

Phil Boyle Testimony Rebuttal

ISSUE 1, CUSTOMER ABUSES

Q. FISH MILL LISTS CUSTOMER ABUSES, COMPLAINTS, AND DISPUTES AS PART OF ITS JUSTIFICATION FOR ABANDONING WATER SERVICE. PLEASE DESCRIBE YOUR ANALYSIS OF FISH MILL'S CLAIMS OF CUSTOMER ABUSES.

Claim Analysis No.1

The Customer Dennis Varenas has admitted that he knew Shawn Bedsole was the representative of this Water System and admits it in OPUC hearing see recording Exhibit 1

File Name: OPUC Hearing UCR121, 122,123 April 6.2010 Varenas and Ohle official recording where he states, 22:30 Minutes in Mr. Varenas points out "Shawn always represents himself as a representative of the water system". So there is no reason for Shawn to point out what Mr.Varenas already knows and was expecting and states in recording File name: Varenas assault March 26.2010. Mr. Varenas states he knew Shawn was documenting in the form of recording and taking pictures. Shawn also never entered the Varenas property he stayed on the utilities easement and with in the road way easement.

Mr. Varenas also knew that there was a problem with illegal laterals on his property and offered to remove the lateral lines see recording file name: Court case Varenas VS Bedsole June 7.2010 Mr. Varenas 5 minutes 20 seconds in Varenas Claims knowledge of illegal laterals and is willing to remove them. Also the OPUC had hearings on these matters and the commission found no support for the Varenas complaints and took no action against the water system.

Claim Analysis No.2

The claim of Varenas filing stalking charges is of issue because it shows interference with the utility operator in the performance of his duties, safety issues and needless expense being put on the utility for legal representation and therefore shows justification for abandonment it also shows Mr. Varenas and Mr. Durland making it impossible for the utility to provide safe and reliable service, see Exhibit 1 recording file name: Varenas Stalking order hearing 9AM May 24.2010 10 minutes, 4 seconds in Varenas talks about the gun he brings to keep Shawn off of his property. Stalking charge was dismissed.

File Name: OPUC Hearing UCR121, 122,123 4.6.2010Veranus and Ohle official recording, 7 minutes7 seconds in Varenas claims Shawn threatened and harassed Wesley Wells see recording File name: Wesley wells landscaper.

"There was no harassment of Mr. Wells by Shawn as Mr. Varenas stated"

10 minutes in Mr. Ohle points out no employees and threats and refusal to access property so doesn't see any legal ability to reconnect.

11 minutes in Varenas claims he had no physical contact and claims I harassed delivery driver. Varenas then claims there was physical contact and he pushed Shawn back.

12:44 in Ms. Varenas claims Shawn was the aggressor harassed the delivery driver see recording of incident.

18 minutes in Ms. Varenas claims Shawn has assaulted and harassed at least 5 people off of the water line

20 minutes in Ohle points out the water utility is an entity created by the OPUC that has no existence out side of that and that Fish Mill lodges and RV is a customer the OPUC has no authority over Judy and Shawn Bedsole

22:30 Minutes in Mr. Varenas points out Shawn always represents himself as a representative of FMLWS

24 minutes in Mr. Ohle points out FMLWS is a separate entity from Fish Mill Lodges and Judy and Shawn Bedsole

29 minutes 23 seconds in Judges talks about Varenas complaint of the payment process this refers to Varenas complaint about no billing statements being sent out and his refusal to pay until monthly statements are sent out.

File Name: Varenas definition of harassment

20 seconds in Mr. Varenas begins harassment see earlier claims that Shawn always is the aggressor and starts the contacts

2 minutes 20 seconds in Varenas claims Shawn started harassing then Varenas' talk about intentionally filing complaints to create fines towards the goal of taking Fish Mill Lodges

File name: Varenas threatening poisoning myself the water system

38 second in Ms. Varenas states she hopes something happens to me as she is spraying poison around the illegal laterals

File Name: Varenas Stalking order hearing 9AM 5.24.2010

10 minutes 4 seconds in Varenas talks about the gun he brings to keep Shawn off of his property.

