



17, 2007 and prior information provided by CRRWC. The rate/tariff filing questions and the subject data request by Intervenor - Soule pertains to the rate structure for the customer classes CRRWC serves. The information requested concerning the customer classes is relevant to the rate/tariff setting process and a subpoena should be issued to CRRWC ordering the information requested in Intervenor – Soule’s data request number 7 be provided.

**Data Request 8** - The subject data request asks for clarification of the discrepancies in the information submitted by CRRWC in their response to the PUC’s DR 25 and information published in the local newspaper. The PUC’s DR 25 and the subject data request by Intervenor - Soule pertains to work donated by CRRWC to Crooked River Ranch Rural Fire Protection District (CRRRFPD) for the new fire station at Crooked River Ranch (CRR). The donation of company assets to an outside entity potentially has an effect on the financial structure of CRRWC. The information requested concerning the donated work is relevant to the rate/tariff setting process and a subpoena should be issued to CRRWC ordering the information requested in Intervenor – Soule’s data request number 8 be provided.

**Data Request 9** - The subject data request asks for information about the donation by CRRWC to CRRRFPD towards the construction of the new fire station at CRR. The donation of company assets to an outside entity potentially has an effect on the financial structure of CRRWC. The information requested concerning the donated work is relevant to the rate/tariff setting process and a subpoena should be issued to CRRWC ordering the information requested in Intervenor – Soule’s data request number 9 be provided.

**Data Request 10** - CRRWC did not provide a complete response and omitted information in the response to the PUC’s DR 51, 52, 53 & 54. The subject data request also asks for information to expand on the information submitted by CRRWC in the rate filing/tariff application brief submitted to the PUC, dated April 17, 2007. The rate/tariff filing questions, the PUC’s data requests and the subject data request by Intervenor - Soule pertains to an ongoing capital improvement program to extend main water lines to additional areas of Crooked River Ranch. The main water line extensions (plant) are part of the PUC’s equation to set rates for CRRWC. The information requested concerning the main water line extensions is relevant to the rate/tariff setting process and a subpoena should be issued to CRRWC ordering the information requested in Intervenor – Soule’s data request number 10 be provided.

**Data Request 11** - The subject data request asks for information to expand on the information submitted by CRRWC in the rate filing/tariff application brief submitted to the PUC, dated April 17, 2007. The rate/tariff filing questions and the subject data request by Intervenor - Soule pertains to the purpose and utilization of real property (assets) owned by CRRWC. The information requested concerning the subject property is relevant to the rate/tariff setting process and a subpoena should be issued to CRRWC ordering the information requested in Intervenor – Soule’s data request number 11 be provided.

**Data Request 12** - The subject data request asks for information to expand on prior information provided by CRRWC. The subject data request by Intervenor - Soule pertains to an ongoing capital improvement program to provide additional infrastructure (deep water well) to CRRWC’s system. The acquisition and development of land for the additional well (plant) is part of the

PUC's equation to set rates for CRRWC. The information requested concerning the acquisition and development of land for the additional well is relevant to the rate/tariff setting process and a subpoena should be issued to CRRWC ordering the information requested in Intervenor – Soule's data request number 12 be provided.

**Data Request 13 & 14** – The subject data requests asks for information on litigation CRRWC has been a party to. The subject data requests by Intervenor - Soule pertains to the numerous cases of litigation CRRWC has initiated or been a party to. The legal expenses and CRRWC staff time for litigation potentially has an effect on the financial structure of CRRWC. The information requested concerning the litigation is relevant to the rate/tariff setting process and a subpoena should be issued to CRRWC ordering the information requested in Intervenor – Soule's data request numbers 13 and 14 be provided.

**Data Request 15** – The subject data request to obtain copies of CRRWC responses to the PUC's DR 1 to 120 is authorized by Oregon Administrative Rule (OAR) 860-014-0070 (2). The PUC's DR 1 to 120 are presumed, by Intervenor – Soule, to be relevant to the rate/tariff setting process and a subpoena should be issued to CRRWC ordering the information requested in Intervenor – Soule's data request number 15 be provided.

As per OAR 860-014-0040(2) Intervenor – Craig Soule is requesting a subpoena be issued to the Crooked River Ranch Water Company Board of Directors for the production of documents requested by Intervenor – Craig Soule in data request numbers 2 through 6 and numbers 7 through 15.

DATED this 27th day of August 2007.

Respectfully submitted,

  
\_\_\_\_\_  
Craig Soule – Intervenor UW 120

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

3 UW 120

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5 )  
6 In the Matter of ) INTERVENOR – CRAIG SOULE  
7 CROOKED RIVER RANCH WATER ) MOTION TO COMPEL  
8 COMPANY ) DATA REQUEST 2 TO 6  
9 Request for Rate increase resulting in total ) &  
10 annual revenues of \$868,453. ) DATA REQUEST 7 TO 15  
11 )  
12 )

13 **INTRODUCTION**

14  
15 OAR 860-014-0070 (1) grants an intervenor the authority to request information from any party  
16 to the proceeding. On July 5, 2007, Intervenor - Craig Soule served data request number 2 to 6  
17 on Crooked River Ranch Water Company (CRRWC). A response to data request number 2 to 6  
18 was required by July 19, 2007.

