

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 120

In the Matter of)	
)	
CROOKED RIVER RANCH WATER)	RULING
COMPANY)	
)	
Request for rate increase in total annual)	
revenues from \$806,833 to \$868, 453, or)	
8.13 percent.)	

DISPOSITION: MOTION DENIED IN PART

I. Background

On June 18, 2008, intervenor Craig Soule (Soule) filed a motion to compel responses to his Data Requests Nos. 67 to 74. Pursuant to an earlier ruling in this docket, Crooked River Ranch Water Company (Crooked River or the Company) had five days in which to file a response to Mr. Soule’s motion.

Crooked River did not file a response with the Public Utility Commission of Oregon (Commission) within the time allowed. However, the Company apparently did timely serve the parties electronically a motion for an extension of time to file a response to Mr. Soule’s motion, and the Commission will entertain the motion on its merits.

In its motion, Crooked River states that its counsel is otherwise occupied and unable to file a response within the five days allowed. The Company requests a 15 day extension.

The Commission received a copy of the Company’s motion on June 25, 2008. The certificate of service indicates that the document was mailed to the parties on June 20, 2008. However, the postmark on the envelope indicates that it was mailed on June 23, 2008. The certificate of service does not specify electronic service on any date.

The Commission received Mr. Soule’s response prior to Crooked River’s motion, on June 23, 2008. Soule opposes the motion, arguing that the Company had ample time to prepare to respond and could have used its other counsel to file a response.

Mr. Soule notes the Company's abysmal record in responding to his data requests:

Soule has submitted 74 data requests to [Crooked River] in the proceeding before the PUC known as UW 120. [Crooked River] was not responsive to Soule's data request 1 through 66 during the administrative process, even after motions to compel and subpoenas were served on [Crooked River]. Soule had to seek assistance through contempt of court proceeding before the circuit court, resulting in the court ordered production of specific documents/information. [Crooked River] has not complied fully with the circuit court order. Some of data requests that have not been fully complied with are almost one year old. . .

He concludes that the Company's request is "less than genuine."

II. Discussion

Any confusion regarding the Company's service of its motion is immaterial. Mr. Soule was served electronically and was able to file a response.

This is the first time that Crooked River has acknowledged that Soule has propounded discovery. To that extent the Company's motion represents progress.

The Company has shown good cause for an extension beyond the five days allowed by the earlier order. In its motion it requests a 15 day extension to respond.

I grant the Company's motion to the extent that I allow it the full 15 days to respond to Mr. Soule's motion. Given that his motion was filed June 18, 2008, the Company's response is due not later than July 3, 2008. The Company should take care to make sure that it properly serves its response.

IT IS ORDERED that:

Crooked River Ranch Water Company is allowed until July 3, 2008, to file a response to the motion to compel data requests 67 to 74 filed by Intervenor Craig Soule on June 18, 2008.

Dated at Salem, Oregon, this 26th day of June, 2008

PATRICK POWER
Administrative Law Judge