

ORIGINAL



0000130798

BEFORE THE CORPORATION COMMISSION
RECEIVED

Commissioners

GARY PIERCE – Chairman, 2011 OCT 28 P 3:42
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

AZ CORP COMMISSION
DOCKET CONTROL

JOHN E. DOUGHERTY
COMPLAINANT

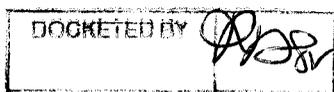
V.

**MONTEZUMA RIMROCK WATER
COMPANY, LLC.**

Arizona Corporation Commissioner

DOCKETED

OCT 28 2011



Docket No. W-04254A-11-0323

**MOTION TO COMPEL
DISCOVERY**

**MOTION TO SET DEADLINE
FOR PRODUCTION OF
DOCUMENTS OR FACE
CONTEMPT**

BY THE COMPLAINANT:

During the October 25 Procedural Conference, Montezuma Rimrock agreed to make available three boxes of Company records for Complainant's inspection in the Sedona office of its attorney on Monday, October 31 and Tuesday, November 1. Montezuma Rimrock stated that company owner, Patricia Olsen, had delivered the documents to counsel's office on October 24.

Counsel stated the documents were at least partially responsive to the subpoena that Complainant had served on counsel on October 19, on behalf of Patricia Olsen.

Montezuma Rimrock then moved to quash the subpoena (Exhibit 1) and the Commission granted the motion.

On the afternoon of October 25, Complainant filed two Data Requests with Company. The First Data request restated the documents sought in the subpoena and added one additional category seeking certain email records between Ms. Olsen and her contractors, employees and government agencies. (Exhibit 2) Complainant also sent the

Company its Second Data Request seeking billing records for 2009, 2010 and 2011.
(Exhibit 3)

Montezuma Rimrock responded by email stating the two Data Requests violated the Arizona Rules of Civil Procedure because Complainant was asking for more than 10 categories of records. (Exhibit 4) Nevertheless, counsel stated the records that Ms. Olsen delivered would be made available at 9 a.m. Oct. 31.

Complainant responded by email asking specifically whether Montezuma Rimrock was going to produce Ms. Olsen's emails sought in the First Data Request and the billing records sought in the second Data Request.

Complainant and Montezuma Rimrock then held a telephone discussion on October 26, but came to no agreement over access to Company records.

On October 27, Montezuma Rimrock notified Complainant by email that the Company had canceled the scheduled Discovery meetings on Oct. 31 and Nov. 1. (Exhibit 5) The Company also stated it would file a Motion for Protective Order no later than Monday, Oct. 31.

The Company is seeking a Protective Order prior to responding to any Data Requests or Subpoenas filed in this docket.

**COMPANY'S FAILURE TO COMPLY WITH DISCOVERY
IN RELATED DOCKETS**

The Company's action in this docket to agree to produce documents only to renege on its promise is a continuation of its willful violation of the Commission's explicit written and verbal orders to produce Company records not only in this docket, but in two related dockets involving the Company and Intervener.

On August 31, the Company filed a Motion for Protective Order seeking to suppress or severely limit Complainant's (acting as Intervener) Data Requests in the Company's Emergency Rate Increase application (W-04254A-11-0296).

During a September 13 Procedural Conference in the Emergency Rate Increase docket, the Commission ordered the Company to produce documents responsive to the Intervener's Data Requests and to provide waivers for Intervener to obtain bank records without submitting a subpoena. The Commission also helped arrange a meeting at

counsel's office for Intervener to review records. The Company withdrew its Motion for Protective Order.

On September 19 and 20 Intervener reviewed records in counsel's office and discovered the existence of previously unknown bank accounts and unusual payments by the Company for personal expenses of Ms. Olsen and her family.

During the September 22 Emergency Rate Increase hearing, Intervener learned for the first time that Company assets were being used to pay for Ms. Olsen automobile and a mortgage for an undisclosed property.

Immediately after the hearing concluded, a dispute arose after Intervener informed Montezuma Rimrock that it wanted title records for a vehicle driven by Ms. Olsen and records related to mortgage payments and various other bank records. Company Counsel said those documents would not be produced and asked for the Administrative Law Judge to return to and hear the dispute.

A Procedural Conference was held. Company Counsel requested the Commission impose a deadline by which all Discovery must be completed. Montezuma Rimrock's request was denied. The Commission stated "discovery can be ongoing" but "must be focused on issues that are relevant". Intervener asked the Commission if seeking records related to the automobile and mortgage were appropriate and the Commission stated it was appropriate.