File Name: Varenas Phone Harassment

Once again shows Mr. Varenas harassing this water systems staff and the staff of Fish Mill Lodges and RV Park staff there is no reason for the contact as the OPUC was handling this situation as part of Mr. Varenas filed complaint and violating written and verbal no contact orders not the time of 5 AM that he made this call to harass staff of this water systems and Fish Mill Lodges and RV Park.

File Name: Don Durland disconnection hearing UCR135 Official Recording 3.11.2011

21 minutes 8 seconds in Ms. Durland states, when do we get to talk about how long the water has been off and they have been told to stay off of our land.

25 minutes 17 seconds in Mr. Durland admits to instructing his gardener to turn the water back on.

This was after he received a 15 day and 5 day disconnection notice; this was done 2 times by Mr. Durland.

45 minutes 52 seconds in ALJ talks about Durland admitting to tampering with service, referring to Durland statement made 25 minutes 17 seconds in to hearing.

File Name: Varenas not requesting an application for water
2 minutes and 40 seconds in varanas is told only contact is by mail.

File Name: OPUC hearing official recording Durland trespass
18 minutes 25 seconds in Don Durland admits to trespass on water system property and my comments on OPUC sentencing Fish Mill and the water system to financial doom.
23 minutes 3 second in The OPUC states they do not regulate water quality only the drinking water program regulates water quality.

File Name: Varenas assault 3.26.2010

At the begging of the recording you can hear the delivery truck and you can hear when the delivery truck leaves with out Shawn saying a word to the delivery driver so once again Mr. and Ms. Varenas has lied to the OPUC in hearings under oath then falsely filing complaints with the OPUC wasting commission time and money as well as this water systems time and money intentionally see File Name: OPUC Hearing UCR121, 122,123 4.6.2010Veranus and Ohle official recording.

File Name: Varenas Harassment cabin #6

Once again shows Mr. Varenas starting the harassment of Fish Mill Lodges and RV Park staff conflicting his testimony in several OPUC hearings under oath wasting OPUC time and money as well as this water systems time and money intentionally.

File Name: Judy Bedsole phone message to carol Hause Varenas Harassment

21 seconds in I state that Mr. Varenas has sent a letter to harass my self and staff of this water system and Fish Mill Lodges and RV Park by writing about how my deceased husband would be ashamed of me and my sons and all the work we have done for this water system and Fish Mill Lodges and RV Park violating no contact orders by both letter and verbal instruction showing his only intention is to harass me and my sons while the OPUC stand by and watches while encouraging Mr. Varenas to escalated the situation by the OPUC taking no action against him while allowing Mr. Varenas to harass, intimidate and abuse myself and my sons and my deceased husbands memory.

See Exhibit 2 Copy of Varenas check and harassing letter
Exhibit 7 Varenas No contact letter dated February 5, 2009

ISSUE 2, COMPLAINTS AND ABUSES

Q. FISH MILL LISTS CUSTOMER COMPLAINTS AND DISPUTES AS PART OF ITS JUSTIFICATION FOR ABANDONING WATER SERVICE. PLEASE DESCRIBE YOUR ANALYSIS OF FISH MILL'S CUSTOMER COMPLAINTS AND DISPUTES.

Claim Analysis No.1

The water use agreement that was sent to Mr. Varenas was the only agreement this water system has ever used and was signed in the past with previous owners of Fish Mill Lodges The issue of its validity was not brought up by the OPUC staff until after Mr. Varenas received his application and the water use agreement.

Claim Analysis No.2

Mr. Varenas knew that there was a problem with the illegal laterals on his property and offered to remove the lateral lines see recording Exhibit 1
File name: Court case Varenas VS Bedsole June 7, 2010, 5 minutes 20 seconds in Varenas Claims knowledge of illegal laterals and is willing to remove them. Exhibit 1.

Claim Analysis No.3

In UCR 121 order number 11 073 dated March 2, 2011 second paragraph labeled **II. PROCEDURAL Story**
Complainants filed a complaint regarding the parties' billing dispute on March 3, 2010. Exhibit 3 After attempts to resolve the issue informally failed, on January 26, 2011, an Administrative Law Judge for the Public Utility Commission of Oregon (Commission) conducted a hearing, at which both parties offered evidence and testimony.

