

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

3 UW 120

4 In the Matter of

5 CROOKED RIVER RANCH WATER
6 COMPANY

7 Request for Rate increase resulting in total
8 annual revenues of \$868,453.

STAFF'S MOTION TO COMPEL

9 **INTRODUCTION**

10 On May 29, 2008, the Public Utility Commission of Oregon (Staff) served Data Request
11 Nos. 178 - 183 on Crooked River Ranch Water Company (CRRWC or Company). The
12 Company's responses were due June 12, 2008. The Company did not provide answers to Data
13 Requests Nos. 178, 179, 181, 182, and 183.

14 On July 2, 2008, Staff served Data Request Nos. 192 - 203 on Crooked River Ranch Water
15 Company (CRRWC or Company). The Company's responses were due July 17, 2008. The
16 Company responded to Data Request No. 192 by stating "Currently Unavailable."

17 Pursuant to OAR 860-014-0070(3), Staff files this motion to compel production and
18 respectfully requests a ruling or order requiring CRRWC to provide full and complete answers to
19 the data requests.

20 Consistent with OAR 860-014-0070(3), Staff has attempted to confer with counsel for
21 CRRWC and we have been unable to discuss this matter.¹

22 **DISCUSSION**

23 Based upon the history of this proceeding, Staff does not expect CRRWC to fully abide by
24 outstanding motions to compel. As such, Staff is requesting a ruling granting Staff's motion to

25 _____
26 ¹ Counsel for Staff called Mr. Gassner's office on August 21, 2008, and was advised that Mr. Gassner would not return until Monday. Because Staff counsel will be on vacation until September 10th, and because of the history of discovery disputes in this docket, Staff files this motion to compel before discussing it with Mr. Gassner.

1 compel a full and complete answer to Data Requests Nos. 178, 179, 181, 182, 183, and 192.
2 Assuming Staff's expectation is correct, Staff intends to request a subpoena that will cover the
3 most important information not provided pursuant to this motion to compel.

4 **Data Request Nos. 178 and 181**

5 Data Request No. 178 requests information concerning the overhaul costs (\$18,607) of a
6 Company backhoe. Data Request No. 181 requests information concerning the overhaul costs
7 (\$11,473) of a Company dump truck. In each case, both overhaul costs were greater than the
8 current book values of the equipment. In addition, CRRWC maintains an additional dump truck
9 and backhoe. Staff requested information to determine the prudence of these costs in rates and
10 an understanding why the Company would incur possibly unnecessary costs. Examining
11 information concerning plant equipment is standard practice by Staff and consistent with the
12 Commission's Investigatory Powers, ORS 756.070 through ORS 756.125.

13 **Data Request Nos. 179**

14 Data Request No. 179 requests information concerning piping and plumbing supplies
15 purchased by the Company during the time period of December 2007 through March 2008. Staff
16 requested this information to determine if the piping and supplies costs should be expensed,
17 placed in plant, placed in inventory, or categorized as construction work in progress (Assessment
18 Fund projects).

19 **Data Request No. 182**

20 Data Request No. 182 requests information concerning various meal expenses that
21 occurred during the timeframe of November 2007 through March 2008. Staff is trying to
22 determine if these expenses are related to utility services and as such, be recommended for
23 inclusion in rates.

24 **Data Request No. 183**

25 Data Request No 183 requests information concerning reject material purchased by
26 CRRWC. Staff requested this information to determine if the reject material should be expensed,

1 placed in plant, placed in inventory, or categorized as construction work in progress (Assessment
2 Fund projects).

3 **Data Request No. 192**

4 Data Request No. 192 requests a copy of CRRWC's IRS Form 990 for 2007. The
5 Company responded to the data request by responding "Currently Unavailable." According to
6 the IRS, the form is due the 15th day of the fifth month after an organization's accounting period
7 ends. CRRWC's accounting period ended December 31, 2007, resulting in a due date of May
8 15, 2008. Although the Company is allowed to file for an automatic three-month extension, the
9 Company has not indicated that an extension was filed. However, even if the extension was
10 filed, the report should be available by August 15, 2008, and as such, submitted to Staff.

11 **CONCLUSION**

12 For the foregoing reasons, Staff respectfully requests that CRRWC be compelled to
13 produce the information discussed herein. Assuming Staff's motion is granted, Staff also states
14 its intention to request a subpoena for information not provided pursuant to Staff's motions to
15 compel.

16 DATED this 25th day of August 2008.

17 Respectfully submitted,

18 **HARDY MYERS**
19 **Attorney General**

20 s/Michael T. Weirich for Jason W. Jones
21 Jason W. Jones, #00059
22 Assistant Attorney General
23 Of Attorneys for the Public Utility Commission
24 of Oregon

1 **CERTIFICATE OF SERVICE**

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3 I certify that on August 25, 2008, I served the foregoing Motion to Compel upon all
4 parties of record in this proceeding by delivering a copy by electronic mail and by mailing a true
5 and exact copy by postage prepaid first class mail or by hand delivery/shuttle mail.

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