gary Widerburg

Subject: Re: Scheduling Conference Scheduled for This Morning at 9:00 A.M. in the Matter of Formal Complaint of Daniel Beck against Lakeview Water Corporation; Docket No. 13-540-01

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Daniel

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Melven Smith <msmith@smithknowles.com>

Tue, Jan 28, 2014 at 12:00 PM

To: Daniel Beck <dbeck177@gmail.com>, Melanie Reif <mreif@utah.gov>

Cc: "lakeviewwatercorp@gmail.com" <lakeviewwatercorp@gmail.com>, Paula Maughan

<pmaughan@smithknowles.com>, William Duncan <wduncan@utah.gov>, Mark Long <mlong@utah.gov>, Gary Widerburg <gwiderburg@utah.gov>

Mr. Beck,

Ray is available this Thursday anytime after 2:00 pm. or Wednesday, Feb. 5th anytime after 2:00 to meet. Please let me know as soon as you can because my schedule fills quickly. I propose both parties take some time explaining their position. You may go first. While you present your evidence or side, Mr. Bowden will remain silent, unless he has some questions for clarification. After you are done, Mr. Bowden will respond while you listen. You may also ask questions for clarification. You may then counter if necessary. Bring evidence, pictures, meter readings, etc that you would like considered. If the matter is resolved, we will be done. If not, we will agree on and submit a proposed scheduling order to the Commission.

Please let me know at your earliest convenience.

Mel Smith

smith | knowles

2225 Washington Boulevard, Suite 200

Ogden, Utah 84401

Phone - 801-476-0303

Fax -- 801-476-0399

From: Melven Smith

Sent: Tuesday, January 28, 2014 11:11 AM

To: 'Daniel Beck'; Melanie Reif

Cc: lakeviewwatercorp@gmail.com; Paula Maughan; William Duncan; Mark Long; Gary Widerburg

Subject: RE: Scheduling Conference Scheduled for This Morning at 9:00 A.M. in the Matter of Formal Complaint

of Daniel Beck against Lakeview Water Corporation; Docket No. 13-540-01

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