



1 responsive to your data requests will be provided. I expect to have that  
2 information prior to the end of this week and I will inform you accordingly as to  
3 what will be produced in order to eliminate any un[n]ecessary arguments from  
4 the MTC I expect you will file."

5  
6 On July 26, 2008 Soule received the attached document from CRRWC via US Mail. The  
7 document does not appear to be responsive to any of the subject data requests nor  
8 does CRRWC indicate the purpose of the communication. (See Exhibit A, Pages 1 & 2)

9 As of July 28, 2008 no addition communication or documentation/information regarding  
10 the subject data requests has been forthcoming from CRRWC or CRRWC's attorneys.

11 CRRWC has not provided a meaningful response to Soule's written attempt to  
12 informally address the production of the requested documents/information. Consistent  
13 with OAR 860-014-0070(3), Soule has conferred with CRRWC concerning the subject  
14 data requests. The parties are unable to informally resolve the dispute.

15  
16 Pursuant to OAR 860-014-0070(3), Soule files this motion to compel production of the  
17 information/documentation requested and respectfully requests a ruling or order  
18 requiring CRRWC to provide full and complete answers or documentation to the subject  
19 data requests. Since the time for these responses has already passed, Soule also  
20 requests that CRRWC be ordered to provide these full and complete responses or  
21 documentation in a timely fashion.

## 22 DISCUSSION

23  
24 **CRRWC did not respond to data request numbers 75 through 85.**

25 **Data Request 75**

26 **///**

1 The data request asks for documentation/information on the dissolution of CRRWC by  
2 the Board of Directors of CRRWC. CRRWC recently has provided documentation  
3 variably identifying themselves as a "Company" or as a "Cooperative". Ascertaining that  
4 CRRWC was properly dissolved according to the CRRWC Bylaws and Oregon Statute  
5 by the Board of Directors is critical to identifying the entity before the proceeding and  
6 entity's ability to represent the members of CRRWC in the rate/tariff setting process and  
7 is therefore relevant. CRRWC should be compelled to provide this information.

8 **Data Request 76**

9 The data request asks for documentation/information on the incorporation and operation  
10 of Crooked River Ranch Water Cooperative. CRRWC has provided documentation  
11 variably identifying themselves as a "Company" or as a "Cooperative". Ascertaining that  
12 Crooked River Ranch Water Cooperative was properly formed and has continued  
13 operation as a cooperative in full compliance with Oregon Statute is critical to identifying  
14 the entity before the proceeding and entity's ability to represent the members of  
15 CRRWC in the rate/tariff setting process and is therefore relevant. CRRWC should be  
16 compelled to provide this information.

17 **Data Request 77 & 78**

18  
19 Data Requests 77 & 78 asks for a clarification of equipment acquisition information  
20 provided by CRRWC that is conflicting. The subject data requests concerning conflicting  
21 information for equipment acquisition is relevant to the rate/tariff setting process and  
22 CRRWC should be compelled to provide this information.

23 **Data Request 79**

24  
25 The subject data request asks for copies of CRRWC's responses to the PUC's DR 162,  
26 163, 164, 165, 166, 167, 168(a) through (q), 170, 171, 172, 173, 174, 175, 176, 177,

1 178(a)(b)(c), 179, 180(a)(b), 181(a)(b)(c), 182, 183. The PUC's Data Requests are  
2 presumed to be relevant to the rate/tariff setting process and the data request is  
3 supported by OAR 860-014-0070(2). CRRWC should be compelled to provide the  
4 information/documentation.

5  
6 **Data Request 80**

7 The data request asks for documentation/information on an accounting of the "Special  
8 Assessment" fund. In response to PUC Order No. 08-243, CRRWC filed information on  
9 certain financial aspects of the "Special Assessment" fund. The accounting of the  
10 subject fund by a CPA is relevant to the financial aspects of the "Special Assessment"  
11 fund and therefore relevant to the rate/tariff setting process. CRRWC should be  
12 compelled to provide the information/documentation.

13 **Data Request 81**

14 The data request asks for documentation/information on expenditures from the "Special  
15 Assessment" fund. In response to PUC Order No. 08-243, CRRWC filed information on  
16 expenditures from the "Special Assessment" fund. Information/documentation  
17 substantiating the expenditures from the subject fund is relevant to the financial aspects  
18 of the "Special Assessment" fund and therefore relevant to the rate/tariff setting  
19 process. CRRWC should be compelled to provide the information/documentation.

20 **Data Request 82**

21 The data request asks for documentation/information on expenditures from the "Special  
22 Assessment" fund for legal services associated with securing rights to use property not  
23 owned by CRRWC. Information/documentation to determine if the legal services  
24 expenditures from the subject fund were for projects authorized by the "Special  
25 Assessment" resolution is relevant to the "Special Assessment" fund and therefore  
26

1 relevant to the rate/tariff setting process. CRRWC should be compelled to provide the  
2 information/documentation.

