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1 COMMISSIONERS

2 BOB STUMP – Chairman  
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6 SUSAN BITTER SMITH

7 **BEFORE THE ARIZONA CORPORATION COMMISSION**

8 IN THE MATTER OF THE APPLICATION  
9 OF MONTEZUMA RIMROCK WATER  
10 COMPANY, LLC FOR APPROVAL OF  
11 FINANCING TO INSTALL A WATER LINE  
12 FROM THE WELL ON TIEMAN TO WELL  
13 NO. 1 ON TOWERS.

Docket No. W-04254A-12-0204

14 IN THE MATTER OF THE APPLICATION  
15 OF MONTEZUMA RIMROCK WATER  
16 COMPANY, LLC FOR APPROVAL OF  
17 FINANCING TO PURCHASE THE WELL  
18 NO. 4 SITE AND THE COMPANY  
19 VEHICLE.

Docket No. W-04254A-12-0205

20 IN THE MATTER OF THE APPLICATION  
21 OF MONTEZUMA RIMROCK WATER  
22 COMPANY, LLC FOR APPROVAL OF  
23 FINANCING FOR AN 8,000-GALLON  
24 HYDRO-PNEUMATIC TANK.

Docket No. W-04254A-12-0206

25 IN THE MATTER OF THE RATE  
26 APPLICATION OF MONTEZUMA  
RIMROCK WATER COMPANY, LLC.

Docket No. W-04254A-12-0207

JOHN E. DOUGHERTY,  
COMPLAINANT,

Docket No. W-04254A-11-0323

V.

MONTEZUMA RIMROCK WATER  
COMPANY, LLC

RESPONDENT

1 IN THE MATTER OF THE APPLICATION  
2 OF MONTEZUMA RIMROCK WATER  
3 COMPANY, LLC FOR APPROVAL OF A  
RATE INCREASE.

Docket No. W-04254A-08-0361

4 IN THE MATTER OF THE APPLICATION  
5 OF MONTEZUMA RIMROCK WATER  
6 COMPANY, LLC FOR APPROVAL OF A  
FINANCING APPLICATION.

Docket No. W-04254A-08-0362  
**MOTION TO COMPEL**

7 Montezuma Rimrock Water Company LLC (“MRWC” or “Company”) hereby  
8 moves for an order compelling intervenor John Dougherty to respond to certain data  
9 requests relating to Mr. Dougherty’s intervention in MRWC’s rate case and his complaint  
10 proceeding against the Company. Unfortunately, Mr. Dougherty has refused to provide  
11 responses to many of the Company’s first set of data requests. Specifically, Mr.  
12 Dougherty has failed to answer data requests MRWC 1.1(b-e), 1.2 (a-f), 1.3 (a-g), 1.4 (a-  
13 d), 1.5-1.8, 1.9(a-d), 1.11, 1.12(a-f), 1.13, 1.14-1.15, 1.17 and 1.19-1.20. Rather than  
14 answering those data requests, Mr. Dougherty has asserted invalid and inapplicable legal  
15 objections to those data requests. Although Mr. Dougherty is a *pro per* party, he is  
16 subject to the same discovery obligations as other parties in this proceeding. He has failed  
17 to abide by his discovery obligations.

18 As a matter of law and fact, Mr. Dougherty does not have any valid basis for  
19 refusing to answer these data requests, in turn forcing the Company to file this motion. As  
20 such, the Company requests that the Administrative Law Judge compel Mr. Dougherty to  
21 answer those data requests. Alternatively, if Mr. Dougherty fails to respond to the  
22 Company’s data request and/or refuses to produce the requested materials, MRWC  
23 requests that Mr. Dougherty be precluded from presenting any testimony or evidence in  
24 this combined docket.

25 **I. MRWC’S FIRST SET OF DATA REQUESTS TO MR. DOUGHERTY.**

26 “The purpose of discovery procedure ... is to avoid the element of surprise and

1 prevent the trial of a lawsuit from being a guessing game.”<sup>1</sup> In this context, Mr.  
2 Dougherty comes before the Commission making sweeping accusations. He accuses  
3 MRWC of failing to follow the law, failing to meet its obligations, failing to adhere to  
4 applicable requirements and failing to follow Commission orders. Faced with such  
5 sweeping accusations, MRWC is entitled to explore the basis, motives, rationale and  
6 factual basis for Mr. Dougherty’s claims in this combined docket and his efforts to oppose  
7 the Company before other agencies, customers and/or third parties.

8 On February 22, 2013, MRWC issued its First Set of Data Requests to Mr.  
9 Dougherty (**copy attached as Exhibit A**). Those data requests sought information and  
10 materials relating to Mr. Dougherty’s intervention in the Company’s rate case. In those  
11 data requests, the Company also sought information relating to Mr. Dougherty’s efforts to  
12 oppose various actions by the Company, including Mr. Dougherty’s communications with  
13 other persons and governmental agencies relating to MRWC. By intervening in the  
14 Company’s rate case and by filing a complaint against the Company, Mr. Dougherty is  
15 subject to the discovery process.