19 On July 12, 2007, Intervenor - Craig Soule served data request number 7 to 15 on Crooked River  
20 Ranch Water Company (CRRWC). A response to data request number 7 to 15 was required by  
21 July 26, 2007.

22 As of July 30, 2007 no meaningful response to the data requests has been received.

23 Consistent with OAR 860-014-0070(3), Intervenor - Soule has attempted to confer via email  
24 with CRRWC concerning the subject data requests. CRRWC has not provided a meaningful  
25 response to the email communications. The parties are unable to informally resolve this dispute.

26 Pursuant to OAR 860-014-0070(3), Intervenor - Soule files this motion to compel production of  
the information requested and respectfully requests a ruling or order requiring CRRWC to

1 provide full and complete answers to the subject data requests. Since the time for these responses  
2 has already passed, Intervenor - Soule also requests that CRRWC be ordered to provide these full  
3 and complete responses in a timely fashion.

## 4 5 **DISCUSSION**

### 6 **CRRWC did not respond to data request 2 to 6.**

7  
8 CRRWC did not provide a complete response to the PUC's DR 46. The subject data requests ask  
9 for information to expand on the information submitted by CRRWC in the rate filing/tariff  
10 application brief submitted to the PUC, dated April 17, 2007 and CRRWC's partial response to  
11 the PUC's DR 46. The rate/tariff filing questions, the PUC's data requests and the subject data  
12 requests by Intervenor - Soule pertains to the outstanding loan structure, major equipment assets  
13 and special assessment expenditures of CRRWC. The outstanding loan structure, major  
14 equipment assets and special assessment expenditures has an impact on the current financial  
15 status of CRRWC. The information requested concerning the loan structure, major equipment  
16 assets and special assessment expenditures is relevant to the rate/tariff setting process and  
17 CRRWC should be compelled to provide this information.

### 18 **CRRWC did not respond to data request 7 to 15.**

19 **Data Request 7** - The subject data request asks for information to clarify the information  
20 submitted by CRRWC in the rate filing/tariff application brief submitted to the PUC, dated April  
21 17, 2007 and prior information provided by CRRWC. The rate/tariff filing questions and the  
22 subject data request by Intervenor - Soule pertains to the rate structure for the customer classes  
23 CRRWC serves. The information requested concerning the customer classes is relevant to the  
24 rate/tariff setting process and CRRWC should be compelled to provide this information.

25 **Data Request 8** - The subject data request asks for clarification of the discrepancies in the  
26 information submitted by CRRWC in their response to the PUC's DR 25 and information  
published in the local newspaper. The PUC's DR 25 and the subject data request by Intervenor -  
Soule pertains to work donated by CRRWC to Crooked River Ranch Rural Fire Protection  
District (CRRRFPD) for the new fire station at Crooked River Ranch (CRR). The donation of

1 company assets to an outside entity potentially has an effect on the financial structure of  
2 CRRWC. The information requested concerning the donated work is relevant to the rate/tariff  
3 setting process and CRRWC should be compelled to provide this information.

4 **Data Request 9** - The subject data request asks for information about the donation by CRRWC  
5 to CRRRFPD towards the construction of the new fire station at CRR. The donation of company  
6 assets to an outside entity potentially has an effect on the financial structure of CRRWC. The  
7 information requested concerning the donated work is relevant to the rate/tariff setting process  
8 and CRRWC should be compelled to provide this information.

9 **Data Request 10** - CRRWC did not provide a complete response and omitted information in the  
10 response to the PUC's DR 51, 52, 53 & 54. The subject data request also asks for information to  
11 expand on the information submitted by CRRWC in the rate filing/tariff application brief  
12 submitted to the PUC, dated April 17, 2007. The rate/tariff filing questions, the PUC's data  
13 requests and the subject data request by Intervenor - Soule pertains to an ongoing capital  
14 improvement program to extend main water lines to additional areas of CRR. The main water  
15 line extensions (plant) are part of the PUC's equation to set rates for CRRWC. The information  
16 requested concerning the main water line extensions is relevant to the rate/tariff setting process  
17 and CRRWC should be compelled to provide this information.

18 **Data Request 11** - The subject data request asks for information to expand on the information  
19 submitted by CRRWC in the rate filing/tariff application brief submitted to the PUC, dated April  
20 17, 2007. The rate/tariff filing questions and the subject data request by Intervenor - Soule  
21 pertains to the purpose and utilization of real property (assets) owned by CRRWC. The  
22 information requested concerning the subject property is relevant to the rate/tariff setting process  
23 and CRRWC should be compelled to provide this information.