On September 23, Intervener filed its Third Data Request in the Emergency Rate docket seeking title records for Ms. Olsen's vehicle, complete records of all payments made by the Company for the loan on the vehicle, records of mortgage payments, various credit card records and bank records. (Exhibit 6; The Third Data Request is identical to the subpoena issued in this docket.)

On September 27, First National Bank informed Intervener that Ms. Olsen had withdrawn her permission for Intervener to obtain Company bank records. (Exhibit 7)

On September 29, The Company filed a motion to Withdraw the Emergency Rate Increase application.

On September 29, Complainant, acting as Intervener in the financing modification Docket W-04254A-08-0361, 0362, filed its Second Data Request, which was a duplicate

of the Third Data Request in the Emergency Rate case. (Exhibit 8) As of this date, the Company has failed to respond to the Second Data Request in W-04254A-08-0361, 0362.

Given the lack of cooperation from the Company in Complainant's efforts to obtain the information sought in the two other dockets, Complainant obtained a Subpoena Duces Tecum in this Docket seeking the same information that was sought in the Third Data Request in W-04254A-11-0296 and the Second Data Request in W-04254A-08-0361, 0362.

The subpoena was issued by the Commission on October 18 and duly served on Company's counsel on behalf of Patricia Olsen on October 19. The Company subsequently agreed to produce records purportedly responsive to the subpoena, but has now canceled the meetings and states it will seek a Protective Order.

Complainant's attempts to obtain information directly related to the Company's operations have been stymied in three dockets: First, the Company withdrew its Emergency Rate Increase application in the face of Discovery it didn't want to produce; Second, the Company has refused to comply to the Data Request in the financing modification docket; Third, the Company is now attempting to slam the door on Discovery in this Docket before it has provided *a single* document in response to Data Requests or the subpoenas filed in this Docket.

The Commission has repeatedly ordered the Company to comply with Data Requests during Procedural Conferences in all three dockets, as well as in repeated Procedural Orders. The Commission's October 12 Procedural Order in this Docket clearly states:

"Montezuma Rimrock will be required to provide discovery of all its records necessary to give complete and authentic information as to its properties and operations if it has not already done so."

The Company is flagrantly and arrogantly refusing to comply with Commission Orders resulting in unnecessary expense and delay. The Company's Ratepayers and residents living in its service area are needlessly suffering because of the Company's refusal to cooperate with required Discovery

COMPLAINANT'S MOTIONS

Complainant moves the Commission to Order Company to promptly and fully comply with the First and Second Data requests in this Docket and all subsequent Data Requests submitted in this docket.

Complainant moves the Commission to set a firm deadline for production of Discovery requested in the First and Second Data Requests and to notify Company it will be held in Contempt of the Commission if it refuses to comply with the Commission's deadline.

Complainant requests reasonable fees from the Company for expenses related to the preparation and submission of this Motion to Compel.

Dated this 28th Day of October, 2011



John E. Dougherty
Complainant

Copies of the foregoing mailed
This 28th day of October, 2011 to:

Douglas C. Fitzpatrick
LAW OFFICE OF DOUGLAS C. FITZPATRICK
49 Bell Rock Plaza
Sedona, AZ 86351

Patricia D. Olsen, Manager
MONTEZUMA RIMROCK WATER COMPANY, LLC
P.O. Box 10
Rimrock, AZ 86335

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE- Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

JOHN E. DOUGHERTY,
COMPLAINANT

VS.

MONTEZUMA RIMROCK WATER
COMPANY, LLC,
RESPONDANT

DOCKET NO. W-04254A-11-0323

**ADMINISTRATIVE
SUBPOENA DUCES TECUM**

TO: Patricia Olsen
c/o Mr. Douglas Fitzpatrick
Law Office of Douglas Fitzpatrick
49 Bell Rock Plaza
Sedona, AZ
86351

YOU ARE HEREBY COMMANDED, pursuant to A.R.S. §§ 40-241, 40-244, A.A.C. R14-3-109 and Ariz. R. Civ. P. 30 and 45 to produce for inspection and copying the following records prior to the October 25, 2011 Procedural Conference in the above-captioned action:

1. All loan payments made by the Montezuma Rimrock Water Company for a vehicle (White, PT Cruiser) normally driven by Company manager Patricia Olsen. This includes, but is not limited to, all payments made to Bank of the West.
2. All Company funds used to make the down payment, including state and local sales taxes, on the PT Cruiser.
3. The Arizona Department of Motor Vehicles title for the PT Cruiser.
4. The complete record of all payments made by the Company to Toyota and the purpose for such payments. If these payments were in connection for a loan payment for a Toyota vehicle, please provide the title for this vehicle.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal, Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

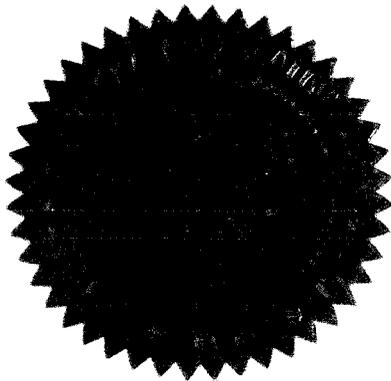
12. All communications between the Company and the Company's proposed Lessor of an Arsenic Treatment Facility that discuss in any way the terms of the proposed arrangement whereby the Lessor would provide the equipment necessary for the Company to meet State and Federal Arsenic treatment standards.

