

1 for these responses has already passed, Nichols also requests that CRRWC be ordered
2 to provide full and complete documentation in a timely fashion.

3 4 **DISCUSSION**

5 **CRRWC did not respond to data requests numbers 1 to 3.**

6
7 **Data Request 1** - CRRWC did not provide the documentation requested concerning the
8 presence of James Rooks – General Manager of CRRWC on the CRRWC Board of
9 Directors. Data request 1 asks for documentation to adequately demonstrate that
10 James Rooks is legally on the CRRWC Board of Directors. The Board of Directors has
11 the legal duty to represent and act in the best interest of the membership as a whole.
12 The legitimacy of the Board members is critical to the representation of the membership
13 in the rate/tariff setting process and therefore highly relevant. CRRWC should be
14 compelled to provide this information.

15 **Data Request 2** – Data request 2 addresses statements in CRRWC’s rebuttal
16 testimony concerning the CRRWC Board of Directors. Data request 2 asks for
17 documentation to adequately demonstrate that the current and former (from 1999
18 forward) members of the Board of Directors were legally elected to the CRRWC Board
19 of Directors. The Board of Directors has a legal duty to represent and act in best interest
20 of the membership as a whole. The legitimacy of the Board members is critical to the
21 representation of the membership in the rate/tariff setting process and therefore highly
22 relevant. CRRWC should be compelled to provide this information.

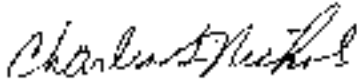
23 **Data Request 3** – The subject data requests asks for documentation to demonstrate
24 that the current and former (from 1999 forward) Board of Directors of CRRWC has the
25 authority to act on behalf of the membership and that all of their actions have been in
26 the best interest of the membership. Demonstrating the authority of the CRRWC Board
of Directors to act on behalf of and in the best interest of the membership in legal
matters and the subsequent rate/tariff setting issues is highly relevant and CRRWC
should be compelled to provide this information.

1 **CONCLUSION**

2 For the foregoing reasons, Intervenor – Charles Nichols requests that CRRWC be
3 compelled to produce the information discussed herein.
4

5 DATED this 21st day of November 2007.

6 Respectfully submitted,

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8 

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10

Charles Nichols – Intervener UW 120

DATA REQUEST 1 - 3

DATE: October 9, 2007

TO: Crooked River Ranch Water Company (CRRWC)
PO Box 2319
Terrebonne, Oregon 97760

FROM: Charles G. Nichols
PO Box 1594
Redmond, Oregon 97756
charlien@blazerind.com

DOCKET NUMBER: UW 120

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

RESPONSE REQUIRED BY: October 23, 2007

Please provide the requested documentation and responses 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.

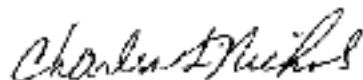
1. CRRWC's rebuttal testimony # 3 – Tariff Process – 8/28 Second Settlement Conference - states, " **** that the CRRWC Board of Directors don't represent the populous, and JR's election to the Board was illegal, ***.*" CRRWC's rebuttal testimony # 6 to Dougherty's Testimony 21/12 - states, *"In addition to being the General and Operations Manager, Mr. Rooks is also a legally elected Director on the CRRWC Board of Directors."*
 - a. Provide documentation that the appointment of James Rooks to complete the remainder of resigning director John Combs term was in compliance with CRRWC's Articles of Incorporation, Bylaws and the Oregon Revised Statues, given that John Combs was not elected to the CRRWC Board of Directors and had exceeded the statutory term limits.
 - b. Provide documentation demonstrating that the election of James Rooks to the CRRWC Board of Directors was in compliance with CRRWC's Articles of Incorporation, Bylaws and the Oregon Revised Statues.
2. CRRWC's rebuttal testimony Number 6 to Dougherty's Testimony 23/7 - states, *"The elected Board of Directors *****"*

