

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

3 UW 120

4  
5  
6 In the Matter of )

7 CROOKED RIVER RANCH WATER )

8 COMPANY )

9 Request for Rate increase resulting in total )

10 annual revenues of \$868,453. )

INTERVENOR – CRAIG SOULE

MOTION TO COMPEL  
DATA REQUEST NUMBER 27 TO 66

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12 )  
13 **INTRODUCTION**

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15 OAR 860-014-0070 (1) grants an intervenor the authority to request information from any party  
16 to the proceeding.

17 On October 4, 2007, Intervenor - Craig Soule served data request numbers 27 to 66 on Crooked  
18 River Ranch Water Company (CRRWC). A response to data request numbers 27 to 66 was  
19 required by October 19, 2007.

20 As of November 4, 2007 no response to the data requests has been received from CRRWC.

21  
22 Consistent with OAR 860-014-0070(3), Intervenor - Soule has attempted to confer via email  
23 with CRRWC concerning the subject data requests. CRRWC has not provided a response to the  
24 email communications. The parties are unable to informally resolve this dispute.

25 Pursuant to OAR 860-014-0070(3), Intervenor - Soule files this motion to compel production of  
26 the information/documentation requested and respectfully requests a ruling or order requiring  
CRRWC to provide full and complete answers or documentation to the subject data requests.

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

#### 4 **DISCUSSION**

5 **CRRWC did not respond to data requests numbers 27 to 66.**

6 Data Requests numbers 27 to 66 addressed issues that were raised in CRRWC's "Rebuttal  
7 Statement" & "Rebuttal Testimony and Exhibits" submitted by James Rooks – General Manager  
8 of CRRWC and the "Rebuttal Testimony and Exhibit" of Wesley Price - CPA partner, Harrigan,  
9 Price, Fronk & Co. LLP (collectively "CRRWC's Rebuttal Testimony").

10 **Data Request 27 (a)(b)** - CRRWC did not provide the documentation requested concerning the  
11 "Rebuttal Testimony" of Wesley Price – CPA. Data request 27 (a) & (b) asks for  
12 documentation/information to adequately demonstrate that Wesley Price is qualified and has the  
13 familiarity to provide testimony concerning the subject rate/tariff case. The qualifications of  
14 Wesley Price are relevant to the rate/tariff setting process and CRRWC should be compelled to  
15 provide this information.

16 **Data Request 27 (c)** – Data request 27 (c) addresses the issue of member ownership of  
17 CRRWC. Clarification of the ownership issue would clearly impact the assets included in plant  
18 and the rate of return allowed by the Oregon Public Utility Commission (PUC) in the rate/tariff  
19 setting process. The data request is clearly relevant and CRRWC should be compelled to provide  
20 this information.

21 **Data Request 27 (d)(e)** – The subject data requests address the issue of CRRWC's legal status  
22 as an entity and subsequent member capital credits. The legal status of CRRWC would dictate  
23 numerous aspects of CRRWC's operation and relationship with its members, including the  
24 retention or dispersion of member capital credits. The subject discussed in the data request is  
25 relevant and CRRWC should be compelled to provide this information.  
26

1 **Data Request 27 (f)(g)(h)(i)** – The subject data requests concern the “Rebuttal Testimony” of  
2 Wesley Price – CPA. The subject rebuttal testimony appears to contain information that is  
3 beyond the scope of the accountant’s skills, experiences and qualifications. Requesting  
4 information/documentation to ascertain the source and validity of the accountant’s testimony is  
5 relevant. The subject data requests by Intervenor - Soule concerning the “Rebuttal Testimony” of  
6 Wesley Price – CPA is relevant to the rate/tariff setting process and CRRWC should be  
7 compelled to provide this information.

8 **Data Request 27 (j)** - Data request 27 (j) asks for information/documentation concerning main  
9 waterline extensions. Mainline extensions are capital improvements potentially included in plant.  
10 The question of who paid for and the source of funding for the mainline extension is critical to  
11 determining if this capital improvement should be included in plant. Data request 27 (j) by  
12 Intervenor - Soule concerning CRRWC’s main waterline extensions is highly relevant to the  
13 rate/tariff setting process and CRRWC should be compelled to provide this information.

14 **Data Request 28** - Data request 28 asks for clarification of a statement in CRRWC’s Rebuttal  
15 Testimony that is not consistent with the record. A clear and concise record is relevant to the  
16 rate/tariff setting process and CRRWC should be compelled to provide this information.

