

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 UW 120

4  
5 )  
6 In the Matter of ) INTERVENOR – CRAIG SOULE  
7 CROOKED RIVER RANCH WATER ) MOTION TO COMPEL  
8 COMPANY ) DATA REQUEST 2 TO 6  
9 Request for Rate increase resulting in total ) &  
10 annual revenues of \$868,453. ) DATA REQUEST 7 TO 15  
11 )  
12 )

13 **INTRODUCTION**

14  
15 OAR 860-014-0070 (1) grants an intervenor the authority to request information from any party  
16 to the proceeding. On July 5, 2007, Intervenor - Craig Soule served data request number 2 to 6  
17 on Crooked River Ranch Water Company (CRRWC). A response to data request number 2 to 6  
18 was required by July 19, 2007.

19 On July 12, 2007, Intervenor - Craig Soule served data request number 7 to 15 on Crooked River  
20 Ranch Water Company (CRRWC). A response to data request number 7 to 15 was required by  
21 July 26, 2007.

22 As of July 30, 2007 no meaningful response to the data requests has been received.

23 Consistent with OAR 860-014-0070(3), Intervenor - Soule has attempted to confer via email  
24 with CRRWC concerning the subject data requests. CRRWC has not provided a meaningful  
25 response to the email communications. The parties are unable to informally resolve this dispute.

26 Pursuant to OAR 860-014-0070(3), Intervenor - Soule files this motion to compel production of  
the information requested and respectfully requests a ruling or order requiring CRRWC to

1 provide full and complete answers to the subject data requests. Since the time for these responses  
2 has already passed, Intervenor - Soule also requests that CRRWC be ordered to provide these full  
3 and complete responses in a timely fashion.

4  
5 **DISCUSSION**

6 **CRRWC did not respond to data request 2 to 6.**

7  
8 CRRWC did not provide a complete response to the PUC's DR 46. The subject data requests ask  
9 for information to expand on the information submitted by CRRWC in the rate filing/tariff  
10 application brief submitted to the PUC, dated April 17, 2007 and CRRWC's partial response to  
11 the PUC's DR 46. The rate/tariff filing questions, the PUC's data requests and the subject data  
12 requests by Intervenor - Soule pertains to the outstanding loan structure, major equipment assets  
13 and special assessment expenditures of CRRWC. The outstanding loan structure, major  
14 equipment assets and special assessment expenditures has an impact on the current financial  
15 status of CRRWC. The information requested concerning the loan structure, major equipment  
16 assets and special assessment expenditures is relevant to the rate/tariff setting process and  
17 CRRWC should be compelled to provide this information.

18 **CRRWC did not respond to data request 7 to 15.**

19 **Data Request 7** - The subject data request asks for information to clarify the information  
20 submitted by CRRWC in the rate filing/tariff application brief submitted to the PUC, dated April  
21 17, 2007 and prior information provided by CRRWC. The rate/tariff filing questions and the  
22 subject data request by Intervenor - Soule pertains to the rate structure for the customer classes  
23 CRRWC serves. The information requested concerning the customer classes is relevant to the  
24 rate/tariff setting process and CRRWC should be compelled to provide this information.

25 **Data Request 8** - The subject data request asks for clarification of the discrepancies in the  
26 information submitted by CRRWC in their response to the PUC's DR 25 and information  
published in the local newspaper. The PUC's DR 25 and the subject data request by Intervenor -  
Soule pertains to work donated by CRRWC to Crooked River Ranch Rural Fire Protection  
District (CRRRFPD) for the new fire station at Crooked River Ranch (CRR). The donation of

1 company assets to an outside entity potentially has an effect on the financial structure of  
2 CRRWC. The information requested concerning the donated work is relevant to the rate/tariff  
3 setting process and CRRWC should be compelled to provide this information.

4 **Data Request 9** - The subject data request asks for information about the donation by CRRWC  
5 to CRRRFPD towards the construction of the new fire station at CRR. The donation of company  
6 assets to an outside entity potentially has an effect on the financial structure of CRRWC. The  
7 information requested concerning the donated work is relevant to the rate/tariff setting process  
8 and CRRWC should be compelled to provide this information.

9 **Data Request 10** - CRRWC did not provide a complete response and omitted information in the  
10 response to the PUC's DR 51, 52, 53 & 54. The subject data request also asks for information to  
11 expand on the information submitted by CRRWC in the rate filing/tariff application brief  
12 submitted to the PUC, dated April 17, 2007. The rate/tariff filing questions, the PUC's data  
13 requests and the subject data request by Intervenor - Soule pertains to an ongoing capital  
14 improvement program to extend main water lines to additional areas of CRR. The main water  
15 line extensions (plant) are part of the PUC's equation to set rates for CRRWC. The information  
16 requested concerning the main water line extensions is relevant to the rate/tariff setting process  
17 and CRRWC should be compelled to provide this information.

