

**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 May 14, 2008, the Commission Staff (Staff) filed a motion to compel data responses from Crooked River Ranch Water Company (Crooked River). Crooked River submitted a reply to Staff’s motion on May 27, 2008. The Company’s reply was late-filed but is received.¹

Staff states that it served its Data Request No. 156 on March 27, 2008, and Data Request Nos. 157, 158, 162 and 163 on April 10 and 11, 2008. In its motion, Staff describes each request and explains their relevance. Staff reports that Crooked River has failed to respond at all, or sufficiently, to its requests.

In Data Request No. 156, Staff asked for a list of customers, as of December 1, 2007. Staff explains that its request is relevant to the distribution of the special assessment fund surcharge balance. In its reply, the Company argues that the information is not relevant because the Commission does not have subject matter jurisdiction over the distribution of the funds.

The Company’s jurisdictional argument is pending in the Court of Appeal. So far as this Commission is concerned, it has jurisdiction to decide these matters. The information sought in Data Request No. 156 is plainly relevant and must be provided.

In Data Request No. 157 Staff requests a copy of a check and asks the purpose of its use. Staff notes that the amount of the check – \$15,000 is significant, and states that the information is relevant to Staff’s investigation into the Company’s use of funds, pursuant to Order No. 08-242.

¹ By ruling dated August 21, 2007, the time for Crooked River to reply to motions to compel was shortened to five days.

Crooked River notes that the date of the check predates the Commission's assertion of jurisdiction, and argues that the check is not relevant for ratemaking purposes. The Company also argues that information regarding the check is protected by the attorney/client privilege.

The scope of the Commission's ratemaking function is not limited to financial matters occurring only after the Commission's assertion of jurisdiction. Test year ratemaking requires several years of financial information. Staff's request is granted.

In Data Request No. 158, Staff requests copies of all Board minutes and resolutions from July 1, 2005, through April 24, 2008. Staff argues that these documents are discoverable to determine the actions of the Board concerning rates and service.

Crooked River objects to any request for production of documents prior to the assertion of jurisdiction by the Commission. The Company states that it will review Board minutes and resolutions from after the Commission's assertion of jurisdiction and will provide any documents relevant to the establishment of rates and service.

Again the Company is mistaken regarding the scope of the Commission's authority and the range of information that is relevant for ratemaking purposes. Actions by the Board are relevant to the financial condition of the Company and its rates and services. Staff's request is granted.

In Data Requests Nos. 162 and 163, Staff asked the Company to provide information concerning the water operator qualifications of the General Manager and the currently employed Field Technician. Staff argues that the information relates to rates and service, particularly to the salary paid to the General Manager.

Crooked River again argues the relevancy of the data requests, but does provide some information that might be responsive. To the extent that the supplied information is responsive, Staff's motion is moot. If Staff is not satisfied with the Company's response, Staff should pursue further discovery.

The information requested is plainly relevant.

IT IS ORDERED that, within five days of the date of this ruling, Crooked River provide full and complete answers to Staff's Data Request Nos. 156, 157 and 158.

Dated at Salem, Oregon, this 29th day of May, 2008.

PATRICK POWER
Administrative Law Judge