

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UW 120

In The Matter of:)
)
CROOKED RIVER RANCH WATER) RESPONSE TO INTERVENER CRAIG
COMPANY) SOULE’S MOTION TO COMPEL (RE:
) DR 67-74)
)
)
)
)

COMES NOW CRRWC and responds to Intervener Craig Soule’s Motion to Compel regarding Data Requests 67 through 74.

CRRWC appreciates the extension of time granted for reply in this matter and apologizes for any confusion caused by the filing of the request. An explanation is warranted as it relates directly to issues with the data requests themselves. On June 15, 2008 Counsel for CRRWC corresponded via e-mail with Craig Soule regarding production of documents in Jefferson County Case No. CV08-0028. Mr. Soule was advised that counsel for CRRWC would be in trial in Wasco County from June 16-18th and if the trial did not take place he would be advised. Knowing that counsel was unavailable Mr. Soule filed a Motion to Compel which required a response in five days.

**1-RESPONSE TO INTERVENER CRAIG SOULE’S
MOTION TO COMPEL**

Counsel for CRRWC was forced to correspond with office staff via e-mail and telephone to file the Motion for Extension. Staff's lack of experience with the filing requirements and procedures in a rate case resulted in some confusion regarding the Motion for Extension. Craig Soule's filing of the Motion to Compel demonstrates the lack of good faith and conduct which does not comport with OAR 860-012-0001(2) which has been consistent throughout this proceeding.

DISCUSSION

No. 67 - CRRWC stands by its initial response that Intervener Craig Soule's Data Request No. 67 is argumentative and CRRWC objects on that basis.

No. 68 - 73 - CRRWC stands by its original objection that Data Requests 68 through 73 are not relevant to the establishment of rates. Throughout this rate case Intervener Craig Soule has attacked the legitimacy of virtually every action taken by the Board of Directors and these attacks have not been made in good faith. The attacks have been made with the obvious objective of depleting Company resources. To date Craig Soule's participation has served no legitimate purpose. In fact, Craig Soule's participation as an intervener has only served to unreasonably broaden the issues, burden the record and delay the proceedings. The Commission or ALJ has the authority under OAR 860-012-0001(2) to impose appropriate conditions upon an intervener's participation in the proceeding. CRRWC requests an order prohibiting further Data Requests by Craig Soule. CRRWC does not wish to devote further resources to fighting the harassment of Craig Soule however, if some intervention is not made by the PUC then CRRWC will have no recourse but to pursue a separate civil action against Craig Soule for intentional interference with economic

2-RESPONSE TO INTERVENER CRAIG SOULE'S MOTION TO COMPEL

relations.

No. 74 - The only thing curious about this Data Request is that Intervener Craig Soule has intentionally omitted the last portion of the relevant Oregon Administrative Rule which states:

“A party may not file a blanket request to receive copies of responses to all data requests.”

Intervener Craig Soule has requested a copy of every response by CRRWC tendered to the Public Utility Commission. (See Soule DR’s 15, 64 and 74). Craig Soule simply listing the individual requests in consecutive numerical order does not constitute a specific request. Craig Soule has effectively made a blanket request to receive copies of both responses to all Data Requests an action prohibited by the relevant OAR.

Respectfully submitted this 3rd day of July 2008.

GLENN, SITES, REEDER & GASSNER, LLP

/s/ Timothy R. Gassner
TIMOTHY R. GASSNER OSB 02309
Of Attorneys for Defendant

3-RESPONSE TO INTERVENER CRAIG SOULE’S
MOTION TO COMPEL

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CERTIFICATE OF SERVICE

I certify that on July 3rd 2008, I served the foregoing upon the following, by mailing a copy by postage prepaid first class to:

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