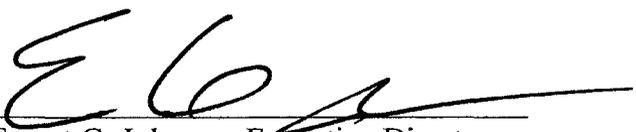
YOU HAVE BEEN SUBPOENED BY:

JOHN E. DOUGHERTY
Complainant
Docket W-4254A-11-0323
PO BOX 501
RIMROCK, AZ 86335
602-710-4089
Jd.investigativemedia@gmail.com

DISOBEDIENCE OF THIS SUBPOENA constitutes contempt of the Arizona Corporation Commission and may subject you to further proceedings and penalties under law, pursuant to A.R.S. § 40-424.

Given under by hand the seal of the Arizona Corporation Commission this 18th day of October, 2011.

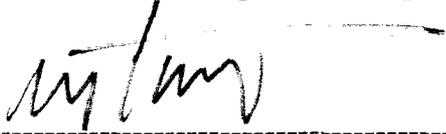



Ernest G. Johnson, Executive Director
Arizona Corporation Commission

3
Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal, Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

**Acceptance of Service
Arizona Corporation Commission
Subpoena Duces Tecum**

I hereby acknowledge that I have been served with an Arizona Corporation Commission Subpoena Duces Tecum dated October 18, 2011 in reference to Docket No. W-0425A-11-0323, John E. Dougherty, Complainant vs. Montezuma Rimrock Water Company.



Mr. Douglas Fitzpatrick
(On Behalf of Patricia Olsen)
Law Office of Douglas Fitzpatrick
49 Bell Rock Plaza
Sedona, AZ 86351

Time Date

Or on Mr. Fitzpatrick's behalf by an official with
Law Office of Douglas Fitzpatrick

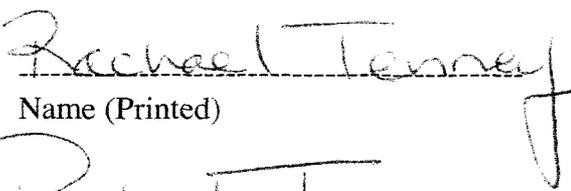
Name (Printed)

Time

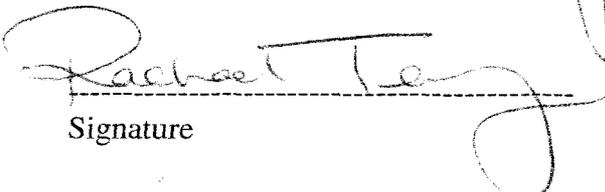
Date

Title

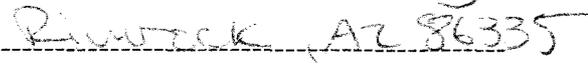
I certify that I am an adult over the age of 18 residing in the state of Arizona and served the above subpoena to Douglas Fitzpatrick, or an official at the Law Office of Douglas Fitzpatrick, at 11:17 on the 19th Day of October, 2011.



Name (Printed)



Signature



Address

October 25, 2011

Mr. Douglas Fitzpatrick
Law Office of Douglas C. Fitzpatrick
49 Bell Rock Plaza
Sedona, AZ 86351
fitzlaw@sedona.net

Re: Intervener John E. Dougherty's First Set of Data Requests to Montezuma Rimrock Water Company, ACC Docket No. W-4254A-11-0323

Attached is John E. Dougherty's First Set of Data Requests to Montezuma Rimrock Water Company. Mr. Dougherty should expect to receive the Company's response on or before October 31, 2011, as agreed to during the Oct. 25 Procedural Conference on this matter.

The Data Request includes all the information sought in the subpoena that was quashed on October 25, 2011. Please note that I have added requests for Patricia Olsen's emails with third parties that appear at the end of the Data Request.

As part of this request, please provide the Company's written authorization to obtain all records from third parties, including banks, credit card companies, department of Motor Vehicles, insurance companies, for any records that are not in Ms. Olsen's possession.

