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3 BEFORE THE PUBLIC UTILITY COMMISSION
4 OF OREGON
5 UW 120
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7 In the Matter of)
8 CROOKED RIVER RANCH WATER) CRRWC'S RESPONSE TO STAFF'S
COMPANY) MOTION TO COMPEL
9)
10)
11)

12 **INTRODUCTION**

13 On May 14, 2008, the Public Utility Commission of Oregon (Staff) filed a Motion to Compel
14 production of materials in response to Staff Date Requests No. 156, 157, 158, 162 and 163.
15 CRRWC hereby responds to the Staff Motion to Compel.

16 **Data Request No. 156:** CRRWC's position is that the Public Utility Commission does not
17 have jurisdiction to issue any order requiring distribution of monies received by CRRWC under the
18 special assessment surcharge. The special assessment surcharge was collected prior to the
19 jurisdiction of the Public Utility Commission and the funds collected and received are in the
20 exclusive use and control of the CRRWC Board of Directors not the PUC.

21 A recent ruling from the Oregon Court of Appeals on May 16, 2008 granted a stay of PUC
22 Order No. 08-243 requiring distribution of funds from the special assessment surcharge. The Public
23 Utility Commission does not have the authority to order distribution of \$130,656.26 consequently,
24 a customer list for distribution of those funds is not relevant.

25 **Data Request No. 157:** Data Request No. 157 requests a copy of a check written on April

1 30, 2006. This date was prior to the assertion of jurisdiction by the Public Utility Commission and
2 not relevant to the establishment of rates. Furthermore, the additional PUC Staff inquiries related
3 to check 1001 pertain to information subject to the Attorney/Client privilege.

4 **Data Request No. 158:** CRRWC objects to any request for production of documents prior
5 to the assertion of jurisdiction by the PUC. CRRWC will review the Board Minutes and Resolutions
6 made subsequent to PUC regulation and will provide any documents relevant to the establishment
7 of rates and service.

8 **Data Request No. 162 & 163:** Without waiving any arguments regarding relevancy
9 CRRWC submits the following in answer to Data Requests 162 & 163.

10 162. Mr. Rooks does not hold a Water Operator 2 certification.

11 163. Mr. Valdez does not hold any Water Operator certifications.

12 In it's Motion to Compel Staff has framed the arguments that intended to pursue through
13 Data Requests 162 & 163. Staff is incorrect in their arguments of cost/benefit for Water Operator
14 Certifications and the information is not relevant.

15 The General Manager of CRRWC is not required to hold a WD rating according to the
16 Oregon Department of Human Services Drinking Water Program. The Company is required to have
17 a person certified as Water Operator 2 or higher. For the last nine years the Company has had a
18 Water Operator 3 employee. The General Manager does hold a WD 1 Rating, and is state certified
19 as a backflow and cross connection inspector/tester. If the General Manager were to obtain a WD
20 2 certification it would merit a higher rate of pay under the AWWA guidelines which is the basis
21 for the General Managers's current salary. This would result in an increased cost to the customer.
22 Staff's contention of relevancy based upon the availability of CRRWC's current Water Operator 3
23 part time employee is pure speculation. There is no evidence that the Water Operator 3 will be
24 unavailable and Staff's speculation as to what might happen does not create relevancy.

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RESPECTFULLY submitted this 26th day of May, 2008.

GLENN, SITES, REEDER & GASSNER, LLP

/s/ Timothy R. Gassner
TIMOTHY R. GASSNER OSB 02309

CERTIFICATE OF SERVICE

I certify that on May _____ 2008, I served the foregoing upon the following, by mailing a copy by postage prepaid first class to:

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