

**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

On June 18, 2008, intervenor Craig Soule (Soule) filed a motion to compel data request responses from Crooked River Ranch Water Company (Crooked River or Company). On July 3, 2008, Crooked River filed a response to Mr. Soule’s motion.

Mr. Soule states that he served the data requests on Crooked River on April 26, 2008. On May 13, 2008, he received a written response from Crooked River objecting to the data requests.

Mr. Soule states that he next undertook to informally address the production of the requested documents/information with the Company. He states that he did not receive “a meaningful response” from Crooked River, and files this motion to compel responses.

The subject data requests are numbered 67 to 74. In his motion, Mr. Soule addresses the relevance of each data request.

In Data Request No. 67, Mr. Soule asks for information regarding expenditures reported by the Company. He argues that the information is relevant to rate-setting.

Data Requests Nos. 68-73 propounds a series of inquiries that ask Crooked River to prove that its Board members are duly elected/appointed. Mr. Soule argues that such information is relevant to the Board’s legitimacy and the financial condition of the Company.

Data Request No. 74 asks for copies of data request responses to certain enumerated Staff data requests of the Company. Soule cites OAR 860-014-0070 (2) in support of his motion.

In its response, the Company first states that Mr. Soule filed his motion knowing that counsel for the Company was otherwise occupied and could not make a timely response.¹ Crooked River argues that Mr. Soule's actions demonstrate a "lack of good faith."

Regarding Data Request No. 67, Crooked River argues that the request is argumentative.

Regarding Data Requests Nos. 68-73, Crooked River argues that the subject matter of the data requests is "not relevant to the establishment of rates." The Company argues that Soule's actions consistently are not in good faith. According to Crooked River, Soule's participation "has only served to unreasonably broaden the issues, burden the record and delay the proceedings." The Company requests an order prohibiting further discovery by Soule, threatening legal action against Soule if no such order is forthcoming.

Regarding Data Request No. 74, Crooked River cites the last sentence of OAR 860-014-0070(2): "A party may not file a blanket request to receive copies of responses to all data requests."

Mr. Soule's motion is granted.

Regarding Soule's apparent indifference to Crooked River's attorney's schedule, the Company had never before filed a response to one of his motions to compel. He had no expectation that the Company would respond in this instance.

Data Request No. 67 is not argumentative. It asks the Company to reconcile a statement to its members with a filing at the Commission. The response is relevant for rate-making purposes.

Data Requests Nos. 68 to 73 raise very serious issues regarding the legitimacy of the Company's Board of Directors that go to the very heart of these proceedings.

Soule has the burden of proving that the Board is not legally constituted. His questions are sharply focused and allow direct answers.

The Company's posture is troubling. If the Board is legally constituted, that can be proven decisively in the Company's responses.

¹ In an earlier ruling, Crooked River's time to respond to discovery motions was shortened to five days.

Regarding Data Request No. 74, Crooked River is mistaken in its characterization of Soule's request as a "blanket request." Mr. Soule did not ask for "all" or "every" or "each" data request propounded to the Company by the Commission Staff. He enumerated specific Staff data requests as the subject of his own request. His request is valid and is granted.

If Crooked River believes it would be burdensome to provide all the information to Soule, it may offer to make its responses available for his inspection at a location acceptable to both parties.

IT IS ORDERED that, within ten days of the date of this ruling, Crooked River Ranch Water Company provide full and complete answers to Mr. Soule's Data Request Nos. 67 to 74.

Dated at Salem, Oregon, 14th day of July, 2008.

PATRICK POWER
Administrative Law Judge