16 On March 14, 2013, Mr. Dougherty provided “Intervener’s Response to First Set of  
17 Data Requests from Montezuma Rimrock Water Company to Intervener John  
18 Dougherty.” A copy of Mr. Dougherty’s response is **attached as Exhibit B**. In no  
19 uncertain terms, Mr. Dougherty did not respond to data requests MRWC 1.1(b-e), 1.2 (a-  
20 f), 1.3 (a-g), 1.4 (a-d), 1.5-1.8, 1.9(a-d), 1.11, 1.12(a-f), 1.13, 1.14 and 1.19-1.20. Rather  
21 than responding to those data requests, Mr. Dougherty objected to all of those requests as  
22 not relevant, not reasonably calculated to lead to the discovery of admissible evidence,  
23 that the Company is not entitled to personal and confidential financial account information  
24 and, finally, that the requests are intended to harass and harm Mr. Dougherty.

25  
26 

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<sup>1</sup> *Watts v. Superior Court*, 87 Ariz. 1, 5, 347 P.2d 565, 567 (1959).

1 In asserting those objections, Mr. Dougherty flippantly re-stated the Company's  
2 objection to data request JD-14 in which Mr. Dougherty requested "complete, unredacted  
3 monthly bank statements" relating to one of Ms. Olsen's personal bank accounts. Mr.  
4 Dougherty's attempt to repeat that objection for all of the Company's data requests noted  
5 above is meritless and not in good faith. Unlike Mr. Dougherty's data request JD-14, the  
6 Company does not seek any personal bank account information pertaining to Mr.  
7 Dougherty.

8 On March 28, 2013, counsel for the Company emailed Mr. Dougherty in an effort  
9 to resolve this discovery dispute, explaining that Mr. Dougherty's objections are not well  
10 taken and asking that Mr. Dougherty provide responses to the data requests by April 4,  
11 2013 (Mr. Dougherty's responses were due on March 4, 2013). Mr. Dougherty responded  
12 as follows:

13 The additional requests you are seeking are not likely to lead to admissible  
14 evidence relevant to the issues before the Commission. You are attempting  
15 to invade my privacy by requesting personal financial matters that bear no  
16 relevance whatsoever to the rate case, requests for loans, and my formal  
17 complaint against the Company. If you wish to waste your client's money  
with this fishing trip into my personal financial situation and personal  
communications that have no relevance to the issues pending before the  
commission you are entitled to do so by filing a motion with the ALJ and  
requesting a hearing.<sup>2</sup>

18 **II. MR. DOUGHERTY SHOULD BE COMPELLED TO RESPOND TO THE**  
19 **COMPANY'S OUTSTANDING DATA REQUESTS.**

20 As a matter of law, the Administrative Law Judge should compel Mr. Dougherty to  
21 provide responses to data requests MRWC 1.1(b-e), 1.2 (a-f), 1.3 (a-g), 1.4 (a-d), 1.5-1.8,  
22 1.9(a-d), 1.11, 1.12(a-f), 1.13, 1.14 and 1.19-1.20. The Company briefly addresses each  
23 of those data requests below.

24 **MRWC 1.1 and 1.11.** In MRWC 1.1 and 1.11, the Company requested  
25 information relating to Mr. Dougherty's motion to intervene in the rate case, including his

26 <sup>2</sup> Copies of those e-mail communications are **attached as Exhibit C.**

1 address, whether that address is Mr. Dougherty's primary residence, how water and  
2 wastewater service is provided to his property, the location of any septic systems on that  
3 property and whether Mr. Dougherty obtained governmental approvals for such systems.  
4 Mr. Dougherty objected to both 1.1 and 1.1 as seeking privileged and confidential  
5 information.

6 Obviously, those requests do not involve any personal financial account  
7 information relating to Mr. Dougherty and there is no legal privilege that applies to these  
8 requests. Rather, they seek information relating directly to Mr. Dougherty's property in  
9 Rimrock, water and sewer service to that property and whether Mr. Dougherty uses that  
10 property as his primary residence. That information bears directly on Mr. Dougherty's  
11 stated reasons for intervening in the rate case, his standing to pursue his complaint against  
12 the Company, the possible provision of water service to Mr. Dougherty's property, Mr.  
13 Dougherty's compliance with ADEQ requirements, the operation of Well No. 4 and Mr.  
14 Dougherty's various complaint allegations against the Company. The Company clearly is  
15 entitled to all of the information requested in MRWC 1.1 and 1.11 and Mr. Dougherty  
16 doesn't have any valid factual or legal basis for not answering those requests.

17 **MRWC 1.2.** In MRWC 1.2, the Company requested information relating to Mr.  
18 Dougherty's property located with the Company's service territory, whether that address  
19 is Mr. Dougherty's primary residence, how potable water service is provided to his  
20 property, whether he rented or leased that property to other persons (and the names of  
21 such persons), and whether Mr. Dougherty has attempted to sell his property.

