

Randolph Lee Garrison
Pro per
76 Bellflower Ct
Blanchard Idaho 83804
(541) 580-4446
garrison@rmgarrison.com

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF CDS	)	Case No: SWS-W-24-01
STONERIDGE UTILITIES, LLC'S)	
APPLICATION FOR AUTHORITY	)	INTERVENOR GARRISON'S
TO INCREASE ITS RATES AND	)	FIRST MOTIONS:
CHARGES FOR WATER SERVICE	)	(1) TO COMPEL
IN THE STATE OF IDAHO	)	INTERVENOR'S Fourth
	)	REQUEST FOR DISCOVERY
	)	FROM APPLICANT;
	)	(2) REQUIRING THE IPUC
	)	SECRETARY RELEASE A
	)	COPY OF ALL DISCOVERY
	)	FILED BY APPLICANT WITH
	)	THE IPUC

MOTION # 1

MOTION TO COMPEL DISCOVERY: Pursuant to the authority cited below, Intervenor, Randolph Lee Garrison, a party, hereby requests an order compelling discovery from the Applicant, CDS Stoneridge Utilities, LLC, of the following document(s):

MOTION: (1) TO COMPEL INTERVENOR'S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and (2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH THE IPUC

- (1) Intervenor Garrison's Forth Request for Discovery from Applicant, a copy which is filed herein as a separate document, and is incorporated herein, as if recited verbatim herein.

POINTS AND AUTHORITIES

- (A) On 4 June 2024, Intervenor Garrison formally requested Applicant produce those documents in his Fourth Request for Discovery. A copy of Intervenor's Forth request is filed herein as a separate document, and is incorporated herein, as if recited verbatim herein. The Intervenor's formal request was filed with the IPUC Secretary on 4 June 2024.
- (B) With one exception, none of the requests found in Intervenor Garrison's First, Second, Third and now Fourth Requests for Discovery have been delivered. The one exception is Applicant has delivered a copy of the Quick Book records file with the IPUC on 8 March 2024. Applicant's time for objection to the requests expired on 18 June 2024. No objection was received from Applicant. Applicant's delivery of discovery expired on 25 June 2024.
- (C) This is a general rate case. In a general rate case, "The utility's Idaho intrastate revenue requirement, and every component of it, both rate base and expense,

MOTION: (1) TO COMPEL INTERVENOR'S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and
(2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH
THE IPUC

are at issue." Idaho Admin. Code r. 31.01.01.124. 01. "The rates and charges of all Idaho retail customers, both recurring and non-recurring, including those of special contract customers, are at issue, and every component of every existing and proposed rate and charge is at issue." Idaho Admin. Code r. 31.01.01.124 02. And "The tariffs, practices, rules and regulations, service, instrumentalities, equipment, facilities, classifications, and customer relations of the utility are at issue, . . ." Idaho Admin. Code r. 31.01.01.124. 02.c.

- (D) Accordingly, all of the requests found in Intervenor Garrison's Fourth Request for Discovery are relevant records.
- (E) Idaho Admin. Code r. 31.01.01.222 provides: "All parties to a proceeding . . . have a right of discovery . . ." In addition, "The Commission may by order authorize or compel necessary discovery not listed in these rules."
- (F) Idaho Admin. Code r. 31.01.01.221.05 provides: "Unless otherwise provide, . . . the scope and procedure of discovery . . . is governed by the Idaho Rules of Civil Procedure." IRCivP 34 provide for the Production of Documents. All relevant evidence is subject to Discovery. IRCivP 26 (b).
- (G) Applicant is prohibited from arguing any "exemption" found in the public records

MOTION: (1) TO COMPEL INTERVENOR'S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and
(2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH
THE IPUC

law. See: Public Records Act Guidelines of the Idaho Public Utilities Commission:

(a) 403. DISCOVERY IN FORMAL CASES NOT COVERED BY THESE GUIDELINES. The right of parties in a formal proceeding governed by the Commission's Rules of Procedure to obtain information as part of that formal proceeding is governed by the Commission's Rules of Procedure, IDAPA 31.01.01.000. These guidelines neither expand nor contract any party's rights under those rules.

(b) 404. PARTIES TO FORMAL PROCEEDINGS MAY NOT USE THESE GUIDELINES. No party to a formal proceeding may use these guidelines to supplement, augment, substitute, or supplant discovery procedures set out in the Commission's Rules of Procedure, IDAPA 31.01.01.000. See Idaho Code § 74-115(3).

(H) Intervenor Garrison has signed a "None Disclosure Agreement", but has done so "under protest". StoneRidge Utilities is a public utility governed by the IPUC. There is nothing "confidential" about public utility's books and records in a general rate case. The information requested is not legally "privileged".