These requests are continuing in nature. Accordingly, the Company is requested to supplement prior responses if it receives or generates additional information, reports, or other data within the scope of these data requests between the time of the original response and any hearing that may be scheduled in connection with these dockets.

Please provide one copy of the requested data directly to:

Mr. John E. Dougherty
PO Box 501
Rimrock, Arizona, 86335

Or, please set up a time to review records in your office at the soonest possible date.

If you have any questions, please do not hesitate to contact me.

Thank you for your time and cooperation.

Very truly yours,

John E. Dougherty

**MONTEZUMA RIMROCK WATER COMPANY
DOCKET NO. W-4254A-11-323**

**COMPLAINANT JOHN E. DOUGHERTY'S
FIRST SET OF DATA REQUESTS**

Please make available the MRWC records that I inspected on Sept. 19 and 20 in your office so that I may complete my review of these files.

In addition, please make available the following records:

1.03 Debt—Please provide the complete record of all loan payments made by the Company for a vehicle (White, PT Cruiser) normally driven by Company manager Patricia Olsen. This includes, but is not limited to all payments made to Bank of the West.

In addition, please identify by check, debit or cash diversion to Ms. Olsen or another person, all Company funds used to make the down payment on this vehicle.

1.03 Debt—Please provide the complete record of all payments made by the Company to Toyota and the purpose for such payments. If these payments were in connection for a loan payment for a Toyota vehicle, please provide a copy of the title for this vehicle.

1.31 Titles—Please provide a copy of the Arizona Department of Motor Vehicles title for the PT Cruiser.

1.31 Titles—Please provide the complete record of all payments made by the Company for title and registration fees for all vehicles and a copy of the title associated with each payment, whether the vehicle is titled to the Company or to private parties.

1.32 Auto Insurance—Please provide a copy of any Company paid insurance policy that includes coverage for the PT Cruiser, and the complete accounting of all premiums paid by the Company from the date of the first payment.

1.03 Debt—Please provide the complete record of all credit card bills, including the record of goods and services purchased, that are paid for with Company funds dating back to Company's first payment towards the Credit Card bill.

(If these records are not available, please provide a waiver giving permission to Intervener to obtain such records directly from the Credit Card Company. This waiver is to include all identifying information necessary to obtain such information.)

This request includes, but is not limited to, the following Credit Cards:

- A. Chase Bank credit card.
- B. Kohl's department store credit card.
- C. American Express credit card.
- D. All other credit card accounts, past and present, that have received any payment whatsoever from the Company.

1.04 Debt—Please provide the complete record of mortgage payments to Wells Fargo Bank made by the Company from the date the first payment was made.

1.33 Mortgage—Please provide a copy of the mortgage loan statement(s) for the property, or properties, that are receiving or have received Company funds for mortgage payments.

1.34 Student Loan—Please provide a complete record of all Company payments made for “Student Loan” from the date of the first payment for “Student Loan”. Please identify the person who incurred the “Student Loan” and their relationship to the Company.

1.35 Chase Bank Account—Please provide a complete record of bank statements for the Company's Chase Bank Account, or accounts, from the date the account was opened by the Company to that date it was purportedly closed.

Please identify the bank account or any other entity that received the assets from the Chase Account when it was purportedly closed.

(If the Chase bank statements are not in the possession of the Company, or its accountant, please provide a waiver giving permission to Intervener to obtain such records directly from Chase Bank.)

1.36 All communications between the Company and GCom, the proposed Lessor of an Arsenic Treatment Facility, that discuss in any way the terms of the proposed arrangement whereby the Lessor would provide the equipment necessary for the Company to meet State and Federal Arsenic treatment standards.

1.37 All emails from October 1, 2009 through October 25, 2011 between Patricia Olsen and the following parties:

- A. Norman Rask
- B. Anna Barbara Brunner
- C. Don Barnes
- D. Rose Mary Barnes
- E. All email communications with Yavapai County Development Services or any other County department of elected official.
- F. All email communications with Arizona Corporation Commission staff and elected officials.
- G. All email communications with any representative of the Arizona Department of Environmental Quality.
- H. All email communications with any representative of the Arizona Water Company.

October 25, 2011

Mr. Douglas Fitzpatrick
Law Office of Douglas C. Fitzpatrick
49 Bell Rock Plaza
Sedona, AZ 86351
fitzlaw@sedona.net

Re: Intervener John E. Dougherty's Second Set of Data Requests to Montezuma Rimrock Water Company, ACC Docket No. W-4254A-11-0323

Attached is John E. Dougherty's Second Set of Data Requests to Montezuma Rimrock Water Company. Mr. Dougherty should expect to receive the Company's response on or before November 7, 2011.