3  
4 **Data Request 83**

5 The data request asks for documentation/information on the potential use of CRRWC  
6 funds and resources on behalf of Crooked River Ranch Water Cooperative.  
7 Ascertaining the use of company funds and resources on behalf of the "Cooperative"  
8 potentially has an effect on the financial structure and condition of CRRWC. The  
9 information requested concerning the use of CRRWC funds and resources on behalf of  
10 the "Cooperative" is relevant to the rate/tariff setting process and CRRWC should be  
11 compelled to provide this information.

12 **Data Request 84**

13 The data request asks for documentation/information on CRRWC's legal expenses.  
14 Documentation concerning funds being legitimately expended for legal services by the  
15 Board of Directors of CRRWC and the duly authorized highest authority of CRRWC  
16 potentially has an effect on the financial structure and financial condition of CRRWC.  
17 Further, information/documentation that the legal service expenditures have been in the  
18 best interest of the membership potentially has an effect on the financial structure and  
19 financial condition of CRRWC. The identification of the entity, individual or group of  
20 individuals on who's behalf the legal service expenditures where made, also potentially  
21 has an effect on the financial structure and financial condition of CRRWC. The  
22 information requested concerning the legal expenses is relevant to the rate/tariff setting  
23 process and CRRWC should be compelled to provide this information.  
24

25 **Data Request 85**

26 ///

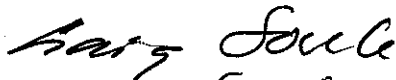
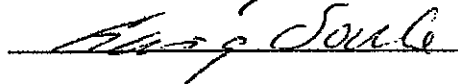
1 The data request asks for information to expand upon the information submitted by  
2 CRRWC in the rate filing/tariff application brief submitted to the PUC, dated April 17,  
3 2007. Detailed information on CRRWC's assets is of major importance to the rate  
4 setting process. The information requested concerning the assets is relevant to the  
5 rate/tariff setting process and CRRWC should be compelled to provide this information.

6 **CONCLUSION**

7 For the foregoing reasons, Intervenor – Craig Soule requests that CRRWC be  
8 compelled to produce the information/documentation discussed herein.

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10  
11 DATED this 29th day of July 2008.

12  
13  
14 Respectfully submitted,

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16 

17 Intervenor Craig Soule  
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26



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# U.S. Code collection

TITLE 42 > CHAPTER 6A > SUBCHAPTER XII > Part D > § 300i-1  
§ 300i-1. Tampering with public water systems

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How Current is This?

### (a) Tampering

Any person who tampers with a public water system shall be imprisoned for not more than 20 years, or fined in accordance with title 18, or both.

### (b) Attempt or threat

Any person who attempts to tamper, or makes a threat to tamper, with a public drinking water system shall be imprisoned for not more than 10 years, or fined in accordance with title 18, or both.

### (c) Civil penalty

The Administrator may bring a civil action in the appropriate United States district court (as determined under the provisions of title 28) against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system. The court may impose on such person a civil penalty of not more than \$1,000,000 for such tampering or not more than \$100,000 for such attempt or threat.

### (d) "Tamper" defined

For purposes of this section, the term "tamper" means—

- (1) to introduce a contaminant into a public water system with the intention of harming persons; or
- (2) to otherwise interfere with the operation of a public water system with the intention of harming persons.

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Terrebonne, OR 97760



Choked River Ranch Water  
P.O. Box 2319  
Terrebonne, OR 97760

IMPORTANT PLEASE  
DO NOT SIGN OVER  
ENCLOSURE

CRAIG SOULE  
11953 SW HORNY HOLLOW  
CRKD RVR RCH, OR 97760

06250005562912



US POSTAGE  
FIRST CLASS  
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97760



## CERTIFICATE OF SERVICE UW 120

I certify that on July 29, 2008 I served a true and correct copy of the foregoing "Motion to Compel Data Request 75 to 85" on all parties of record in this proceeding by placing in the US Mail with postage prepaid and by delivering a copy by electronic mail to:

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&

I certify that on July 29, 2008 I served the following entity, by placing in the US Mail with postage prepaid, a true and correct copy of the foregoing "Motion to Compel Data Request 75 to 85":

**CROOKED RIVER RANCH WATER COMPANY**  
**BRIAN ELLIOT - PRESIDENT BOARD OF DIRECTORS**  
PMP 313 - 1604 S Hwy 97 # 2  
Redmond, Oregon 97756

*Craig Soule*  
*Craig Soule*

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CRAIG SOULE