MOTION: (1) TO COMPEL INTERVENOR'S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and (2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH THE IPUC

Applicant has not objected to or timely responded to Intervenor’s request for discovery. Nor has applicant pointed to any legal authority denying Intervenor request for discovery. Nor has Applicant requested a protective order.

- (I) On 13 March, 2024, applicant filed with the IPUC Secretary a letter and “USB Memory stick with . . . copy of [Applicant’s] Quickbooks files for 2022 - 2024”. In the letter, Applicant claimed the material was “confidential”.
- (J) Subsequently, Applicant has claimed the request discovery “may contain un-redacted customer information that must be kept confidential.” See “Claim of Confidentiality Certificate” made by Chan Karupiah, provided at the end of this document. Appellant has made no other claim of “confidentiality” or “privilege”.
- (K) StoneRidge Utilities is a public utility governed by the IPUC. There is nothing “confidential” about public utility’s books and records in a general rate case. The information requested is not legally “privileged”.
- (L) StoneRidge Utilities’ only claim of confidentiality is the information “*may*” contain customer information. A claim that information “*might*” contain customer information is at best equivocal and results in no effective claim at all.
- (M) A private water company in *competition* with other private water companies

MOTION: (1) TO COMPEL INTERVENOR’S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and (2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH THE IPUC

might have some concern about its customer lists. But StoneRidge Utilities is a *monopoly*. The customer lists of a monopoly have no economic value. The customers of StoneRidge Utilities are well known and already identifiable. For example, StoneRidge Utilities serves all of Stoneridge and Happy Valley. All the residents of StoneRidge are listed the StoneRidge Home Owners Association Directory. The Directory contains complete names, addresses, telephone numbers and e-mail address. The residents of Happy Valley are all located adjacent to StoneRidge, are readily known and identifiable. In any event, customer names can be redacted.

- (N) Applicant's claim of confidentiality also fails, in part, because applicant has failed to comply with IDAP Rule 31.01.01.067.03. This rule requires: ". . . the attorney of such party designated by Rule 41 must stay in writing that the information is protected by law from public inspection, examination or copying, citing the specific grounds and legal authority for that assertion." Applicant has no attorney and has not provided an attorney's certification required by the rule. Applicant cannot use its failure to be represented by an attorney, because applicant is required to be represented by an attorney by IDAP Rule 31.01.01.043.02.b. Specifically, only a natural person may represent

him/herself in these proceedings. Partnerships and corporations, and by extension, LLCs, must be represented by an attorney. The purpose for having “confidentiality” certifications done by an attorney is to minimize spurious and uninformed claims of “confidentiality”.

CONCLUSION: Intervenor requests Intervenor Garrison’s Fourth Request for Discovery be compelled. These records are relevant to this general rate case and should be produced by Applicant to Intervenor.

MEET AND CONFER: Pursuant to IRCivP 37(a), Intervenor has in good faith conferred or attempted to confer with Applicant in an effort to obtain discovery without IPUC Commission action. Specifically, Intervenor first sent an email to Applicant requesting discovery; a copy of the e-mail is filed herein as a separate document, and is incorporated herein, as if recited verbatim herein. Applicant has not responded. On 12 June 2024, Applicant’s failure to produce discovery was extensively discussed during a conference call. Applicant has, to date, failed to provide any discovery (except as to one item described above).

MOTION # 2

MOTION TO RELEASE APPLICANT’S IPUC FILED ACCOUNTING RECORDS: Pursuant

MOTION: (1) TO COMPEL INTERVENOR’S Fourth REQUEST FOR DISCOVERY FROM APPLICANT; and (2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH THE IPUC

to the authority cited below, Intervenor, Randolph Lee Garrison, a party, hereby requests an order requiring the IPUC Secretary release to Intervenor Garrison a copy of all discovery and information filed with the IPUC.

POINTS AND AUTHORITIES:

- (O) “Confidential information” exempt from public disclosure is described in IDAP Rule 31.01.01.067.01.b.: “Confidential information” means information, documents, or records filed with the Commission that are specifically exempt from public inspection, examination and copying pursuant to sections 74 – 104 through 74.109, Idaho Code.”

- (P) None of the provisions in section Idaho code 74 – 104 through 74 – 109, provided exemption to Applicant’s discovery or documents filed with the IPUC.
 - (a) Idaho code 74 – 104 discusses “Exemptions in Federal or State Law – – Court Files and Judicial Proceedings – – Office of Administrative Hearings – – Judicial Council” and none of these exemptions are available to Applicant.