22 That information bears directly on the availability of water service to Mr.  
23 Dougherty's property, the possible provision of water service to Mr. Dougherty's  
24 property, Mr. Dougherty's compliance with applicable legal obligations relating to leasing  
25 or renting his property and Mr. Dougherty's various complaint allegations against the  
26 Company. MRWC 1.2 does not involve any personal financial account information

1 relating to Mr. Dougherty and there is no privilege that applies to this request. The  
2 Company clearly is entitled to all of the information requested in MRWC 1.2 and Mr.  
3 Dougherty doesn't have any valid factual or legal basis for not answering that request.

4 **MRWC 1.3 and 1.4.** In MRWC 1.3 and 1.4, the Company requested information  
5 based on the express wording of Mr. Dougherty's motion to intervene in the rate case  
6 relating to Mr. Dougherty's private well. The Company sought and is entitled to  
7 information relating to Mr. Dougherty's well, its production, its governmental approvals  
8 (if any), the quality of water pumped from Mr. Dougherty's wells (including arsenic  
9 levels), the location of other wells nearby, and other similar issues. Mr. Dougherty  
10 specifically intervened in the rate case based on potential impacts to his well and the  
11 Company is entitled to all of the information requested in MRWC 1.3 and 1.4. Mr.  
12 Dougherty objected to these requests as seeking privileged and confidential information.  
13 There is no legal privilege that applies to these requests and they clearly seek relevant  
14 information relating to Mr. Dougherty's well.

15 **MRWC 1.5 and 1.6.** In MRWC 1.5 and 1.6, the Company requested information  
16 based on the express wording of Mr. Dougherty's motion to intervene in the rate case  
17 relating to his property located within the Company's service territory. Information  
18 relating to Mr. Dougherty's use of the property within the Company's service territory and  
19 his occupancy at other locations bears on whether Mr. Dougherty will be impacted by  
20 Company operations and/or rate increases from the rate case. That information also  
21 relates to Mr. Dougherty's motives relating to his complaint proceeding and his standing  
22 to file a complaint against the Company.

23 Again, Mr. Dougherty objected to these requests as seeking privileged and  
24 confidential information. There is no legal privilege that applies to these requests and  
25 they clearly seek relevant information relating to Mr. Dougherty's complaint proceeding  
26 and intervention in the rate case. The Company is not seeking any personal financial

1 account information in MRWC 1.5 and 1.6.

2 MRWC 1.7. MRWC 1.7 is a straightforward request for any and all photographs  
3 in Mr. Dougherty's possession relating to the Company, Ms. Olsen, any property of the  
4 Company, any Company operations and other similar issues. The Company clearly is  
5 entitled to those documents and photographs from Mr. Dougherty. Again, Mr. Dougherty  
6 objected to these requests as seeking privileged and confidential information. There is no  
7 legal privilege that applies to this request.

8 MRWC 1.8. MRWC 1.8 is a straightforward request for hearing transcripts, video  
9 recordings and/or audio recordings in Mr. Dougherty's possession relating to any legal  
10 proceedings involving the Company. The Company clearly is entitled to those documents  
11 from Mr. Dougherty. Again, Mr. Dougherty objected to these requests as seeking  
12 privileged and confidential information. There is no legal privilege that applies to this  
13 request. Mr. Dougherty also objected to MRWC 1.8 "because the Company has access to  
14 all these records." The purpose of MRWC 1.8, however, is to determine what materials  
15 are in Mr. Dougherty's possession and to obtain copies of those materials. The Company  
16 also does not have access to any video or audio recordings taken by Mr. Dougherty or  
17 other parties.

18 MRWC 1.9. In MRWC 1.9, the Company requested information relating to Mr.  
19 Dougherty's communications with customers of the Company and other persons residing  
20 within the Company's service area relating to the Company, Ms. Olsen, Company  
21 operations and legal proceedings, including documents exchanged, electronic  
22 communications and other similar documents. On this request, Mr. Dougherty provided  
23 one flyer sent to MRWC customers and objected "to the balance of MRWC 1.9 as seeking  
24 privileged and confidential information."

25 The materials sought in MRWC 1.9 are not subject to any legal privilege and this  
26 request does not involve any personal financial account information relating to Mr.

1 Dougherty. Rather, MRWC 1.9 relates to Mr. Dougherty's communications with  
2 customers and property owners in the Company's service area. The information requested  
3 in MRWC 1.9(a-d) bears directly on Mr. Dougherty's intervention in the rate case and Mr.  
4 Dougherty are various complaint allegations against the Company.

5 It goes without saying that Mr. Dougherty does not get to decide what is pertinent  
6 to the Company's rate case or defenses in the complaint proceeding. The Company  
7 clearly is entitled to all of the information requested in MRWC 1.9(a-d) and such  
8 information will assist the Company in preparing for the hearing in this docket. All of  
9 those requests are related to communications "relating to the Company, Ms. Patsy Olsen,  
10 any property of the Company, any Company operations and/or any regulatory and/or legal  
11 proceedings involving the Company." Mr. Dougherty doesn't have any valid factual or  
12 legal basis for not answering MRWC 1.9.

