

D. NEIL PRICE  
DEPUTY ATTORNEY GENERAL  
IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0314  
Idaho State Bar No. 6864

RECEIVED  
2010 APR 22 PM 3:50  
IDAHO PUBLIC  
UTILITIES COMMISSION

Street Address for Express Mail:

472 W. WASHINGTON  
BOISE, IDAHO 83702-5918

Attorney for the Commission Staff

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF MURRAY WATER WORKS SYSTEMS ) CASE NO. MUR-W-10-01  
FOR COMMISSION AUTHORITY TO )  
INCREASE ITS RATES AND CHARGES ) STAFF'S MOTION TO COMPEL  
FOR WATER SERVICE ) RESPONSES TO PRODUCTION  
 ) REQUESTS AND AN EXTENSION  
 ) OF THE ESTABLISHED COMMENT  
 ) PERIOD  
 )**

---

**COMES NOW** the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, D. Neil Price, Deputy Attorney General, and, pursuant to Commission Rules of Procedure 056, 222, 228 and 256, IDAPA 31.01.01 *et seq.*, does hereby submit Staff's Motion to Compel Responses to Production Requests and an Extension of the Established Comment Period.

**I. BACKGROUND**

On January 13, 2010, Murray Water Works Systems ("Murray" or "Company") filed an Application requesting authority from the Commission to increase its rates and charges for water service. The Application did not include an effective date for the proposed increase in rates and charges.

On February 25, 2010, the Commission issued a Notice of Application and Notice of Modified Procedure establishing a 60-day comment period. On April 13, 2010, Staff conducted a public workshop in Murray, Idaho to discuss the Company's filing. On March 5, 2010, Staff submitted a total of 31 separate production requests to Murray. The deadline for responses to the production requests was March 26, 2010.

## **II. JOINT MOTION TO COMPEL RESPONSES TO PRODUCTION REQUESTS AND EXTENSION OF COMMENT PERIOD DEADLINE**

As stated above, the deadline for responses to Staff's First Production Request has long since passed. Accordingly, Staff moves the Commission to compel Murray to submit full and complete responses to Staff's production requests.

Staff notes that it has provided considerable assistance to Murray regarding, *inter alia*, the interpretation of the Commission's procedural requirements, organization of records, and the preparation of documents and materials necessary in order to effectively respond to Staff's production requests. Staff's efforts to assist Murray's sole proprietor, Mr. Arlen Lish, include numerous telephone contacts as well as an on-site audit of Murray's operations and records. The administration of this case has been hindered to some degree by the fact that Mr. Lish has not retained legal counsel or a consultant to assist him with the regulatory compliance process. However, Staff is confident that, with further assistance, Mr. Lish will eventually be able to submit appropriate responses to Staff's production requests.

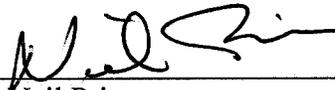
Relatedly, Staff also requests an extension of the current comment period which is set to expire on April 26, 2010. Murray's delinquent responses to Staff's production requests necessitate an extension of the current comment period to allow Staff adequate time to review the Company's responses and prepare its written comments regarding Murray's Application.

Staff provided actual notice of the substance of this Motion to Murray, both by telephone and the mailing of a certified copy of its Motion to Murray's current business address. Thus, Staff believes that the factual circumstances, along with the actual notice provided to Murray's representative, warrant immediate review and enable the Commission to consider this Motion on fewer than 14 days' notice and offer the procedural relief requested below.

## CONCLUSION

Therefore, based upon the foregoing argument Staff respectfully requests that the Commission issue an Order compelling Murray Water Works Systems to submit full and complete responses to Staff's production requests and a Revised Notice of Application establishing a new comment period deadline of June 15, 2010.

Respectfully submitted this 22<sup>nd</sup> day of April 2010.



---

Neil Price  
Deputy Attorney General

N:MUR-W-10-01\_np\_Motion to Compel

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 22<sup>nd</sup> DAY OF APRIL 2010, SERVED THE FOREGOING **STAFF'S MOTION TO COMPEL RESPONSES TO PRODUCTION REQUESTS AND AN EXTENSION OF THE ESTABLISHED COMMENT PERIOD**, IN CASE NO. MUR-W-10-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

ARLEN LISH  
OWNER  
MURRAY WATER WORKS  
PO BOX 117  
KINGSTON ID 83839

  
\_\_\_\_\_  
SECRETARY