These requests are continuing in nature. Accordingly, the Company is requested to supplement prior responses if it receives or generates additional information, reports, or other data within the scope of these data requests between the time of the original response and any hearing that may be scheduled in connection with these dockets.

Please provide one copy of the requested data directly to:

Mr. John E. Dougherty
PO Box 501
Rimrock, Arizona, 86335

Or, please set up a time to review records in your office at the soonest possible date.

If you have any questions, please do not hesitate to contact me.

Thank you for your time and cooperation.

Very truly yours,

John E. Dougherty

**MONTEZUMA RIMROCK WATER COMPANY
DOCKET NO. W-4254A-11-323**

**COMPLAINANT JOHN E. DOUGHERTY'S
SECOND SET OF DATA REQUESTS**

1.38—MRWC Billing Statements: Please provide copies of all of MRWC's monthly billing statements mailed and/or delivered to every MRWC customer from January 1, 2009 through November 1, 2011.



John Dougherty <jd.investigativemedia@gmail.com>

Second Data Request

5 messages

John Dougherty <jd.investigativemedia@gmail.com>
To: Doug Fitzpatrick <fitzlaw@sedona.net>

Tue, Oct 25, 2011 at 6:19 PM

Doug, Please see the attached documents.

--

John Dougherty
InvestigativeMedia.com
[602-710-4089](tel:602-710-4089)

2 attachments

 **2nddatarequest102511.doc**
22K

 **2ndcoverletterdatarequest.doc**
44K

Doug Fitzpatrick <fitzlaw@sedona.net>
To: John Dougherty <jd.investigativemedia@gmail.com>

Wed, Oct 26, 2011 at 7:38 AM

John –

ARCP 34[b] provides that your requests shall not include more than ten [10] distinct items or categories of items. I believe your most recent data requests include twenty three [23] categories of documents. I suggest that you narrow the scope of your requests. Nonetheless, we'll make available for your inspection the documents which Ms. Olsen brought over on Monday, October 24 which responded to your earlier data requests even though the scope of such requests exceeded the limits of what is permitted by the rules. I have you down for Monday, October 31 at 09:00 AM.
~Doug

[Quoted text hidden]

John Dougherty <jd.investigativemedia@gmail.com>
To: Doug Fitzpatrick <fitzlaw@sedona.net>

Wed, Oct 26, 2011 at 8:36 AM

Doug, Judge Harpring has repeatedly stated that the company is to provide all the information that I request. Now, you are attempting to limit discovery, once again.

Are you going to produce the Patricia Olsen emails that I included with the First Data Request, which is a duplicate of the subpoena, except for the addition of the Olsen emails?

Are you stating that if documents that Ms. Olsen delivered Monday are not fully responsive to the First Data request, you are not providing any additional documents?

Are you refusing to comply with the Second Data Request?

Please respond immediately.

Thanks,

John

[Quoted text hidden]

John Dougherty <jd.investigativemedia@gmail.com>

Wed, Oct 26, 2011 at 9:08 AM

To: Doug Fitzpatrick <fitzlaw@sedona.net>

Doug: The Oct. 12, ACC order states:

"The parties are reminded that the Commission expects full cooperation in the conduct of discovery. In addition, Montezuma Rimrock is reminded that as a regulated water utility, it has an obligation, under ACC R14-2-411(D), to keep "record...necessary to give complete and authentic information as to its properties and operations" and to "produce or deliver...any or all of its formal accounting records and related documents as requested by the Commission." Montezuma Rimrock will be required to provide discovery of all its records necessary to give complete and authentic information as to its properties and operations, if it has not already done so."

There is nothing in this order that limits discovery to 10 distinct categories that you are invoking under Civil Rules of Procedure. The company is a REGULATED UTILITY, not a private third party.

I expect full cooperation in discovery, as does the Commission.

I sent you an earlier email requesting direct responses and left a phone message in your office.

If you do not promptly respond, I will immediately seek yet another another procedural conference on this issue.

John

[Quoted text hidden]

John Dougherty <jd.investigativemedia@gmail.com>

Wed, Oct 26, 2011 at 10:26 AM

To: Doug Fitzpatrick <fitzlaw@sedona.net>

Doug, My understanding from our telephone conversation this morning concerning discovery issues is that you will do the following:

1. Obtain the three boxes of information that were present in your office in September in addition to the boxes that Ms. Olsen brought over Monday.
2. Discuss with Patsy whether your going to produce her emails requested in my First Data Request and give me a prompt response.

3. Determine whether you are going to release the billing records requested in my Second Data Request and give me a prompt response.

Please provide definitive answers to #2 and #3 as soon as possible, but no later than Noon Thursday, October 27.