 - (b) Idaho code 74 – 105 discusses “Law Enforcement Records, Investigatory Records of Agencies, Evaluation, and Emergency

MOTION: (1) TO COMPEL INTERVENOR'S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and (2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH THE IPUC

Response Plans, Worker's Compensation", and none of these exemptions are available to Applicant.

(c) Idaho code 74 – 106 discusses "Personal Records, Personal Information, Health Records and Professional Discipline", and none of these exemptions are available to Applicant.

(d) Idaho code 74 – 107 discusses "Trade Secrets, Production Records, Appraisals, Bids, Proprietary Information, Tax Commission, Unclaimed Property, Petroleum, Clean Water Trust Fund", and none of these exemptions are available to Applicant.

(e) Idaho code 74 – 108 discusses "Archaeological, Endangered Species, Libraries and Licensing Exams", and none of these exemptions are available to Applicant.

(f) Idaho code 74 – 109 discusses "Draft Legislation, Research, Personal Communications, Personally Identifying Information, Work Papers and Draft Redistricting Plans", and none of these exemptions are available to Applicant.

(Q) Intervenor also incorporates the agreements made in Motion # 1, above.

MOTION: (1) TO COMPEL INTERVENOR'S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and (2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH THE IPUC

CONCLUSION: Applicant has failed in its claim that discovery is exempt from public disclosure. The Commission should order Applicant's records are subject to public disclosure.

MEET AND CONFER: Although not required, Intervenor has in good faith conferred or attempted to confer with Applicant in an effort to obtain discovery without IPUC Commission action. Specifically, prior to filing to filing this motion, Intervenor provided Applicant his Second Motion to Compel, which contain the same request as found in this Motion. See also Intervenor's e-mail to Applicant requesting discovery, a copy of which has been filed as a separate document in previous motions to compel and is incorporated herein, as if recited verbatim herein. Applicant has not responded with effective Discovery.

DATED and Signed this 27th day of June, 2024.



Randolph Lee Garrison

(541) 580-4446

garrison@rmgarrison.com

MOTION: (1) TO COMPEL INTERVENOR'S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and
(2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH
THE IPUC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of June, 2024, I served a true and correct copy of the foregoing upon each party in this matter by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

Michael Duval Deputy Attorney General IDAHO PUBLIC UTILITIES COMMISSION P.O. Box 83720 Boise, ID 83720-0074	By e-mail michael.duval@puc.idaho.gov
CDS STONERIDGE UTILITIES, LLC P.O. Box 298 Blanchard, ID 83804	By e-mail chansan@comcast.net utilities@stoneridgeidaho.com
Norman M. Semanko, ISB #4761 Patrick M. Ngalamulume, ISB #11200 PARSONS BEHLE & LATIMER 800 W. Main Street, Suite 1300 Boise, Idaho 83702	By e-mail nsemanko@parsonsbehle.com pngalamulume@parsonsbehle.com
Rick Haruthunian CONDOMINIUM OWNERS ASSOC. INC: Ramsden, Marfice, Ealy & De Smet, LLP (Exhibit Nos. 201-300) 700 Northwest Blvd. P.O. Box 1336 Coeur d'Alene, ID 83816-1336	By e-mail: rharuthunian@rmedlaw.com

DATED this 27th day of June 2024.



Randolph Lee Garrison

MOTION: (1) TO COMPEL INTERVENOR'S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and
(2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH
THE IPUC

Claim of Confidentiality Certificate

Chan Karupiah, Esprit Enterprises, LLC., 18353 HWY 54 Bayview, ID, 83803
P.O. Box 770 Bayview, ID 83803 208-683-2243 chansan@comcast.net

Certificate

I, Chan Karupiah, hereby certify that:

- Company- CDS StoneRidge Utilities, LLC
- P.O. Box 298, Blanchard, ID 83804

2. Subject Matter

- Description: Protective Agreement regarding Confidential Materials disclosure within QuickBooks Company file provided to Intervenor in IPUC Rate Case SWS-W-24-01, may contain un-redacted customer information that must be kept confidential.
- Date of Document/Action: May 20,2024

3. Verification:

- I have reviewed and verified the above-mentioned document and/or facts.
- The document presented is a true and accurate copy of the original document.
- The information provided by the client is accurate and truthful to the best of my knowledge.
- Representation: I am currently representing CDS StoneRidge Utilities, LLC in the matter described above.
- My representation began on January 1, 2024 and is ongoing.

Signature: _____

Date: 5/20/24

MOTION: (1) TO COMPEL INTERVENOR'S Fourth REQUEST FOR DISCOVER FROM APPLICANT; and
(2) REQUIRING THE IPUC SECRETARY RELEASE A COPY OF ALL DISCOVERY FILED BY APPLICANT WITH
THE IPUC