

On May 13, 2010, the CFC filed what it styled a Motion for Reconsideration of the Commission's Procedural Order ("CFC Motion"). However, what CFC has actually requested in its motion amounts to a motion for suspension of the contested case proceedings in this docket:

CFC respectfully requests the Commission for a reconsideration of the Procedural Order in this docket and to suspend further filing deadlines until such time as the Commission has had an opportunity to resolve Mountain Water's Petition for Declaratory Ruling.

CFC Motion at p. 3 (emphasis supplied).

Mountain opposes the CFC Motion.

ARGUMENT

I. The CFC Motion is premised upon an incorrect statement of facts.

CFC disingenuously asserts in its Motion that the procedural schedule agreed to by the parties, including CFC, was only "tentative" and that the Commission was supposed to issue a "draft" procedural order before issuing what CFC considered the "real" procedural order. Motion at 1-2. Counsel for Mountain Water Company has practiced before the Commission for more than thirty years, and the Commission does not issue proposed procedural orders after conducting an Attorney Conference. The Commission, alternatively, issues sua sponte a proposed procedural order, to which the parties are permitted to respond, or it issues a Procedural Order after an agreed upon schedule has been developed in an Attorney Conference. In this case, the Commission conducted an Attorney Conference, attended by two of the Commission's legal counsel, at which the parties, including CFC, worked out the procedural schedule which CFC now demands be vacated.

II. CFC has not shown good cause for the grant of its motion.

CFC argues in support of its Motion that it should be granted to conserve CFC's "limited time and resources". CFC Motion at p. 4. CFC is not the Applicant or Complainant in this proceeding. It is not the target or the subject of this proceeding. Although it has an advocacy position, it has no legally recognized interest at stake in this docket. Nothing this Commission will do in this docket affects the legal rights or responsibilities of CFC. CFC demanded to participate in this proceeding, over the objection of Mountain that it lacked standing.

CFC's first action in this docket was to demand the right to participate. Three months later, after doing no discovery of any kind, its second action is to demand that the contested case proceedings be suspended to conserve CFC's "limited time and resources." CFC actions indicate that its purpose for intervening in this proceedings is to delay them. Its concern about its "limited time and resources" ring hollow. It demanded the right to intervene in this docket. With that right comes responsibilities - such as adhering to an agreed upon procedural schedule. CFC has not shown good cause for the grant of its motion.

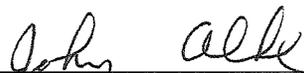
CONCLUSION

CFC has not shown good cause for the grant of what it has styled it Motion For Reconsideration. The Motion should be denied.

DATED this 16th day of May, 2011.

HUGHES, KELLNER, SULLIVAN & ALKE

By



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ATTORNEYS FOR MOUNTAIN WATER COMPANY

CERTIFICATE OF SERVICE BY MAIL

I HEREBY CERTIFY that a copy of the foregoing **MOUNTAIN WATER RESPONSE TO CLARK FORK COALITION MOTION FOR RECONSIDERATION** was served upon the following by mailing a true and correct copy thereof on this 16th day of May, 2011, addressed as follows:

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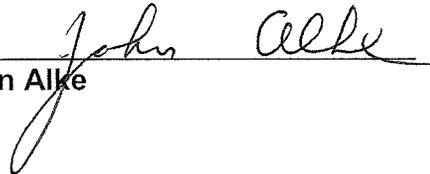
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