I told you I would respond to your motion to produce my emails with Mr. Buddeke in the 361 docket. I told you there is concern about releasing these emails because of the ongoing criminal case against Mr. Buddeke in which Ms. Olsen is accusing him of pointing a gun at her. Mr. Buddeke is discussing the issue with his attorney.

I said I would make a copy of the National Bank of Arizona CD that is in response to my subpoena served on NBA. I expect the CD to be delivered to my PO Box in the next day or two.

Thanks,

John

[Quoted text hidden]



John Dougherty <jd.investigativemedia@gmail.com>

ACC issues

2 messages

Doug Fitzpatrick <fitzlaw@sedona.net>

Thu, Oct 27, 2011 at 8:33 AM

To: John Dougherty <jd.investigativemedia@gmail.com>

John –

Given your additional data requests and the issues about which we communicated yesterday by phone and e-mail, I'm rescheduling our Monday morning visit at my office. I will be submitting a motion for protective order no later than Monday, October 31, and request that Judge Harpring intercede in this process. Please confirm receipt. ~Doug

John Dougherty <jd.investigativemedia@gmail.com>

Thu, Oct 27, 2011 at 8:50 AM

To: Doug Fitzpatrick <fitzlaw@sedona.net>

Doug, I look forward to the hearing. You have attempted to stymie discovery from the beginning.

John

[Quoted text hidden]

--

John Dougherty
InvestigativeMedia.com
602-710-4089

September 23, 2011

Mr. Douglas Fitzpatrick
Law Office of Douglas C. Fitzpatrick
49 Bell Rock Plaza
Sedona, AZ 86351
fitzlaw@sedona.net

Re: Intervener John E. Dougherty's Third Set of Data Requests to Montezuma Rimrock Water Company, ACC Docket No. **W-04254A-11-0296**.

Attached is John E. Dougherty's Third Set of Data Requests to Montezuma Rimrock Water Company for Docket No. W-04254A-11-0296.

Mr. Dougherty should expect to receive the Company's response on or before Tuesday, October 3, 2011.

Please indicate the person or persons responsible for compilation of the information provided in response to these Data Requests, and the witness to who questions regarding that information should be directed.

These requests are continuing in nature.

Accordingly, the Company is requested to supplement prior responses if it receives or generates additional information, reports, or other data within the scope of these data requests between the time of the original response and any hearing that may be scheduled in connection with these dockets.

Please provide one copy of the requested data directly to:

Mr. John E. Dougherty
PO Box 501
Rimrock, Arizona, 86335

And by email at: jd.investigativemedia@gmail.com

If you have any questions, please do not hesitate to contact me.

Thank you for your time and cooperation.

Very truly yours,

John E. Dougherty

MONTEZUMA RIMROCK WATER COMPANY
DOCKET W-04254A-11-0296
INTERVENER JOHN E. DOUGHERTY'S THIRD SET OF DATA REQUESTS

1.03 Debt—Please provide the complete record of all loan payments made by the Company for a vehicle (White, PT Cruiser) normally driven by Company manager Patricia Olsen. This includes, but is not limited to all payments made to Bank of the West.

In addition, please identify by check, debit or cash diversion to Ms. Olsen or another person, all Company funds used to make the down payment on this vehicle.

1.03 Debt—Please provide the complete record of all payments made by the Company to Toyota and the purpose for such payments. If these payments were in connection for a loan payment for a Toyota vehicle, please provide a copy of the title for this vehicle.

1.31 Titles—Please provide a copy of the Arizona Department of Motor Vehicles title for the PT Cruiser.

1.31 Titles—Please provide the complete record of all payments made by the Company for title and registration fees for all vehicles and a copy of the title associated with each payment, whether the vehicle is titled to the Company or to private parties.

1.32 Auto Insurance—Please provide a copy of any Company paid insurance policy that includes coverage for the PT Cruiser, and the complete accounting of all premiums paid by the Company from the date of the first payment.

1.03 Debt—Please provide the complete record of all credit card bills, including the record of goods and services purchased, that are paid for with Company funds dating back to Company's first payment towards the Credit Card bill.

(If these records are not available, please provide a waiver giving permission to Intervener to obtain such records directly from the Credit Card Company. This waiver is to include all identifying information necessary to obtain such information.)

This request includes, but is not limited to, the following Credit Cards:

- A. Chase Bank credit card.
- B. Kohl's department store credit card.
- C. American Express credit card.
- D. All other credit card accounts, past and present, that have received any payment whatsoever from the Company.

1.04 Debt—Please provide the complete record of mortgage payments to Wells Fargo Bank made by the Company from the date the first payment was made.