13 **MRWC 1.12.** In MRWC 1.12, the Company requested information relating to Mr.  
14 Dougherty's communications with governmental agencies relating to the Company, Ms.  
15 Olsen, Company operations and legal proceedings, including documents exchanged,  
16 electronic communications and other similar documents. On this request, Mr. Dougherty  
17 provided materials relating to his communications with ACC Staff, but refused to provide  
18 any responses or information "beyond any communications with the Arizona Corporation  
19 Commission."

20 The information requested in MRWC 1.12(a-d) bears directly on Mr. Dougherty's  
21 intervention in the rate case and Mr. Dougherty's various complaint allegations relating to  
22 Company operations. MRWC 1.12(a-d) seeks materials relating to communications with  
23 other governmental agencies maintained by Mr. Dougherty, not what records are  
24 maintained by the various agencies. The Company also seeks meeting notes, recordings  
25 and other similar documents maintained by Mr. Dougherty relating to communications  
26 with such agencies. Given that Mr. Dougherty has made various claims relating to

1 approvals by ADEQ, Yavapai County and other agencies, the Company clearly is entitled  
2 to this information.

3 It goes without saying that Mr. Dougherty does not get to decide what is pertinent  
4 to the Company's rate case or defenses in the complaint proceeding. The Company  
5 clearly is entitled to all of the information requested in MRWC 1.12(a-f) and such  
6 information will assist the Company in preparing for the hearing in this docket. All of  
7 those requests are related to communications "relating to the Montezuma Rimrock Water  
8 Company, Ms. Patsy Olsen, any property of the Company, any Company operations  
9 and/or any regulatory and/or legal proceedings involving the Company." Mr. Dougherty  
10 doesn't have any valid factual or legal basis for not answering MRWC 1.12.

11 **MRWC 1.13.** In MRWC 1.13, the Company requested information relating to  
12 "any and all public or private meetings attended" by Mr. Dougherty relating to the  
13 Company, Ms. Olsen, Company operations and legal proceedings, including the dates of  
14 such meetings, the attendees at such meetings and the purpose of such meetings. On this  
15 request, Mr. Dougherty objected "to MRWC 1.13 as seeking privileged and confidential  
16 information."

17 Obviously, there is no legal privilege that applies to the information requested in  
18 MRWC 1.13. The information requested in MRWC 1.13 bears directly on Mr.  
19 Dougherty's intervention in the rate case and Mr. Dougherty's various complaint  
20 allegations relating to Company operations. Given that Mr. Dougherty has made various  
21 claims relating to Company operations and various legal proceedings involving the  
22 Company, the Company clearly is entitled to know who Mr. Dougherty has met with to  
23 discuss those issues and what was discussed. Mr. Dougherty doesn't have any valid  
24 factual or legal basis for not answering MRWC 1.13.

25 **MRWC 1.14.** In MRWC 1.14, the Company seeks copies of any and all emails in  
26 Mr. Dougherty's possession relating to the Company and/or Ms. Olsen. On this request,

1 Mr. Dougherty provided emails with ACC Staff but “[b]eyond communications with the  
2 ACC, intervener objects to MRWC 1.14 as seeking privileged and confidential  
3 information.”

4 Again, there is no legal privilege that applies to MRWC 1.14. Given that Mr.  
5 Dougherty has made various claims relating to Company operations and various legal  
6 proceedings involving the Company, the Company clearly is entitled to review all emails  
7 in Mr. Dougherty’s possession relating to the Company and Ms. Olsen. Mr. Dougherty is  
8 an intervenor party in this docket and, in that capacity, he is subject to discovery requests  
9 like all other parties. The Company clearly is entitled to all of the information requested  
10 in MRWC 1.14 and Mr. Dougherty doesn’t have any valid factual or legal basis for not  
11 answering MRWC 1.14.

12 MRWC 1.19. In MRWC 1.19, the Company asked whether Mr. Dougherty’s  
13 “private well located at 5225 N. Bentley Drive, Rimrock, Arizona currently produce[s]  
14 enough water to adequately provide drinking and potable water to your property? If not  
15 please explain why not. If yes, please describe the amount of water currently produced  
16 from your private well and provide any and all documents relating to such water  
17 production.”

18 On this request, Mr. Dougherty “objects to MRWC 1.19 as seeking privileged and  
19 confidential information.” Obviously, there is no legal privilege that applies to the  
20 information sought in MRWC 1.19. Mr. Dougherty also objects to this request as not  
21 relevant to the issues at stake. Mr. Dougherty doesn’t have any good faith basis for  
22 asserting such objections.

23 As noted above, MRWC 1.19 is based on the statements in Mr. Dougherty’s  
24 motion to intervene in the rate case relating to Mr. Dougherty’s private well. Mr.  
25 Dougherty specifically intervened in the rate case based on potential impacts to his well  
26 and the Company is entitled to all of the information requested in MRWC 1.19. Mr.

1 Dougherty hasn't even remotely stated any valid basis for refusing to answer MRWC  
2 1.19.

3 **MRWC 1.20.** In MRWC 1.20, the Company asked for copies of documents  
4 relating to well pump data and water quality data relating to Mr. Dougherty's private well.  
5 On this request, Mr. Dougherty "objects to MRWC 1.[20] as seeking privileged and  
6 confidential information." Again, there is no legal privilege that applies to the  
7 information sought in MRWC 1.20. Mr. Dougherty also objects to this request as not  
8 relevant to the issues at stake. Mr. Dougherty doesn't have any good faith basis for  
9 asserting such objections.