17 **Data Request 29** – The subject data requests asks for documents/information concerning the  
18 petition to intervene applications submitted by Craig Soule and Charles Nichols, the introduction  
19 of irrelevant subjects and the ulterior motives of intervenor Soule. Qualifying the parties to the  
20 proceeding is critical to the process. The documents/information requested concerning the  
21 intervenor applications and accompanying statements made in CRRWC’s “Rebuttal Testimony”  
22 is relevant to the rate/tariff setting process and CRRWC should be compelled to provide this  
23 information.

24 **Data Request 30** - Data request 30 asks for information on the settlement conferences held by  
25 the PUC in August 2007. The subject data request by Intervenor - Soule requests information  
26 from CRRWC to support their assertions that the PUC allowed the public to participate in the  
settlement conferences. The statements by CRRWC in their rebuttal testimony concerning how

1 the PUC handles proceedings is relevant to the rate/tariff setting process and CRRWC should be  
2 compelled to provide this information.

3 **Data Request 31** – Data request 31 asks for an explanation concerning CRRWC’s “Rebuttal  
4 Testimony” statement that the PUC has established a budget for individual activities, items or  
5 categories. The request for an explanation clarifying CRRWC’s understanding of the rate/tariff  
6 setting process is relevant to the rate/tariff setting process and CRRWC should be compelled to  
7 provide this information.

8 **Data Request 32** - Data request 32 requests information concerning the Oregon State Bar  
9 complaint against Tim Gassner. Although, it is odd that a Bar complaint would be included in  
10 rebuttal testimony for a rate/tariff case before the PUC. CRRWC has made the subject part of the  
11 rate/tariff case and it is therefore relevant to the rate/tariff setting process and CRRWC should be  
12 compelled to provide this information.

13 **Data Request 33** - Data request 33 asks for the exhibits that were not included in the emailed  
14 rebuttal testimony filing. A hard copy of the subject rebuttal testimony was not received. Data  
15 request 33 by Intervenor - Soule concerning CRRWC’s rebuttal testimony exhibits is relevant to  
16 the rate/tariff setting process and CRRWC should be compelled to provide this information.

17 **Data Request 34** – Data request 34 inquires into the CRRWC’s “Rebuttal Testimony”  
18 statements concerning the adequacy of the PUC investigation into the financial status of  
19 CRRWC and also requests auditing information. The information requested concerning the  
20 audits and adequacy of the rate/tariff setting investigation is relevant to the rate/tariff setting  
21 process and CRRWC should be compelled to provide this information.

22 **Data Request 35** - Data request 35 asks for information/documentation concerning income and  
23 unpaid accounts of CRRWC. CRRWC income and the status of unpaid accounts would have a  
24 direct impact on cash flow and therefore the financial status of CRRWC. Data request 35 by  
25 Intervenor - Soule concerning CRRWC’s income and unpaid accounts is highly relevant to the  
26 rate/tariff setting process and CRRWC should be compelled to provide this information.

1 **Data Request 36** - Data request 36 asks for an explanation of a quote the accountant for  
2 CRRWC made in CRRWC's "Rebuttal Testimony" concerning how this rate case is proceeding.  
3 The perception by the accountant of this rate case proceeding differently from the norm is  
4 relevant to the rate/tariff setting process and CRRWC should be compelled to provide this  
5 information.

6 **Data Request 37** - The subject data request asks for information/documentation concerning the  
7 ongoing capital improvement program to provide a new water well to CRRWC's system. The  
8 subject data request by Intervenor - Soule pertains to a prudence review of the new well. The  
9 financial prudence of a major capital improvement is highly relevant to the rate/tariff setting  
10 process and CRRWC should be compelled to provide this information.

11 **Data Request 38** - Data request 38 asks for information/documentation concerning CRRWC's  
12 satellite phone service. CRRWC's use and need for a specialized communication service would  
13 have an impact on the expenses of CRRWC. Data request 38 by Intervenor - Soule concerning  
14 CRRWC's satellite phone service is relevant to the rate/tariff setting process and CRRWC  
15 should be compelled to provide this information.

16 **Data Request 39 & 57** - Data requests 39 & 57 inquires into the CRRWC's "Rebuttal  
17 Testimony" statements concerning CRRWC year-end financial statements and rate/tariff setting  
18 test year. Inquires into the adequacy of an un-audited compilation of financial information for  
19 use in rate/tariff process and the 2007 test year is relevant to the rate/tariff setting process and  
20 CRRWC should be compelled to provide this information.