1.33 Mortgage—Please provide a copy of the mortgage loan statement(s) for the property, or properties, that are receiving or have received Company funds for mortgage payments.

1.34 Student Loan—Please provide a complete record of all Company payments made for “Student Loan” from the date of the first payment for “Student Loan”. Please identify the person who incurred the “Student Loan” and their relationship to the Company.

1.35 Chase Bank Account—Please provide a complete record of bank statements for the Company’s Chase Bank Account, or accounts, from the date the account was opened by the Company to that date it was purportedly closed.

Please identify the bank account or any other entity that received the assets from the Chase Account when it was purportedly closed.

(If the Chase bank statements are not in the possession of the Company, or its accountant, please provide a waiver giving permission to Intervener to obtain such records directly from Chase Bank.)



John Dougherty <jd.investigativemedia@gmail.com>

MRWC records

4 messages

John Dougherty <jd.investigativemedia@gmail.com> **Tue, Sep 27, 2011 at 3:05 PM**
To: Pat Davis <Patricia.Davis@nbarizona.com>

Pat, Could you please provide a statement in writing that MRWC has withdrawn its permission to review bank records and that Patricia Olsen has withdrawn the emergency rate increase?

Thank you,

John Dougherty
InvestigativeMedia.com
602-710-4089

Pat Davis <Patricia.Davis@nbarizona.com> **Tue, Sep 27, 2011 at 3:48 PM**
To: John Dougherty <jd.investigativemedia@gmail.com>

I think that is something you need to get from Patricia.

From: John Dougherty [mailto:jd.investigativemedia@gmail.com]
Sent: Tuesday, September 27, 2011 3:06 PM
To: Pat Davis
Subject: MRWC records

[Quoted text hidden]

THIS ELECTRONIC MESSAGE, INCLUDING ANY ACCOMPANYING DOCUMENTS, IS CONFIDENTIAL and may contain information that is privileged and exempt from disclosure under applicable law. If you are neither the intended recipient nor responsible for delivering the message to the intended recipient, please note that any dissemination, distribution, copying or the taking of any action in reliance upon the message is strictly prohibited. If you have received this communication in error, please notify the sender immediately.
Thank you.

John Dougherty <jd.investigativemedia@gmail.com> **Tue, Sep 27, 2011 at 3:03 PM**
To: Pat Davis <Patricia.Davis@nbarizona.com>

Please consider a simple statement from the bank stating that the bank refuses to provide the records to John Dougherty based on Patricia Olsen's decision to withdraw permission for John Dougherty to review records.
Leave out why she is doing this.
Thanks

Pat Davis <Patricia.Davis@nbarizona.com> wrote:

>I think that is something you need to get from Patricia.

>

>

>From: John Dougherty [mailto:jd.investigativemedia@gmail.com]

>Sent: Tuesday, September 27, 2011 3:06 PM

>To: Pat Davis

>Subject: MRWC records

>

>Pat, Could you please provide a statement in writing that MRWC has withdrawn its permission to review bank records and that Patricia Olsen has withdrawn the emergency rate increase?

>

>Thank you,

>

>John Dougherty

>InvestigativeMedia.com

>[602-710-4089](tel:602-710-4089)

>

>=====

[Quoted text hidden]

John Dougherty <jd.investigativemedia@gmail.com>

Tue, Sep 27, 2011 at 3:03 PM

To: Pat Davis <Patricia.Davis@nbarizona.com>

[Quoted text hidden]

Pat Davis <Patricia.Davis@nbarizona.com> wrote:

I think that is something you need to get from Patricia.

From: John Dougherty [mailto:jd.investigativemedia@gmail.com]

Sent: Tuesday, September 27, 2011 3:06 PM

To: Pat Davis

Subject: MRWC records

Pat, Could you please provide a statement in writing that MRWC has withdrawn its permission to review bank records and that Patricia Olsen has withdrawn the emergency rate increase?

Thank you,

John Dougherty
InvestigativeMedia.com
602-710-4089

THIS ELECTRONIC MESSAGE, INCLUDING ANY ACCOMPANYING DOCUMENTS, IS CONFIDENTIAL and may contain information that is privileged and exempt from disclosure under applicable law. If you are neither the intended recipient nor responsible for delivering the message to the intended recipient, please note that any dissemination, distribution, copying or the taking of any action in reliance upon the message is strictly prohibited. If you have received this communication in error, please notify the sender immediately. Thank you.

I think that is something you need to get from Patricia.

From: John Dougherty [mailto:jd.investigativemedia@gmail.com]
Sent: Tuesday, September 27, 2011 3:06 PM
To: Pat Davis
Subject: MRWC records

Pat, Could you please provide a statement in writing that MRWC has withdrawn its permission to review bank records and that Patricia Olsen has withdrawn the emergency rate increase?