- a. Provide documentation demonstrating that the former (from 1999 forward) and current members of the CRRWC Board of Directors were elected to the CRRWC Board of Directors in compliance with CRRWC's Articles of Incorporation, Bylaws and the Oregon Revised Statutes.
 - b. Provide documentation that the terms of former (from 1999 forward) and current members of the CRRWC Board of Directors were in compliance with CRRWC's Articles of Incorporation, Bylaws and the Oregon Revised Statutes.
3. CRRWC has engaged in legal and financial activities that may not have been the best interest of the members of CRRWC.
- a. Provide documentation that the current Board of Directors has the authority to represent or authorize representation of the interests of CRRWC in matters before the Public Utility Commission.
 - b. Provide documentation that the current Board of Directors has the authority to authorize the legal representation of CRRWC in all matters.
 - c. Provide documentation that all of the activities of the former (from 1999 forward) and current members of the CRRWC Board of Directors were in the best interest of the membership of CRRWC.

Please provide the request information and a copy of your responses to the following:

Charles G. Nichols
PO Box 1594
Redmond, Oregon 97756
charlien@blazerind.com

Sincerely,



Charles G. Nichols - Intervener

cc: Service List
ALJ Patrick Power

CERTIFICATE OF SERVICE

I certify that on October 9, 2007, I served a true and correct copy of the foregoing data request number 1 to 3 on all parties of record in this proceeding by delivering a copy by electronic mail to:

STEVEN COOK
sewfab4u@hotmail.com

CRAIG A SOULE
cby_64@yahoo.com

CROOKED RIVER RANCH WATER COMPANY
JAMES R ROOKS - GENERAL MANAGER
jr@crwc.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 October 9, 2007, I served the following entity, by placing in the US Mail with postage prepaid, a true and correct copy of the foregoing data request number 1 to 3:

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



CHARLES NICHOLS

November 3, 2007

PO Box 1594
Redmond, Oregon, 97756

Board of Directors
Crooked River Ranch Water Company
PO Box 2319
Terrebonne, Oregon 97760

Re: UW 120 - Intervenor Charles Nichols Data Request Numbers 1 To 3

OAR 860-014-0070 (1) grants an intervenor the authority to request information from any party to the proceeding. On October 9, 2007, I served data request numbers 1 to 4 on Crooked River Ranch Water Company (CRRWC). A response to the data requests was required by October 23, 2007. As of November 2, 2007 a response or other communication to the data requests has not been received from CRRWC.

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

Sincerely,



Charles G. Nichols
charlien@blazerind.com

Encl: Data Request 1 to 3

Cc: ALJ Power

1 **CERTIFICATE OF SERVICE UW 120**

2 I certify that on November 21, 2007, I served a true and correct copy of the foregoing “Motion to
3 Compel” on all parties of record in this proceeding by placing in the US Mail with postage
4 prepaid and by delivering a copy by electronic mail to:

5 **STEVEN COOK**

6 POB 1111, Terrebonne, Oregon 97760
sewfab4u@hotmail.com

7 **CRAIG SOULE**

8 11953 SW Horny Hollow Trail, Terrebonne, Oregon 97760
cby_64@yahoo.com

9 **CROOKED RIVER RANCH WATER COMPANY**

10 **JAMES ROOKS - GENERAL MANAGER**

11 POB 2319, Terrebonne, Oregon 97760
jr@crrwc.com

12 **PUBLIC UTILITY COMMISSION OF OREGON**

13 **MICHAEL DOUGHERTY**

14 550 Capitol Street NE Suite 215, Salem Oregon 97301
michael.dougherty@state.or.us

15 **OREGON DEPARTMENT OF JUSTICE**

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

17 1162 Court Street NE, Salem Oregon 97301-4096
jason.w.jones@state.or.us

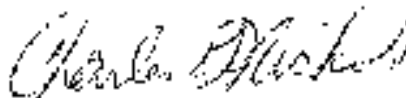
18 **&**

19 I certify that on November 21, 2007, I served the following entity, by placing in the US Mail
20 with postage prepaid, a true and correct copy of the foregoing “Motion to Compel”:

21 **CROOKED RIVER RANCH WATER COMPANY**

22 **BRIAN ELLIOT – PRESIDENT BOARD OF DIRECTORS**

23 PMP 313 – 1604 S Hwy 97 # 2
24 Redmond, Oregon 97756

25 

26

CHARLES NICHOLS