21 **Data Request 40 & 41** - The subject data requests asks for documentation on the legal  
22 claims/expenses CRRWC indicates the Crooked River Ranch Water Watch Dogs have been  
23 responsible for. The legal expenses and CRRWC staff time for litigation potentially has an effect  
24 on the financial structure of CRRWC. The information requested concerning the litigation is  
25 relevant to the rate/tariff setting process and CRRWC should be compelled to provide this  
26 information.

**Data Request 42** - Data request 42 asks for documentation concerning the SCADA system.  
Repairs to the SCADA system would impact the financial status of CRRWC. Data request 42 by

1 Intervenor - Soule concerning CRRWC's repairs to the SCADA system is relevant to the  
2 rate/tariff setting process and CRRWC should be compelled to provide this information.

3 **Data Request 43** - Data request 43 asks for documentation/information concerning CRRWC  
4 paying for the liability insurance coverage for equipment not owned by CRRWC. The cost of  
5 liability insurance coverage would impact the financial status of CRRWC. Data request 43 by  
6 Intervenor - Soule concerning CRRWC's liability insurance cost is relevant to the rate/tariff  
7 setting process and CRRWC should be compelled to provide this information.

8 **Data Request 44** - Data request 44 asks for documentation concerning recertification and  
9 ongoing training of CRRWC staff. The presence of ongoing training and recertification costs  
10 would have a direct effect on the expenses of CRRWC. Data request 44 by Intervenor - Soule  
11 concerning CRRWC's ongoing training and recertification needs is relevant to the rate/tariff  
12 setting process and CRRWC should be compelled to provide this information.

13 **Data Request 45** - Data request 45 requests documentation concerning property taxes on land  
14 owned by CRRWC. Property taxes are an account within the rate/tariff setting process, and the  
15 presence of property taxes would have a direct effect on the expenses of CRRWC. Data request  
16 45 by Intervenor - Soule concerning CRRWC's property tax expenses is relevant to the rate/tariff  
17 setting process and CRRWC should be compelled to provide this information.

18 **Data Request 46** – Data request 46 asks for documentation/information concerning CRRWC's  
19 "Rebuttal Testimony" statements discussing a "15 year plan of improvements". The presence,  
20 status and degree of completion of an improvement plan would impact numerous facets of  
21 CRRWC's system and operation. The information requested concerning the 15 year  
22 improvement plan is highly relevant to the rate/tariff setting process and CRRWC should be  
23 compelled to provide this information.

24 **Data Request 47, 48, 49, 50 & 62** – Data request 47, 48, 49, 50 and 62 inquire into numerous  
25 facets of the fire flows provided by CRRWC, the underlying issue of the need for a new well,  
26 water rights associated with the well and funding to construct the well/infrastructure. The  
information/documents sought concerning fire flows, underlying capital improvements and

1 funding for the capital improvements is highly relevant to the rate/tariff setting process and  
2 CRRWC should be compelled to provide this information.

3 **Data Request 51** – Data request 51 asks for documentation concerning written CRRWC policy.  
4 The subject data request asks for a copy of the written policy of CRRWC concerning questions  
5 from intervenors. Discovery in the rate/tariff setting process is critical. A policy that is not  
6 consistent with Oregon State Rule/Law is highly relevant to the rate/tariff setting process and  
7 CRRWC should be compelled to provide this information.

8 **Data Request 52** – Data request 52 asks for documentation concerning a reserve account  
9 established under the provisions of ORS 94 – Homeowners Associations. The requirements of  
10 ORS 94 concerning the existence of a reserve fund for the maintenance, repair and replacement  
11 of common property would impact the financial position of CRRWC. The funding sources  
12 (accounts) for all of the activities of CRRWC are critical to the rate/tariff setting process and  
13 therefore highly relevant to the rate/tariff setting process and CRRWC should be compelled to  
14 provide this information.

15 **Data Request 53, 54 & 56** - Data request 53, 54 & 56 asks for documentation/information to  
16 substantiate the qualifications of James Rooks - General Manager of CRRWC. Further, the  
17 subject data requests ask for documentation concerning the employment and repair/maintenance  
18 contracts between CRRWC and James Rooks. The financial details of the contracts and  
19 underlying qualifications to fulfill the contracts would impact the day to day operation and  
20 management of CRRWC. The contracts and qualifications of James Rooks are relevant to the  
21 rate/tariff setting process and CRRWC should be compelled to provide this information.

