

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UW 120

In the Matter of	)	
	)	
CROOKED RIVER RANCH WATER	)	
COMPANY	)	RULING
	)	
Request for rate increase in total annual	)	
revenues from \$806,833 to \$868,453, or	)	
8.13 percent.	)	

**DISPOSITION: MOTION TO QUASH DENIED**

By motion filed October 9, 2007, with the Public Utility Commission of Oregon (Commission), Crooked River Ranch Water Company (Crooked River or Company) asks that two subpoenas duces tecum be quashed. The two subpoenas were issued August 17 and August 29, 2007, at the request of Craig Soule, an intervenor in this proceeding.

Crooked River states that it “does not recognize the authority of purported Administrative Law Judge Patrick Power to issue the Subpoenas Duces Tecum or make any ruling which affects the legal rights” of the Company. As grounds for its motion, Crooked River argues that Mr. Power’s work as an ALJ constitutes the practice of law. Because Mr. Power is not a member of the Oregon State Bar, Crooked River argues that he has engaged in the unauthorized practice of law, apparently leading the Company to conclude that it may choose not to comply with his rulings.

To that end, Crooked River states:

This matter has been reported to the Jefferson County District Attorney’s Office, Oregon Attorney General and Unauthorized Practice of Law Committee at the Oregon State Bar. Until legal authority has been provided for the administration of this case by Mr. Patrick Power or a ruling has been made by a court of competent jurisdiction the CRRWC will not produce documents pursuant to the Subpoenas issued.

Crooked River cites no other grounds for its motion.

The subpoenas in question were issued after Mr. Soule submitted his data requests to the Company. The Company chose not to respond to Mr. Soule's requests and refused to meet and confer with Mr. Soule regarding its objections (if any), as required by OAR-014-0070(3). Also, the Company did not respond to Mr. Soule's motion to compel responses to data requests.

The subpoenas in question were issued pursuant to OAR 860-014-0040. The Company's failure to meet and confer with Mr. Soule, and its failure to file any response to his motion to compel, constitute waiver of its right to object to the issuance of the subpoenas. By its failure to object, on any grounds, to any of the specific terms of the subpoenas, the Company has not offered any basis to quash any part of either subpoena.

Crooked River Ranch Water Company's motion is denied.

Dated at Salem, Oregon, this 11th day of October, 2007.

---

Patrick Power  
Administrative Law Judge