OPUC admits staff knew of the nonpayment issues for over 10 months, which shows interference with the utility and its lack of funds to provide safe and reliable service. The utility sent out notices of inability to cash the customer checks approximately in July or August of 2010. Also all of the checks being made out to Fish Mill Lodges Water System, Fish Mill Lodges H2O check endorsements on the returned checks to customers show the endorsement of "Fish Mill Lodges and RV Park"

Claim Analysis No.4

There never was any letter sent to the water system by Mr. Varenas the only letter sent was through the OPUC and it was sent by Ms. Varenas. See Letter Dated Dec.18, 2008 Ms. Varenas Not Mr. Varenas as Phil stated Exhibit # 8

Claim Analysis No.5

The mentioned complaint only refers to meter reading and not billing statements the law quoted was OAR 860-036-0120 (3) Meter Readings and Bill Forms
OAR 860-036-0120 (3) As a matter of general practice, all service meters shall, as nearly as possible, be read at monthly intervals on the corresponding day of each meter reading period. Meters may be read at other than monthly intervals, if the Commission is given notice and does not object to the water utility's meter reading proposal. The water utility shall provide each customer a written statement that explains the disadvantages of having the meter read and billed less often than monthly. If at any time the Commission determines that circumstances a warrant, water utility may be required to return to monthly meter reading. See complaint letter UCR 121 dated March 3, 2010 Exhibit 3
This is not even a legitimate complaint once again showing Mr. Varenas merely wasting utility time and expenses making it impossible to provide safe and reliable service.

Judy Bedsole was told she would not have to send out monthly billings at the rate case hearing because the monthly charge would be a flat rate and one of the customers, (Mrs. Lucas) at the hearing said she did not one.

Claim Analysis No.6

Mr. Boyle provides no evidence or quotes any law to support his claim making his statement a moot point and without merit.

Claim Analysis No.7

The OPUC held hearings and found no evidence to support the Varenas complaint and took no action against FMLWS this is a moot point and without merit but Mr. Boyle points out Mr. Varenas harassment of the water system staff see Varenas no contact letter including no contact by phone Dated Feb. 2, 2009 and recording file name: Varenas not requesting a application for water. Not Mr. Varenas lied under oath in court about this contact see recording File Name: Court case Varenas VS Bedsole June 7, 2010 where Varenas states. 5 minutes in to recording Shawn and Cris Came out yelling and refused to ever give service. Exhibit 1.

Claim Analysis No.8

The OPUC held hearings and found no evidence to support the Varenas complaint and took no action against this water system this is a moot point and without merit. See recording of incident Exhibit 1
File Name: Varenas assault March 26.2010 once again Mr. Varenas has lied under oath to the Commission Shawn was in the road right of way and on the distribution lines easement and was performing an inspection, so there is no reason for Shawn to point out what Mr. Varenas already knows and was expecting and states in recording File name: Varenas assault March 26.2010. Mr. Varenas states he knew Shawn was documenting in the form of recording and taking pictures See Exhibits 5 & 6 Shawn was documenting illegal excavation removing soil above illegal service laterals to below 30 inches of soil and the dumping of a 10 yard truck load of gravel over the top of the distribution lateral when Mr. Varenas saw Shawn removing the service cover to take a picture of the lateral in relation to the dumped gravel is when Varenas shoved Shawn assaulting him and rupturing 2 of his disks in his back shown by MRI scans and documented by his doctor and a chiropractor, these recording documenting Mr. Varenas lies under oath and misrepresentation of contacts shows a pattern of customer abuse and harassment and false complaints filed by Mr. Varenas with the OPUC shows his intentional interference with the utility making it impossible for the utility to inspect lines for potential cross contamination and making it impossible to provide safe and reliable service risking all who consume water from this system. Note the recording Exhibit 1
file name: Varenas threatening poisoning myself the water system where Ms. Varenas states 30 seconds into the recording “what you say is not what is going to happen then states I hope something happens to you”, Until 1minutes and 30 seconds in to recording Shawn talks about the poison that Ms. Varenas keeps spraying around the illegal distribution lines this whole recording is very important and shows that safe and reliable service can not be supplied with the intentional interference and intent to spray poison around these illegal distribution laterals see pictures provided of poisoning.