24 **Data Request 12** - The subject data request asks for information to expand on prior information  
25 provided by CRRWC. The subject data request by Intervenor - Soule pertains to an ongoing  
26 capital improvement program to provide additional infrastructure (deep water well) to CRRWC's  
system. The acquisition and development of land for the additional well (plant) is part of the  
PUC's equation to set rates for CRRWC. The information requested concerning the acquisition

1 and development of land for the additional well is relevant to the rate/tariff setting process and  
2 CRRWC should be compelled to provide this information.

3 **Data Request 13 & 14** – The subject data requests asks for information on litigation CRRWC  
4 has been a party to. The subject data requests by Intervenor - Soule pertains to the numerous  
5 cases of litigation CRRWC has initiated or been a party to. The legal expenses and CRRWC staff  
6 time for litigation potentially has an effect on the financial structure of CRRWC. The  
7 information requested concerning the litigation is relevant to the rate/tariff setting process and  
8 CRRWC should be compelled to provide this information.

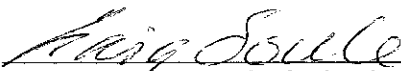
9 **Data Request 15** – The subject data request to obtain copies of CRRWC responses to the PUC's  
10 DR 1 to 120 is authorized by Oregon Administrative Rule (OAR) 860-014-0070 (2). The PUC's  
11 DR 1 to 120 are presumed, by Intervenor – Soule, to be relevant to the rate/tariff setting process,  
12 and therefore CRRWC should be compelled to provide the information.

### 13 14 **CONCLUSION**

15 For the foregoing reasons, Intervenor – Craig Soule requests that CRRWC be compelled to  
16 produce the information discussed herein.

17  
18 DATED this 31th day of July 2007.

19  
20  
21 Respectfully submitted,

22  
23   
24 Intervenor Craig Soule

## CERTIFICATE OF SERVICE

I certify that on July 31, 2007, I served a true and correct copy of the foregoing motion to compel on all parties of record in this proceeding by delivering a copy by electronic mail to:

**STEVEN COOK**

sewfab4u@hotmail.com

**CHARLES G NICHOLS**

charlien@blazerind.com

**CROOKED RIVER RANCH WATER COMPANY**

**JAMES R ROOKS - GENERAL MANAGER**

jr@crwwe.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 July 31, 2007, I served the following entity, by placing in the US Mail with postage prepaid, a true and correct copy of the motion to compel:

**CROOKED RIVER RANCH WATER COMPANY**

**BRIAN ELLIOT – PRESIDENT BOARD OF DIRECTORS**

PMP 313 – 1604 S Hwy 97 # 2

Redmond, Oregon 97756

  
CRAIG ALLAN SOULE



**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 COMPEL GRANTED;  
TIME SHORTENED FOR REPLIES**

On July 31, 2007, Intervenor Craig Soule (Soule) filed a motion to compel data request responses from Crooked River Ranch Water Company (Crooked River or the Company). Crooked River did not file any response to Mr. Soule’s motion.

Mr. Soule states that he served the data requests on Crooked River on July 5 and July 12, 2007. He has received no response. His efforts to confer with Crooked River regarding this matter have been unsuccessful.

In his motion, Mr. Soule states the content of the data requests and explains their relevance. The queries relate directly to the subject matter of this proceeding and are highly relevant.

I note that I previously have granted a motion to compel filed by Mr. Soule and have issued him a subpoena duces tecum for the production of the documents required by the motion. I further note that Crooked River has not filed any reply or conferred with Mr. Soule regarding its responses to his data requests.

Apparently the Company believes that it may ignore the data requests and disregard the motions to compel. In light of the Company’s actions, I shorten time for the Company to reply to any further motions to compel to five days.

The schedule calls for the submission of Staff and intervenor testimony on September 7, 2007, and the Company's rebuttal testimony on September 21, 2007. I do not intend to extend these dates.

Staff and intervenors may submit their testimony and ask that the Commission impute whatever values they may consider reasonable or whatever presumptions they believe are fair, where the Company's data request responses have been deficient. The Company's rebuttal case will be limited to information that has been provided to parties through discovery.

The schedule allows for discovery on the Company's rebuttal testimony. In the event the Company does not respond fully to discovery by Staff and Intervenors, the Company's rebuttal testimony will be stricken.

IT IS ORDERED that:

1. Within five days, Crooked River shall provide full and complete answers to Mr. Soule's data request nos. 2 through 6 and 7 through 15.
2. The time for Crooked River to respond to motions to compel is shortened to five days.

Dated at Salem, Oregon, this 21st day of August, 2007.

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Patrick Power  
Administrative Law Judge