10 As noted above, MRWC 1.20 is based on the statements in Mr. Dougherty's  
11 motion to intervene in the rate case relating to Mr. Dougherty's private well. Mr.  
12 Dougherty specifically intervened in the rate case based on potential impacts to his well  
13 and the Company is entitled to all of the information requested in MRWC 1.20. There is  
14 no privilege that applies to this request and the Company clearly seeks relevant  
15 information relating to Mr. Dougherty's well.

16 **III. CONCLUSION.**

17 As a matter of law and fact, Mr. Dougherty does not have any valid basis for  
18 refusing to answer data requests MRWC 1.1(b-e), 1.2 (a-f), 1.3 (a-g), 1.4 (a-d), 1.5-1.8,  
19 1.9(a-d), 1.11, 1.12(a-f), 1.13, 1.14 and 1.19-1.20. Even a cursory review of those  
20 requests reveals that the material requested is highly relevant to the matters before the  
21 Commission, likely to lead to admissible evidence and discoverable under the Arizona  
22 Rules of Civil Procedure.

23 As such, the Company requests that the Administrative Law Judge issue an order  
24 compelling Mr. Dougherty to answer data requests MRWC 1.1(b-e), 1.2 (a-f), 1.3 (a-g),  
25 1.4 (a-d), 1.5-1.8, 1.9(a-d), 1.11, 1.12(a-f), 1.13, 1.14 and 1.19-1.20. Alternatively, if Mr.  
26 Dougherty fails to respond to the Company's data requests and/or refuses to produce the

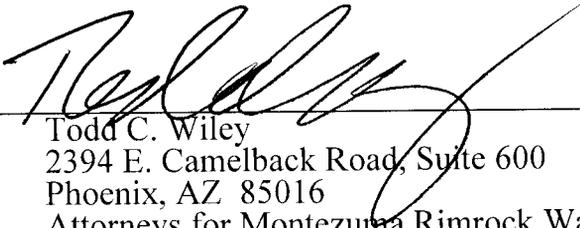
1 requested materials, MRWC requests that Mr. Dougherty be precluded from presenting  
2 any testimony or evidence in this combined docket.

3 Finally, the Company requests that the Administrative Law Judge issue an order  
4 compelling Mr. Dougherty to provide responses to those data requests without hearing.  
5 In the event that the Court desires oral argument on this motion, the Company would  
6 request that a hearing (telephonic or in person) be scheduled as quickly as possible to  
7 resolve these issues.

8 RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of April, 2013.

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FENNEMORE CRAIG

By   
Todd C. Wiley  
2394 E. Camelback Road, Suite 600  
Phoenix, AZ 85016  
Attorneys for Montezuma Rimrock Water  
Company, LLC.

An original and 13 copies  
of the foregoing was filed  
this 3<sup>rd</sup> day of April, 2013,  
with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

A copy of the foregoing  
was hand delivered/mailed this  
3<sup>rd</sup> day of April, 2013, to:

Sarah N. Harpring  
Administrative Law Judge  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix, Arizona 85007

1 Charles Hains  
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4 Steve Olea  
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Phoenix, Arizona 85007

7 John E. Dougherty, III  
8 P.O. Box 501  
Rimrock, Arizona 86335

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# **EXHIBIT A**

**WILEY, TODD**

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**From:** WILEY, TODD  
**Sent:** Friday, February 22, 2013 10:51 AM  
**To:** 'jd.investigativemedia@gmail.com'  
**Cc:** 'Michelle Wood'; 'CHains@azcc.gov'  
**Subject:** 1st Set of Data Requests  
**Attachments:** 7950304\_1\_1st Set of Data Requests to Dougherty\_\_2\_.pdf

Mr.. Dougherty,

Here are the Company's First Set of Data Requests to you in the pending consolidated rate case dockets. I assume you will comply with the 10-day time period for responses. Electronic copies of documents and responses will be sufficient. If you provide hard copies of documents, please send them to Fennemore Craig's new address:

2394 East Camelback Road, Suite 600  
Phoenix, AZ 85016-3429

Todd

Todd Wiley  
Fennemore Craig, PC  
2394 East Camelback Road, Suite 600  
Phoenix, Arizona 85016-3429  
Direct: (602) 916-5337  
Fax: (602) 916-5537  
Cell: (602) 329-0006  
twiley@fclaw.com

**FIRST SET OF DATA REQUESTS  
FROM MONTEZUMA RIMROCK WATER COMPANY  
TO INTERVENOR JOHN DOUGHERTY  
DOCKET NOS. W-04254A-12-0204, W-04254A-0205, W-04254A-0206, W-04254A-  
12-0207**

In these data requests, “you” or “your” refers to Intervenor John E. Dougherty, III.

**MRWC 1.1.** In your Motion to Intervene filed on June 7, 2012, you state that “I live in Montezuma Rimrock’s service area.”