Exhibit 4: Photos

Has anyone noticed these complaints are all about Varenas, who is retired, receives benefits from a Water and Power Employee Pension Plan and his vacation home is on this water system?

And here I am a 68 year old widow still working every day, making beds, cleaning toilets for a living and wasting too much time and money on this water system supplying water to 2 out of 3 customers with summer homes. There was a termination of services UM 303 Marastoni Water Company January 9, 1991, listing age and health of the system owner as a couple of reasons the Commission allowed the company to terminate service. I deserve the same consideration.

**Phil Boyle Testimony Rebuttal
Docket Um 1489 Fish Mill Lodges
Exhibits**

Exhibit 1. Recording

a) File Name: Don Durland disconnection hearing UCR135 Official Recording 3.11.2011

25 minutes 17 seconds in Mr. Durland admits to instructing his gardener to turn the water back on. This was after he received a 15 day and 5 day disconnection notice; this was done 2 times by Mr. Durland. 45 minutes 52 seconds in ALJ talks about Durland admitting to tampering with service, referring to Durland statement made 25 minutes 17 seconds in to hearing.

b) <http://www.oregon.gov/PUC/water/faqs/faqco.pdf>

Q. What should I do if someone reconnects service without authorization?

A. If someone reconnects service without authorization, that consumer is not a customer. Therefore, the water utility may disconnect without notice. Because this person is not a customer, he or she does not have the rights afforded to a customer. OAR 860-036-0010 (2) and (5) provides the definitions of a co-customer and a customer.

Exhibit 2 Copy of Varenas check and harassing letter.

Exhibit 3 complaint letter UCR 121 dated March 3, 2010

Exhibit 4 Photos poisoning of grass

Exhibit 5 & 6 Photos showing Illegal lateral beneath excavation for driveway.

Exhibit 7 Varenas No contact letter dated February 5, 2009

Exhibit 8 Letter Dated Dec.18, 2008 Ms. Varenas Not Mr. Varenas as Phil stated

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2011, I served a true and correct copy of this letter by first-class mail and/or e-mail on the following:

Public Utility Commission, Filling Center
550 Capital St NE Suite 215
Salem OR 97302

Bonnie Lucas
PO Box 87
Westlake OR 97493
bonnie337@oregonfast.net;

Barbara Bower bkbpc@juno.com (representative of Bonnie Lucas)

Dennis and Barbara Varenas
721 Old Garden Valley Rd
Roseburg OR 97470
varenas4@msn.com

Don Durland
123 OASIS DR
DENISON TX 75020-8857
durlandarts@texoma.net; piet@texoma.net

Jason W. Jones
Assistant Attorney General
Business Activities Section
1162 COURT ST NE
SALEM OR 97301-4096
jason.w.jones@state.or.us

May 23,, 2011

Judy Bedsole
Fish Mill Lodges
PO Box 1373
Florence OR 97439

DENNIS L VARENAS
 BARBARA J. VARENAS
 721 OLD GARDEN VALLEY RD. 541-957-8368
 ROSEBURG, OR 97471

19-7076 40290
 3250

1995
 DATE DEC 1, 2010

PAY TO THE ORDER OF FISH MILL LODGES WATER SYS \$ 53.⁸⁷
 FIFTY THREE AND ⁸⁷ / 100 DOLLARS

CHASE
 JPMorgan Chase Bank, N.A.
 Portland, Oregon 97266
 www.Chase.com

MEMO NOV. WATER
 Dennis Varenas

cc. PUC Phil Boyle
 Judge Shari Pines

Our Attorneys say as long as you
 refuse to deposit our payments
 we should enjoy the free water.

Wade is turning in his grave
 knowing how you morons are
 ruining his dream. He bought that
 lodge so you would have an income
 when he was gone. He knew you,
 all of you were to stop to make a
 living on your own. He was right

Public Utility Commission of Oregon Mailing Address:
Administrative Hearings Division

PO Box 2148
Salem, OR 97308-2148

UCR 121 9

RECEIVED

2010 MAR -3 A 8:21

P.U.C.