22 **Data Request 55** – Data request 55 asks for documentation of in-house costs and contrasting  
23 outside bids concerning maintenance, repair and construction done in-house. Documentation  
24 substantiating the subject in-house costs is critical and is therefore highly relevant to the  
25 rate/tariff setting process and CRRWC should be compelled to provide this information.

26 **Data Request 58** – The subject data request asks for documentation on CRRWC legal expenses.  
The subject rebuttal testimony indicates that legal expenses stem from James Rooks employment  
with CRRWC. The legal expenses and CRRWC staff time for litigation potentially has an effect

1 on the financial structure of CRRWC. The information requested concerning the legal expenses  
2 is relevant to the rate/tariff setting process and CRRWC should be compelled to provide this  
3 information.

4 **Data Request 59** – Data request 59 asks for documentation concerning the wells owned by  
5 CRRWC. The need for equipment to maintain and repair the wells would be considered an asset  
6 of CRRWC and would substantiate the used and useful requirement for the asset to be included  
7 in the rate/tariff setting process. The information requested concerning the wells and associated  
8 capital equipment is relevant to the rate/tariff setting process and CRRWC should be compelled  
9 to provide this information.

10 **Data Request 60** – Data request 60 asks for documentation concerning CRRWC’s radio read  
11 meter conversion program. Documentation of the studies and evaluations of the subject program  
12 would establish the initial costs, cost to benefit ration, payback period and funding source(s). The  
13 radio read meter conversion program would impact numerous facets of CRRWC’s system,  
14 operation and finances. The information requested concerning the radio read meter conversion  
15 program is relevant to the rate/tariff setting process and CRRWC should be compelled to provide  
16 this information.

17 **Data Request 61** – The subject data request asks for documentation on the development of the  
18 original water system by the developer of Crooked River Ranch. The initial development,  
19 development cost and ownership of the water system is a factor in plant; a major component of  
20 the rate/tariff setting process. Therefore, the information requested concerning development of  
21 the original water system is relevant to the rate/tariff setting process and CRRWC should be  
22 compelled to provide this information.

23 **Data Request 63** – The subject data request asks for an explanation concerning CRRWC’s “20  
24 Year Master Plan”. The 20 Year Master Plan is a major planning document to guide the  
25 development of the water system into the future. An inquiry into why CRRWC believes the plan  
26 is outdated/antiquated and asking about amendments to the plan is critical to the future  
development of the water system. Therefore, the explanation is highly relevant to the rate/tariff  
setting process and CRRWC should be compelled to provide this information.



1 **Data Request 64** – The subject data request to obtain copies of CRRWC responses to the PUC’s  
2 DR 121 to 139 is authorized by Oregon Administrative Rule (OAR) 860-014-0070(2). The  
3 PUC’s DR 121 to 139 are presumed to be relevant to the rate/tariff setting process, and therefore  
4 CRRWC should be compelled to provide the information.

5 **Data Request 65** - Data request 65 asks for documentation concerning CRRWC’s backflow  
6 installation and testing program. CRRWC staff time to monitor and record the backflow program  
7 would impact the financial status of CRRWC. Data request 65 by Intervenor - Soule concerning  
8 CRRWC’s monitoring and recording the backflow program is relevant to the rate/tariff setting  
9 process and CRRWC should be compelled to provide this information.

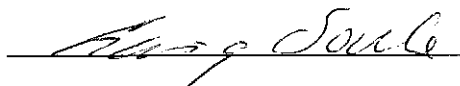
10 **Date Request 66** – Data Request 66 concerns an ongoing investigation by the local District  
11 Attorney and Oregon Department of Justice. Documentation of the current status of the  
12 investigation is relevant, in that, possible legal expenses and CRRWC staff time due to the  
13 investigation potentially has an effect on the financial structure of CRRWC. Data request 66 by  
14 Intervenor - Soule concerning the subject investigation is relevant to the rate/tariff setting  
15 process and CRRWC should be compelled to provide this information.

16 **CONCLUSION**

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

20 DATED this 4th day of November 2007.

21  
22 Respectfully submitted,

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25 Intervenor Craig Soule  
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