Thank you,

John Dougherty
InvestigativeMedia.com
602-710-4089

=====
THIS ELECTRONIC MESSAGE, INCLUDING ANY ACCOMPANYING DOCUMENTS, IS CONFIDENTIAL and may contain information that is privileged and exempt from disclosure under applicable law. If you are neither the intended recipient nor responsible for delivering the message to the intended recipient, please note that any dissemination, distribution, copying or the taking of any action in reliance upon the message is strictly prohibited. If you have received this communication in error, please notify the sender immediately. Thank you.

September 29, 2011

Mr. Douglas Fitzpatrick
Law Office of Douglas C. Fitzpatrick
49 Bell Rock Plaza
Sedona, AZ 86351
fitzlaw@sedona.net

Re: Intervener John E. Dougherty's Second Set of Data Requests to Montezuma Rimrock Water Company, ACC Docket No. W-4254A-08-0361, W-425A-08-0362

Attached is John E. Dougherty's Second Set of Data Requests to Montezuma Rimrock Water Company. Mr. Dougherty should expect to receive the Company's response on or before October 10, 2011.

As part of this request, please provide the Company's written authorization to obtain all records from third parties, including banks and credit card companies.

These requests are continuing in nature. Accordingly, the Company is requested to supplement prior responses if it receives or generates additional information, reports, or other data within the scope of these data requests between the time of the original response and any hearing that may be scheduled in connection with these dockets.

Please provide one copy of the requested data directly to:

Mr. John E. Dougherty
PO Box 501
Rimrock, Arizona, 86335

Or, please set up a time to review records in your office at the soonest possible date.

If you have any questions, please do not hesitate to contact me.

Thank you for your time and cooperation.

Very truly yours,

John E. Dougherty

MONTEZUMA RIMROCK WATER COMPANY
DOCKET NOs. W-4254A-08-0361, W-425A-08-0362

INTERVENER JOHN E. DOUGHERTY'S SECOND SET OF DATA REQUESTS

Please make available the MRWC records that I inspected on Sept. 19 and 20 in your office so that I may complete my review of these files.

In addition, please make available the following records:

1.03 Debt—Please provide the complete record of all loan payments made by the Company for a vehicle (White, PT Cruiser) normally driven by Company manager Patricia Olsen. This includes, but is not limited to all payments made to Bank of the West.

In addition, please identify by check, debit or cash diversion to Ms. Olsen or another person, all Company funds used to make the down payment on this vehicle.

1.03 Debt—Please provide the complete record of all payments made by the Company to Toyota and the purpose for such payments. If these payments were in connection for a loan payment for a Toyota vehicle, please provide a copy of the title for this vehicle.

1.31 Titles—Please provide a copy of the Arizona Department of Motor Vehicles title for the PT Cruiser.

1.31 Titles—Please provide the complete record of all payments made by the Company for title and registration fees for all vehicles and a copy of the title associated with each payment, whether the vehicle is titled to the Company or to private parties.

1.32 Auto Insurance—Please provide a copy of any Company paid insurance policy that includes coverage for the PT Cruiser, and the complete accounting of all premiums paid by the Company from the date of the first payment.

1.03 Debt—Please provide the complete record of all credit card bills, including the record of goods and services purchased, that are paid for with Company funds dating back to Company's first payment towards the Credit Card bill.

(If these records are not available, please provide a waiver giving permission to Intervener to obtain such records directly from the Credit Card Company. This waiver is to include all identifying information necessary to obtain such information.)

This request includes, but is not limited to, the following Credit Cards:

A. Chase Bank credit card.

- B. Kohl's department store credit card.
- C. American Express credit card.
- D. All other credit card accounts, past and present, that have received any payment whatsoever from the Company.

1.04 Debt—Please provide the complete record of mortgage payments to Wells Fargo Bank made by the Company from the date the first payment was made.

1.33 Mortgage—Please provide a copy of the mortgage loan statement(s) for the property, or properties, that are receiving or have received Company funds for mortgage payments.

1.34 Student Loan—Please provide a complete record of all Company payments made for "Student Loan" from the date of the first payment for "Student Loan". Please identify the person who incurred the "Student Loan" and their relationship to the Company.

1.35 Chase Bank Account—Please provide a complete record of bank statements for the Company's Chase Bank Account, or accounts, from the date the account was opened by the Company to that date it was purportedly closed.

Please identify the bank account or any other entity that received the assets from the Chase Account when it was purportedly closed.

(If the Chase bank statements are not in the possession of the Company, or its accountant, please provide a waiver giving permission to Intervener to obtain such records directly from Chase Bank.)