RECEIVED

MAR 03 2010

Street Address: 550 Capitol St NE, Suite 215
Salem, OR 97308-2148
503-378-6678

Public Utility Commission of Oregon
Administrative Hearings Division

FORMAL CONSUMER COMPLAINT

Instructions: Complete this form to file a formal complaint against a utility. Complete all relevant parts and provide as much information as possible. Please attach additional pages if necessary. To assist you, we have provided a copy of rules on dispute resolution. We will serve your complaint on the utility and notify you of future events. **If you have been disconnected or have received a notice of disconnection, you may be entitled to restored or continued service while we review your complaint. See Section 3.**

Section 1: Customer and Utility Information

Customer: DENNIS and BARBARA VARENAS Phone: (h) 541, 957, 8368

Address: 721 OLD GARDEN VALLEY RD. (w) NA

ROSEBURG, OR 97471 E-Mail: VARENAS4@MSN.COM

Utility: FISH MILL LODGES WATER SYS. Account #: ?
(if known)

Section 2: Complaint

1. What is your complaint? What did the utility company do or not do that caused the problem? Be as specific as possible.

THE UTILITY WILL NOT BILL US FOR THEIR SERVICES.

2. What do you want the utility or Commission to do to resolve your complaint? (Note: The Commission lacks authority to award monetary damages.)

WE WANT THE COMMISSION TO MAKE THE UTILITY TO BILL US MONTHLY

RECEIVED

MAR 03 2010

3. If you know, list the statutes, rules, or tariffs that you believe the utility violated.

0AR 860-036-0120(3)

Section 3: Continued or Restored Service

Has your utility service been disconnected, or have you received a disconnection notice? If so, you may be entitled to restored or continued service while we review your complaint. **If you have not been disconnected or have not received a disconnection notice, please skip to Section 4.**

Eligibility:

You are entitled to restored or continued service under certain conditions. You do not qualify if your service was terminated for theft or failure to establish credit. If the dispute involves nonpayment of services, you may be entitled to service only if you make arrangements to avoid future losses to the utility, such as prepaying estimated monthly charges. These payments cover the utility charges for service you will receive while we resolve your complaint.

To apply:

If you want continued or restored service, you must answer the following questions completely. If you fail to answer all questions completely, you will not be eligible for an expedited proceeding to determine if you are entitled to continued or restored service. However, if you complete the questions and meet certain criteria, we will schedule a telephone hearing within three business days with you and the utility to determine whether you are entitled to continued or restored service. (Note: You are not entitled to restored or continued service for a secondary telephone line if your primary line remains in service.)

1. Please check one:

- I received a notice that my service will be disconnected on _____, but I have not yet been disconnected.
- I was disconnected on _____.
- I have been refused an application for new service.

NA }
}

2. The utility claims that it is disconnecting/refusing service because:

- I did not pay my bill.
- I did not establish credit.
- Other (Please explain):

OAR 860-036-0120 Meter Readings and Bill Forms

(1) Every water utility providing metered service shall indicate clearly on the meter the units of service for which the charge is made to the customer, except when automatic meter reading systems preclude such facilities.