18 **Data Request 11** - The subject data request asks for information to expand on the information  
19 submitted by CRRWC in the rate filing/tariff application brief submitted to the PUC, dated April  
20 17, 2007. The rate/tariff filing questions and the subject data request by Intervenor - Soule  
21 pertains to the purpose and utilization of real property (assets) owned by CRRWC. The  
22 information requested concerning the subject property is relevant to the rate/tariff setting process  
23 and CRRWC should be compelled to provide this information.

24 **Data Request 12** - The subject data request asks for information to expand on prior information  
25 provided by CRRWC. The subject data request by Intervenor - Soule pertains to an ongoing  
26 capital improvement program to provide additional infrastructure (deep water well) to CRRWC's  
system. The acquisition and development of land for the additional well (plant) is part of the  
PUC's equation to set rates for CRRWC. The information requested concerning the acquisition

1 and development of land for the additional well is relevant to the rate/tariff setting process and  
2 CRRWC should be compelled to provide this information.

3 **Data Request 13 & 14** – The subject data requests asks for information on litigation CRRWC  
4 has been a party to. The subject data requests by Intervenor - Soule pertains to the numerous  
5 cases of litigation CRRWC has initiated or been a party to. The legal expenses and CRRWC staff  
6 time for litigation potentially has an effect on the financial structure of CRRWC. The  
7 information requested concerning the litigation is relevant to the rate/tariff setting process and  
8 CRRWC should be compelled to provide this information.

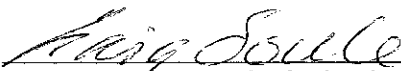
9 **Data Request 15** – The subject data request to obtain copies of CRRWC responses to the PUC's  
10 DR 1 to 120 is authorized by Oregon Administrative Rule (OAR) 860-014-0070 (2). The PUC's  
11 DR 1 to 120 are presumed, by Intervenor – Soule, to be relevant to the rate/tariff setting process,  
12 and therefore CRRWC should be compelled to provide the information.

13  
14 **CONCLUSION**

15 For the foregoing reasons, Intervenor – Craig Soule requests that CRRWC be compelled to  
16 produce the information discussed herein.

17  
18 DATED this 31th day of July 2007.

19  
20  
21 Respectfully submitted,

22  
23   
24 Intervenor Craig Soule

## CERTIFICATE OF SERVICE

I certify that on July 31, 2007, I served a true and correct copy of the foregoing motion to compel on all parties of record in this proceeding by delivering a copy by electronic mail to:

**STEVEN COOK**

sewfab4u@hotmail.com

**CHARLES G NICHOLS**

charlien@blazerind.com

**CROOKED RIVER RANCH WATER COMPANY**

**JAMES R ROOKS - GENERAL MANAGER**

jr@crwec.com

**PUBLIC UTILITY COMMISSION OF OREGON**

**MICHAEL DOUGHERTY**

michael.dougherty@state.or.us

**OREGON DEPARTMENT OF JUSTICE**

**JASON W. JONES - ASSISTANT ATTORNEY GENERAL**

jason.w.jones@state.or.us

&

I certify that on July 31, 2007, I served the following entity, by placing in the US Mail with postage prepaid, a true and correct copy of the motion to compel:

**CROOKED RIVER RANCH WATER COMPANY**

**BRIAN ELLIOT – PRESIDENT BOARD OF DIRECTORS**

PMP 313 – 1604 S Hwy 97 # 2

Redmond, Oregon 97756

  
CRAIG ALLAN SOULE

## **DATA REQUEST 2 TO 6**

**DATE:** July 5, 2007

**TO:** Board of Directors & JR Rooks-General Manager  
Crooked River Ranch Water Company  
PO Box 2319  
Terrebonne, Oregon 97760

**FROM:** Craig Soule-Intervenor  
11953 SW Horny Hollow Trail  
Terrebonne, Oregon 97760  
cby\_64@yahoo.com

**DOCKET:** UW 120

**REQUEST AUTHORITY:** OAR 860-014-0070 (1)

**RESPONSE REQUIRED BY:** July 19, 2007

Please provide responses and the requested documentation to the following request for information. If the request is unclear, contact the requestor for clarification in a timely fashion to allow a response by the required response date noted above.

2. As a follow-up to CRRWC's answer to the PUC's DR 46, the information provided by Director John Combs to Harry Brown in a letter dated, December 13, 2006, and the 2007 Federal Book Depreciation Schedule included in the rate filing/tariff application brief submitted by CRRWC to the PUC, dated April 17, 2007:

- a. Please provide details on the crane. (Make, model, year, tonnage, accessories and serial number)
- b. Please provide copies of all information concerning the acquisition of the crane by CRRWC, including but not limited to purchase agreements, bill of sale, sale contracts, ownership documents, etc..
- c. What is the purpose of the crane acquisition by CRRWC? Please detail past, current or future projects the crane will utilized for.
- d. Please provide minutes and the resolution of the CRRWC Board of Directors discussing and authorizing the crane acquisition and repairs utilizing special assessment funds.

