

HARDY MYERS  
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**DEPARTMENT OF JUSTICE**  
GENERAL COUNSEL DIVISION

August 9, 2007

Patrick Power  
Administrative Law Judge  
Office of Administrative Hearings  
Public Utility Commission of Oregon  
550 Capitol St NE – Suite 215  
PO Box 2148  
Salem OR 97308-2148

Re: UW 120 – Staff's Motion to Compel

Dear ALJ Power:

Attached is a replacement page for page 3 of Staff's Motion to Compel. After filing, we were advised that page 3, line 5 had an incorrect date. Line 5 should read, "request No. 10 was a Promissory Note that expired September 30, 1996."

Sorry for any inconvenience.

Sincerely,

Neoma Lane  
Legal Secretary  
Regulated Utility & Business Section

NAL:nal/DOCUMENT3  
Enclosure  
cc: Service List

1 **Data Request No. 84**

2 This question requests the current loan document for the building loan. The Company's  
3 reply was, "The only information that is in the office was included in the last request (No. 10) –  
4 current balance as of June 1, 2007 was \$37,937.08." The information provided in Staff's data  
5 request No. 10 was a Promissory Note that expired September 30, 1996. This date is prior to the  
6 in-service date of the building. Staff finds it implausible that a Company would be paying a note  
7 for which it does not have documentation. Staff requires this information to accurately calculate  
8 the Company's Cost of Capital. In its response to a subsequent data request (No. 127), the  
9 Company provided the current balance; however, it has not yet provided a copy of the  
10 promissory note.

11 **Data Request 101a**

12 This question requests insurance information concerning settlements or payments for the  
13 years 2004, 2005, and 2006. The Company's response was, "Prior to Jurisdiction." As a result  
14 of numerous lawsuits, Staff believes this information is important in order to trend costs over a  
15 period of time. Additionally, insurance payments may off-set other costs incurred and reported  
16 by the Company. The settlement in question concerned the Board's fiduciary responsibility.  
17 Staff is requesting this information to determine if the settlement had any effect on self-insurance  
18 (deductible) and insurance premium costs. Additionally, the data request requests information  
19 for the years 2004 and 2005 that were previously requested, but not provided.

20 **Data Request 102b**

21 This question requests information on an ongoing legal case (06CV0055). The  
22 Company's response was, "A bogus claim." Whether the Company believes this case is bogus  
23 or not, the Company has incurred considerable legal expenses in regards to this case. Staff  
24 requires this information to determine if these costs should be included in rates.

25 ///

26 ///

1 **CERTIFICATE OF SERVICE**

2  
3 I certify that on August 9, 2007, I served the foregoing upon all parties of record in this  
4 proceeding by delivering a copy by electronic mail and on August 10, 2007, I mailed a copy by  
5 postage prepaid first class mail or by hand delivery/shuttle mail to the parties accepting paper  
6 service.

7 STEVEN COOK  
8 PO BOX 1111  
9 TERREBONNE OR 97760  
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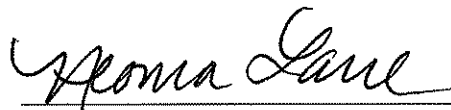
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Legal Secretary  
Department of Justice  
Regulated Utility & Business Section