(a) Please identify your place of residence located within the Montezuma Rimrock Water Company’s (“Company”) service area, including address and ownership information.

(b) How is potable water service provided to your place of residence identified in response to MWRC 1.1(a) above?

(c) How is sewer or wastewater service provided to your place of residence identified in response to MWRC 1.1(a) above? If your place of residence has a septic system, please provide a description of the septic system, including depth of installation, date of installation, location of septic system on the property, any and all applications for approval with the Arizona Department of Environmental Quality (ADEQ), any and all approvals, permits, registration numbers and other information from ADEQ relating to such septic system and a map depicting the location of such septic system on the property.

(c) What is your primary residence?

(d) What was your primary residence during calendar years 2010, 2011 and 2012?

**MRWC 1.2.** According to Yavapai County records, John E. Dougherty, III is listed as the owner of the property located at 5225 N. Bentley Dr., Rimrock, Arizona.

(a) Is that property your primary residence?

(b) What was the legal classification for tax assessment purposes for the property located at 5225 N. Bentley Dr., Rimrock, Arizona for each year from 2003 to 2013?

(c) From 2001 to the present, did you at any time re-classify the property located at 5225 N. Bentley Dr., Rimrock, Arizona for tax assessment purposes?

(d) How is potable water service provided to the residence and property located at 5225 N. Bentley, Rimrock, Arizona?

(c) Have you leased or rented the property and residence located at 5225 N. Bentley Dr., Rimrock, Arizona to any person or entity from 2003 to 2013? If so, please identify the names of such person or entity, including contact information for such persons, and the dates that such person or entity leased or rented the property located at 5225 N. Bentley Dr., Rimrock, Arizona.

**FIRST SET OF DATA REQUESTS  
FROM MONTEZUMA RIMROCK WATER COMPANY  
TO INTERVENOR JOHN DOUGHERTY  
DOCKET NOS. W-04254A-12-0204, W-04254A-0205, W-04254A-0206, W-04254A-  
12-0207**

(d) Provide copies of any and all rental or lease agreements with any person or entity identified in response to MRWC 1.2(c) above.

(e) Provide copies of any all payments made to you by the persons or entities identified in response to MRWC 1.2(c) above. This request includes copies of any and all documents relating to payments made by any persons or entities renting or leasing the property located at 5225 N. Bentley Dr., Rimrock, Arizona, including account statements, invoices, cancelled checks and bank statements.

(f) At any time within the last ten years, have you offered the residence and property located at 5225 N. Bentley Dr., Rimrock, Arizona for sale, rental and/or lease. If so, please state the dates of such offers, the amount of such offers and provide copies of any and all documents relating to such offers, including any advertisements, real estate listings, communications (written and electronic) with potential purchasers or renters, and communications (written and electronic) with any real estate agents, brokers and/or rental agencies.

**MRWC 1.3.** In your Motion to Intervene filed on June 7, 2012, you state: "I built my house and drilled a private well in 1997, several years before the Company established water service in my section of the Montezuma Estates."

(a) Please provide a description of the well located at your residence, including depth of installation, date of installation, location on the property, any and all applications for approval with ADEQ and/or Arizona Department of Water Resources (ADWR), any and all approvals, permits, registration numbers and other information issued by ADWR and/or ADEQ relating to such well and a map depicting the location of such well on the property.

(b) During each year from 1997 through January 2013, how many gallons of water were pumped each year from the well identified in response to MRWC 1.3(a) above.

(c) At any time from 1997-2013, have you tested the quality of the water obtained through the well identified in response to MRWC 1.3(a) above? If so, provide copies of any and all test results, reports and/or documents relating to the water quality from the well identified in response to MRWC 1.3(a) above.

(d) What is the current yield from the well identified in response to MRWC 1.3(a) above, including gallons per minute, gallons per day and depth to water?

(e) From 2005-2013, provide copies of any and all documents relating to your costs incurred in operating the well identified in response to MRWC 1.3(a) above, including the costs of pumping, electric costs, maintenance costs and any and all other costs relating to that well.

(f) What are the levels of arsenic in the water pumped and obtained from the well identified in response to MRWC 1.3(a) above? Provide copies of

**FIRST SET OF DATA REQUESTS  
FROM MONTEZUMA RIMROCK WATER COMPANY  
TO INTERVENOR JOHN DOUGHERTY  
DOCKET NOS. W-04254A-12-0204, W-04254A-0205, W-04254A-0206, W-04254A-  
12-0207**

any all documents relating to arsenic levels in the water pumped and obtained from the well identified in response to MRWC 1.3(a) above.

(g) Do you have any water treatment or purification system installed or operating for the drinking water at the residence located at 5225 N. Bentley Dr., Rimrock, Arizona? If so, please describe such system, including type of system, date of installation, location of the system and any other similar information relating to such system.

**MRWC 1.4.** In your Motion to Intervene filed on June 7, 2012, you state that “At some point in the future, I may become a customer of the Company if my private well is rendered useless by the Company’s proposed operation of Well #4.”

(a) For each month from January 2010 through January 2013, please state the amount of water produced from your private well, including the amount of gallons pumped each month and the depth to water.