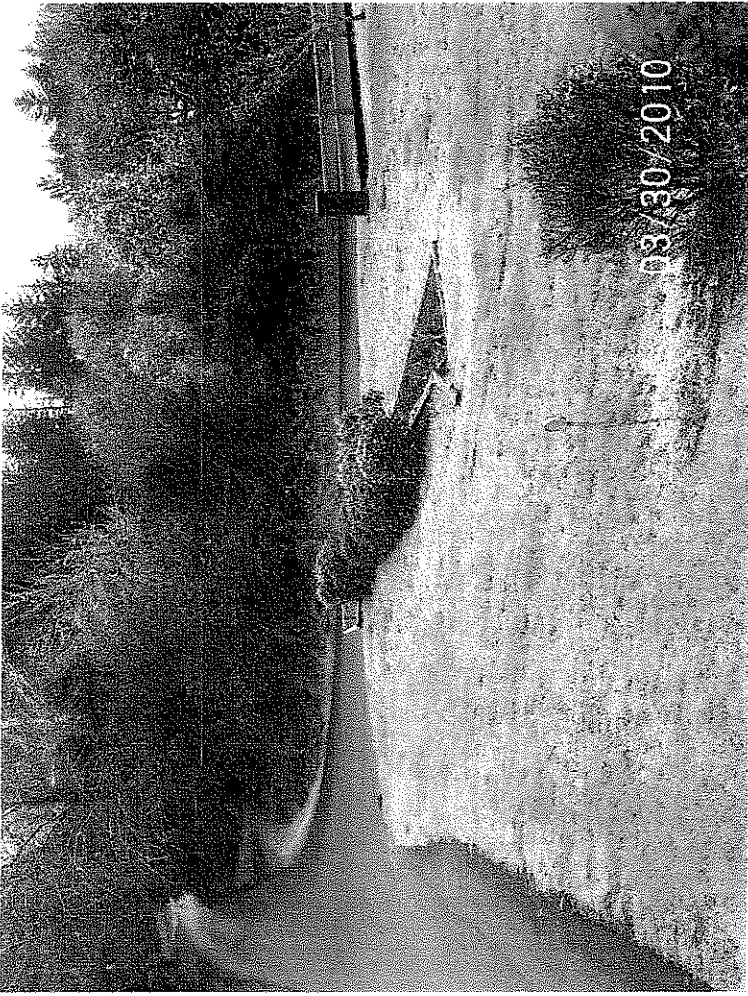
(2) All water service bills shall show the beginning and ending meter readings for the period the bills are rendered, the date of the meter readings, the number of units of service supplied clearly stated (gallons or cubic feet), the schedule number under which the bill was computed, and any other information needed to compute the bill. Each bill shall bear on its face the delinquent date of the bill and the water utility's telephone number. When there is good reason for so doing, estimated bills may be submitted. Any estimated reading shall be clearly designated as such on the bill.