- e. Please provide copies of all invoices for labor and materials concerning the crane repairs.
  
3. In an enclosure included in the December 2005 water billing detailing special assessment collection and expenditures, a line item states a hammer was purchased with \$25,000.00 in special assessment funds. The 2007 Federal Book Depreciation Schedule included in the rate filing/tariff application brief submitted by CRRWC to the PUC, dated April 17, 2007, lists a excavator attach-hammer:
  - a. Please provide details on the hammer. (Make, model, year, size, and serial number)
  - b. Please provide copies of all information concerning the purchase of the hammer by CRRWC, including but not limited to purchase agreements, bill of sale, sale contracts, ownership documents, loan/financing documents, etc..
  - c. Was the hammer purchased as a separate item or as an accessory to another piece of heavy equipment? If purchased as an accessory in conjunction with another piece of equipment, please provide details on the combined purchase.
  - d. What was the total purchase price of the hammer? Were other funds utilized beyond the \$25,000.00 in special assessment funds? Please explain.
  - e. What is the purpose of the hammer purchase by CRRWC? As an accessory, what equipment owned by CRRWC is the hammer compatible with? Please detail equipment the hammer has been utilized on, and detail past, current or future projects the hammer equipped equipment will utilized on.
  - f. Please provide minutes and the resolution of the CRRWC Board of Directors discussing and authorizing the hammer purchase.
  
4. As a follow-up to the information provided by CRRWC in question 25 in the rate filing/tariff application brief submitted to the PUC, dated April 17, 2007 and the attached 2007 Federal Book Depreciation Schedule:
  - a. Please provide copies of all information concerning the acquisition of the excavator-trackhoe by CRRWC, including but not limited to purchase agreements, bill of sale, sale contracts, ownership documents, loan/financing documents, etc..
  - b. Were additional accessories acquired in conjunction with excavator acquisition? If so please detail the accessories and associated costs.

- c. What was the acquisition cost of the excavator and accessories? What funds were utilized for the acquisition? Please explain.
  - e. What is the purpose of the excavator acquisition by CRRWC? Please detail past, current or future projects the excavator will be utilized on.
  - f. What trailer is the excavator transported on? What vehicle is used to tow the trailer utilized to transport the excavator? Please provide details on the transportation equipment.
  - g. Please provide minutes and the resolution of the CRRWC Board of Directors discussing and authorizing the excavator acquisition.
5. As a follow-up to the 2007 Federal Book Depreciation Schedule included in the rate filing/tariff application brief submitted by CRRWC to the PUC, dated April 17, 2007 and CRRWC's answer to the PUC's DR 46:
- a. Please provide details on the trailers. (Make, model, year, configuration, weight, number of axles and serial number).
  - b. Please provide copies of all information concerning the acquisition of the trailers by CRRWC, including but not limited to purchase agreements, bill of sale, sale contracts, ownership documents, etc..
  - c. What is the purpose of the each of the trailers acquired by CRRWC. Please detail past, current or future projects the crane will utilized for.
  - d. Please provide minutes and the resolutions of the CRRWC Board of Directors discussing and authorizing acquisition of each of the trailers.
6. As a follow-up to the 2007 Federal Book Depreciation Schedule included in the rate filing/tariff application brief submitted by CRRWC to the PUC, dated April 17, 2007 and CRRWC's answer to the PUC's DR 46:
- a. Please provide details on the generators. (Make, model, year, size, serial number and type (fixed or portable)).
  - b. Please provide copies of all information concerning the acquisition of the generators by CRRWC, including but not limited to purchase agreements, bill of sale, sale contracts, ownership documents, etc..
  - c. What is the purpose and utilization of the each of the generators acquired by CRRWC.

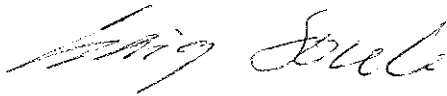


- d. How is the 350 kw generator used for backup power transported to the various well sites?
- e. Please provide minutes and the resolutions of the CRRWC Board of Directors discussing and authorizing acquisition of each of the generators.