(b) How many other wells are located within a mile of your private well?

(c) Please name and list any and all wells located within a mile of your private well?

(d) Please name and list any and all wells located within 1000 feet of your private well?

**MRWC 1.5.** Do you currently rent or lease any apartments, residences or property? If so, please identify such apartment, residence and/or property and provide copies of any and all document relating to such apartment, residence and/or property, including any rental agreements, lease agreements, payments, account statements and/or other similar documents.

**MRWC 1.6.** Do you currently rent, lease or reside at the property located at 1913 E. Whitton, Phoenix, Arizona? If so, please provide copies of any and all document relating to such apartment, residence and/or property, including any rental agreements, lease agreements, payments, account statements and/or other similar documents.

**MRWC 1.7.** Provide copies of any and all photographs in your possession, custody and/or control, including electronic files and/or telephone files, relating to the Company, Ms. Patsy Olsen, any property of the Company, any Company operations, any well sites of the Company, the home and/or residence of Ms. Olsen, and/or any other photographs relating in any way to Montezuma Rimrock Water Company and/or Ms. Olsen.

**MRWC 1.8.** Provide copies of any and all hearing transcripts, video recordings and/or audio recordings in your possession, custody and/or control relating to any legal proceedings involving the Company and/or Ms. Patsy Olsen.

**FIRST SET OF DATA REQUESTS  
FROM MONTEZUMA RIMROCK WATER COMPANY  
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**MRWC 1.9.** Provide copies of any and all written mailings, communications, and/or communications between you and any customer of Montezuma Rimrock Water Company and/or any persons residing within the Company's service area and/or the Rimrock area relating to the Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company. This request includes, but is not limited to, any and all letters, flyers, meeting notices, emails, public notices, meeting agendas, and other similar documents.

(a) Provide copies of any and all documents, photographs, filings and/or other materials exchanged between you and any customer of Montezuma Rimrock Water Company and/or any persons residing within the Company's service area and/or the Rimrock area.

(b) Provide copies of any and all communications (including electronic communications) between you and Ivo Buddeke, Jimmy Dufresne, Lucy Couch, Judy Cooper, Josh Burch, Alicia Burch, Diana Mitchell, Jason Harding, Williams Kopko and/or Scott Hall relating to the Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company. This request includes, but is not limited to, any and all written and/or electronic communications, including texting.

(c) Provide copies of any and all notes, meeting notes, video and/or audio recordings and other similar documents relating to any and all meetings attended by you with any customer of Montezuma Rimrock Water Company and/or any persons residing within the Company's service area and/or the Rimrock area relating to the Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company.

(d) Provide copies of any and all notes and/or audio recordings relating to any and all telephone calls between you and any customer of Montezuma Rimrock Water Company and/or any persons residing within the Company's service area and/or the Rimrock area relating to the Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company.

**MRWC 1.10.** Provide copies of any and all petitions in your possession, custody and/or control, and/or provided on your behalf, relating to the Company and/or Ms. Olsen. This request includes any and all electronic and/or online petitions or other similar filings or documents relating to the Company and Ms. Olsen.

**MRWC 1.11.** Do you currently have potable water service to the residence located at 5225 N. Bentley Drive, Rimrock, AZ from your private well located on the property? If not, why not?

**MRWC 1.12.** Provide copies of any and all written mailings, communications, and/or communications between you and any representatives and/or employees of any governmental organization, including ADEQ, ADWR, Yavapai County, the Arizona Corporation Commission and/or any other governmental entity relating to

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Montezuma Rimrock Water Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company. This request includes, but is not limited to, any and all letters, emails, and other similar documents.

(a) Provide copies of any and all documents, photographs, filings and/or other materials exchanged between you and any such persons.

(b) Provide copies of any and all notes, meeting notes, video and/or audio recordings and other similar documents relating to any and all meetings attended by you with any representatives and/or employees of any governmental organization, including ADEQ, ADWR, Yavapai County, the Arizona Corporation Commission and/or any other governmental entity relating to Montezuma Rimrock Water Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company

(c) Provide copies of any and all notes and/or audio recordings relating to any and all telephone calls between you and any representatives and/or employees of any governmental organization, including ADEQ, ADWR, Yavapai County, the Arizona Corporation Commission and/or any other governmental entity relating to Montezuma Rimrock Water Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company.

(d) Identify the names of any and all representatives and/or employees of any governmental organization, including ADEQ, ADWR, Yavapai County, the Arizona Corporation Commission and/or any other governmental entity that you have communicated with (either orally, electronically or in writing) relating to Montezuma Rimrock Water Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company.

(e) Please itemize and list the dates of any and all such communications identified in response to MRWC 1.12(d) above.

(f) Please itemize and the list the dates of any and all communications by you to any governmental organization, including, but not limited to, ADEQ, ADWR, Yavapai County, the Arizona Corporation Commission and/or any other governmental entity that you have communicated with (either orally, electronically or in writing) relating to Montezuma Rimrock Water Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company. This requests includes any and all verbal, electronic or written communication by you to such entities.