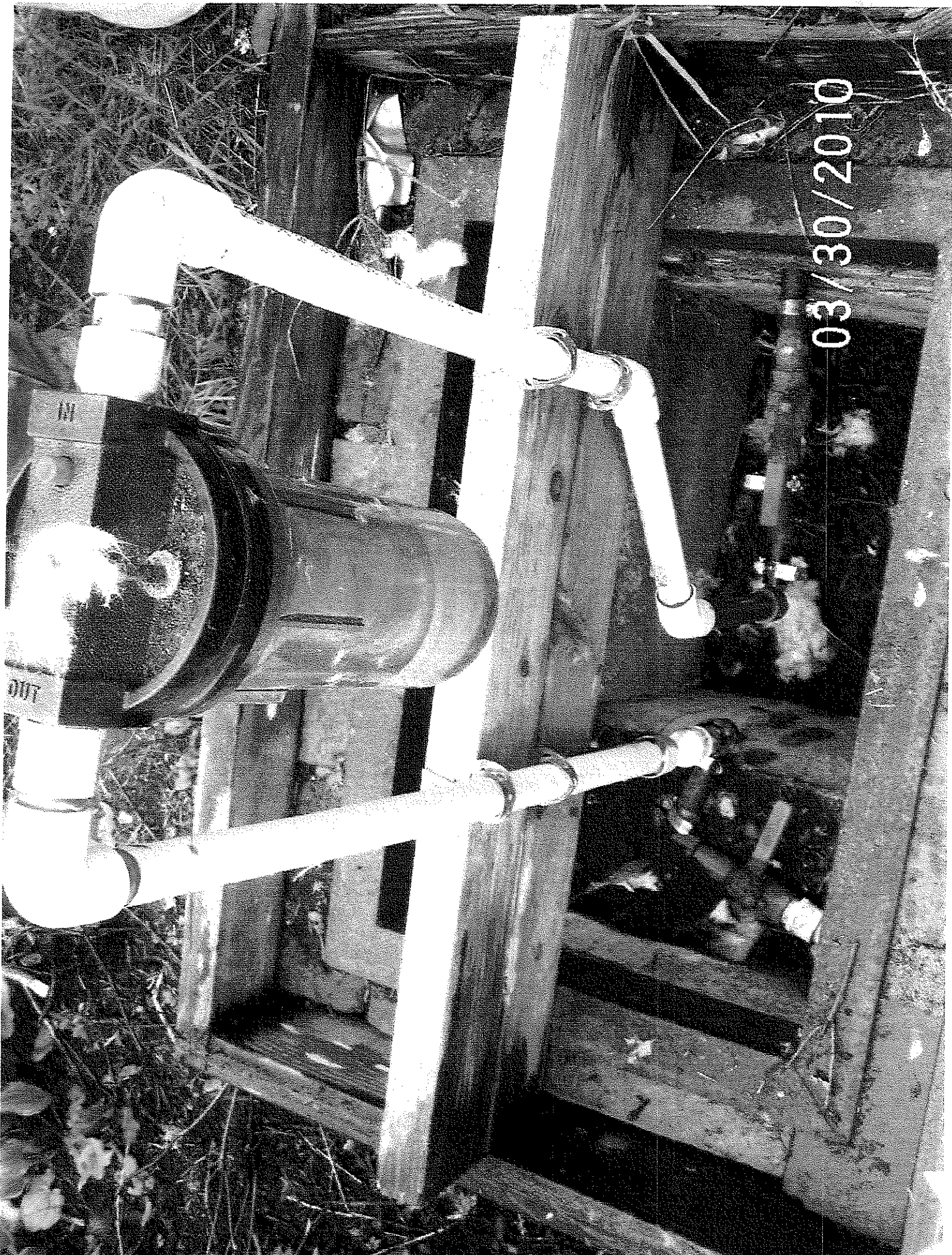
(3) As a matter of general practice, all service meters shall, as nearly as possible, be read at monthly intervals on the corresponding day of each meter reading period. Meters may be read at other than monthly intervals, if the Commission is given notice and does not object to the water utility's meter reading proposal. The water utility shall provide each customer a written statement that explains the disadvantages of having the meter read and billed less often than monthly. If at any time the Commission determines that circumstances warrant, a water utility may be required to return to monthly meter reading.