Please provide a copy of your responses to the following:

Craig Soule  
11953 SW Horny Hollow Trail  
Terrebonne, Oregon 97760

Sincerely,



Craig Soule - Intervenor  
(541) 504-7516

cc: ALJ Patrick Power  
Service List

## CERTIFICATE OF SERVICE

I certify that on July 5, 2007, I served a true and correct copy of the foregoing data request upon all parties of record in this proceeding by delivering a copy by electronic mail to:

**STEVEN COOK**

sewfab4u@hotmail.com

**CHARLES G NICHOLS**

charlien@blazerind.com

**CROOKED RIVER RANCH WATER COMPANY**

**JAMES R ROOKS - GENERAL MANAGER**

jr@crrwc.com

**PUBLIC UTILITY COMMISSION OF OREGON**

**MICHAEL DOUGHERTY**

michael.dougherty@state.or.us

**OREGON DEPARTMENT OF JUSTICE**

**JASON W. JONES - ASSISTANT ATTORNEY GENERAL**

jason.w.jones@state.or.us

&

I certify that on July 5, 2007, I served the following entity, by placing in the US Mail with postage prepaid the original of the foregoing data request:

**BOARD OF DIRECTORS & JR ROOKS-GENERAL MANAGER**

**CROOKED RIVER RANCH WATER COMPANY**

PO Box 2319

Terrebonne, Oregon 97760

  
CRAIG ALLAN SOULE

## DATA REQUEST 7 TO 15

**DATE:** July 12, 2007

**TO:** Board of Directors & JR Rooks-General Manager  
Crooked River Ranch Water Company  
PO Box 2319  
Terrebonne, Oregon 97760

**FROM:** Craig Soule-Intervenor  
11953 SW Horny Hollow Trail  
Terrebonne, Oregon 97760  
cby\_64@yahoo.com

**DOCKET:** UW 120

**REQUEST AUTHORITY:** OAR 860-014-0070 (1)

**RESPONSE REQUIRED BY:** July 26, 2007

Please provide responses and the requested documentation to the following requests for information. If the request is unclear, contact the requestor for clarification in a timely fashion to allow a response by the required response date noted above.

7. CRRWC's answers to questions 26 (account No. 461.2 & 462), 30 and 31 of the rate filing/tariff application brief submitted by CRRWC to the PUC, dated April 17, 2007, indicates that CRRWC does not have commercial or fire protection service rates. The CRRWC Water Management and Conservation Plan – September 2003, indicates there is a commercial and fireflow customer class that is tracked for water use.
  - a. Are the commercial and fireflow customer class charged a water service rate? Is there another mechanism in place to compensate CRRWC for providing water service to the commercial and fireflow customer class? Please explain.
  
8. As a follow-up to the information provided by CRRWC in response to DR 25 received by the PUC May 29, 2007 and the information provided in a press release provided by Crooked River Ranch Rural Fire Protection District (CRRRFPD) and published in the Bend Bulletin, indicating Shad Road (CRR) would be closed April 11 & 12, 2007 for CRRWC to install water and utility lines to the new fire station:
  - a. Please provide clarification of the discrepancies between the record and the information provided by CRRWC.

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**From:** "JACQUIE" <jacquie@crwc.com> Add to Address Book Add Mobile Alert

**To:** "Craig Soule" <cby\_64@yahoo.com>

**Subject:** Re: Data Request 2 to 6

**Date:** Fri, 27 Jul 2007 08:06:43 -0700

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----- Original Message -----

**From:** Craig Soule  
**To:** jr@crwc.com  
**Cc:** charlien@blazerind.com ; Steve Cook ; POWER Patrick J. ; jason.w.jones@state.or.us ; michael.dougherty@state.or.us  
**Sent:** Sunday, July 22, 2007 10:04 AM  
**Subject:** Data Request 2 to 6

Mr. Rooks,

OAR 860-014-0070 (1) grants an intervenor the authority to request information from any party to the proceeding. On July 5, 2007, I served data request number 2 to 6 on Crooked River Ranch Water Company (CRRWC). A response to the data request was required by July 19, 2007. As of July 22, 2007 no response or other communication to the data request has been received.

Consistent with OAR 860-014-0070(3), I am attempting to confer with CRRWC regarding the subject data request. I hope we can informally address and resolve the production of the information requested in the subject data request.

~ Craig

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Date: Fri, 27 Jul 2007 10:52:16 -0700 (PDT)

From: "Craig Soule" <cby\_64@yahoo.com> Add to Address Book Add Mobile Alert

Subject: Data Request 7 to 15

To: jr@crrwc.com

CC: charlien@blazerind.com, "Steve Cook" <sewfab4u@hotmail.com>, "POWER Patrick J." <patrick.power@state.or.us>, jason.w.jones@state.or.us, michael.dougherty@state.or.us

Mr. Rooks,

OAR 860-014-0070 (1) grants an intervenor the authority to request information from any party to the proceeding. On July 12, 2007, I served data request number 7 to 15 on Crooked River Ranch Water Company (CRRWC). A response to the data request was required by July 26, 2007. As of July 27, 2007 no response or other communication to the data request has been received.

Consistent with OAR 860-014-0070(3), I am attempting to confer with CRRWC regarding the subject data request. I hope we can informally address and resolve the production of the information requested in the subject data request.

~ Craig

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