(a) When access to a meter is difficult due to the meter location or other circumstance, the water utility shall seek the customer's cooperation in obtaining monthly meter readings (for example, having the customer complete and return a meter reading form). Any customer reading shall be subject to actual verification by the water utility not less than once every four months;

(b) Each customer shall provide the water utility with regular access to the meter on the customer's property. Failure to permit the water utility access at reasonable times and after reasonable written notice of requested access is grounds for disconnection.

(4) Upon written request by a customer, the water utility shall cause the meter reader, when the customer's meter is read, to leave on such meter or with such customer, a card showing the actual meter reading and the date and time such reading was made.





03/30/2010

EXHIBIT 5

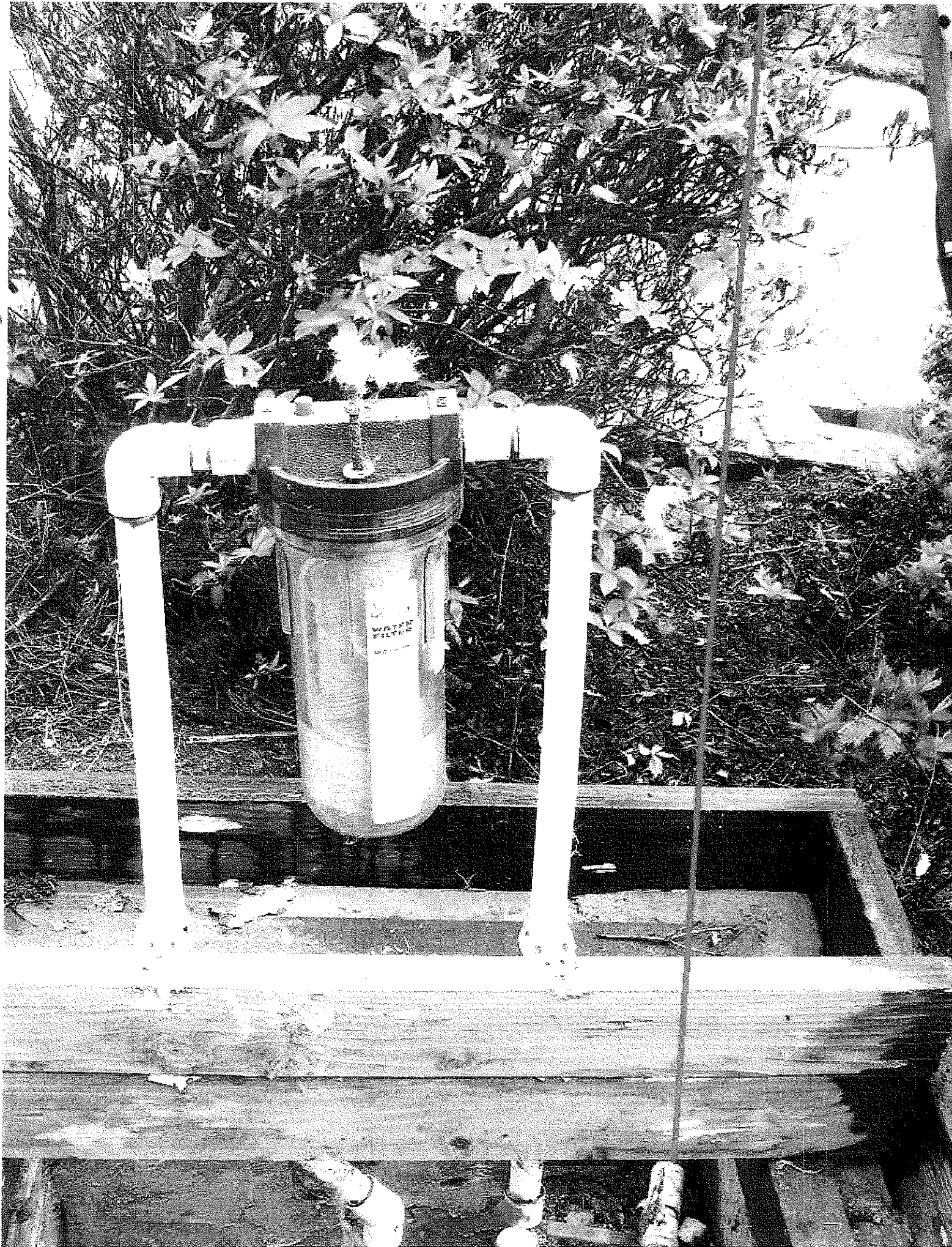


EXHIBIT 6

FISH MILL LODGES WATER SYSTEM
PO Bos95
Westlake, OR 97493
541-997-2511

Mr. Dennis L. Varenas

721 Old Garden Valley Rd.
Roseburg, OR 97470

February 2, 2009

Mr. Verenas,

You harassed FMLWS staff once before and you were told to never enter Fish Mill property then once again on February 4, 2009 you called Fish Mill lodges and were threatening to staff once again even after you were told you needed to talk directly to me at the beginning of the conversation you continued to waste time on a reservation line so you are now being instructed to have no contact with Fish Mill lodges or its staff that means no contact verbally, no contact by phone, no contact by e mail you will be allow to contact only me and only by mail, too make it clear Judy Bedsole is not to be contacted as she is a retired staff member of the lodge and the owner Fish Mill so you may not contact her by any means.

Thank you

Shawn Bedsole

CC to:

Public Utility Commission of Oregon
550 Capitol St NE #215
PO Box 2148
Salem OR 97308-2148

Shawn Bedsole
FMLWS

CC OPUC

December 18, 2008

Ms. Judy Bedsole
Fish Mill Lodges Water System
P.O. Box 95
West Lake, Or. 97439


Ref: 2nd request for water application for 4837 Summit Avenue, West Lake, Or. 97439

Dear Ms. Bedsole,

We, as new owners of 4837 Summit Avenue, West Lake, Oregon, would like to request an application for water to our home.

Please send the application to Mr. & Mrs. Dennis Varenas, 721 Old Garden Valley Road, Roseburg, Oregon 97470. This address should be used for all communications.

Thank you,



Barbara Varenas

Cc: Mr. Phil Boyle
Oregon Public Utility Commission

Exhibit 8