**MRWC 1.13.** Please list any and all public or private meetings attended by you relating to Montezuma Rimrock Water Company, Ms. Patsy Olsen, any property of the Company, any Company operations and/or any regulatory and/or legal proceedings involving the Company, including the (1) dates of such meetings, (2) the attendees at such meetings and (3) the purpose of such meetings.

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(a) Provide copies of any and all documents relating to such meetings, including meeting notes, video and/or audio recordings, meeting agendas, any and all documents discussed and/or exchanged at such meetings, attendance lists and/or any and all other similar documents.

(b) Provide the addresses and locations of any and all such meetings.

**MRWC 1.14.** Provide copies of any and all emails in your possession, custody and/or control relating to Montezuma Rimrock Water Company and/or Ms. Patsy Olsen.

**MRWC 1.15.** Provide copies of any and all background, financial and/or private investigations done by you and/or on your behalf relating to Montezuma Rimrock Water Company, Ms. Patsy Olsen and/or any representative and/or attorney for the Company and/or Ms. Olsen. This request includes, but is not limited to, any internet, personal and/or financial investigations conducted by you and/or on your behalf.

**MRWC 1.16.** Provide copies of any and all civil and/or administrative subpoenas and/or summons issued by you and/or on your behalf to any person, entity and/or organization relating to the Company, Ms. Olsen and/or any legal proceeding involving the Company and/or Ms. Olsen.

(a) Provide copies of any and all documents, responses, materials and/or filings provided by any person, entity and/or organization in response to any and all such civil and/or administrative subpoenas and/or summonses.

**MRWC 1.17.** Provide copies of any and all public records requests and/or Freedom of Information Act requests made by you and/or on your behalf to any governmental agency and/or entity relating to the Company and/or Ms. Olsen.

(a) Provide copies of any and all documents provided by such governmental agency and/or entity in response to such public records requests.

**MRWC 1.18.** Provide copies of any and all communications, written or electronic, between you and (1) Nile River Leasing, LLC, (2) Wells Fargo Capital Finance, LLC, (3) Financial Pacific Leasing, (4) Odyssey Equipment Financing Company and (5) Kevlor Design Group, LLC relating to the Company and/or Ms. Olsen. This request includes, but is not limited to, any and all emails, written correspondence and/or electronic correspondence of any kind.

**MRWC 1.19.** Does your private well located at 5225 N. Bentley Drive, Rimrock, Arizona currently produce enough water to adequately provide drinking and potable water to your property? If not, please explain why not. If yes, please describe the amount of water currently produced from your private well and provide any and all documents relating to such water production.

**MRWC 1.20.** Provide copies of any and all well pump data, water quality data and/or any documents, filings, reports or other written materials, including

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12-0207**

electronic submissions, provided by you to ADWR and/or ADEQ relating to your private well.

7950304.1

# **EXHIBIT B**

**WILEY, TODD**

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**From:** John Dougherty [jd.investigativemedia@gmail.com]  
**Sent:** Thursday, March 14, 2013 2:53 PM  
**To:** WILEY, TODD  
**Cc:** Charles Hains  
**Subject:** Intervener Response to MRWC Data Request  
**Attachments:** Response to MRWC 1st Data Request.docx; NBASubpoena112012.doc; Nileriversubpoena21313 copy.docx; RB-LBsubpoena112012.doc; supoeanafinancialpacific 21313.docx; 0000132683(2) (1).pdf; 0000135885(7)(1).pdf; 0000142583(1).pdf; Exhibit 11 amended formal complaint 3-1-13.docx; Gmail - (no subject).pdf; Gmail - Nile river.pdf; Gmail - please print B&W.pdf; Water Co copies(2).pdf; water copies #2(1).pdf

Mr. Wiley, I've attached my response and relevant documents. This make take several emails. I will mail you a hard copy of the records obtained from MRWC's bookkeeper for the general ledger for Oct. Nov. and Dec. of 2011, although I assume the copy has these.

--

John Dougherty  
InvestigativeMedia.com  
602-710-4089

**March 14, 2013**  
**INTERVENER'S RESPONSE TO**  
**FIRST SET OF DATA REQUESTS**  
**FROM MONTEZUMA RIMROCK WATER COMPANY**  
**TO INTERVENER JOHN DOUGHERTY**  
**DOCKET NOS. W-04254A-12-0204, W-04254A-0205, W-04254A-0206, W-04254A-**  
**12-0207**

**1. MRWC 1.1**

The Company knows Intervener's property address because the Company identifies it in MRWC 1.2.

Further, MRWC 1.1, beyond (a) Intervener's address, is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential financial account information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

**2. MRWC 1.2**

Intervener objects to MRWC 1.2 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential financial account information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

**3. MRWC 1.3**

Intervener objects to MRWC 1.3 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential financial account information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

**4. MRWC 1.4**

Intervener objects to MRWC 1.4 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

**5. MRWC 1.5**

Intervener objects to MRWC 1.5 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential financial account information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

#### **6. MRWC 1.6**

Intervener objects to MRWC 1.6 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential financial account information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

#### **7. MRWC 1.7**

Intervener objects to MRWC 1.7 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

#### **8. MRWC 1.8**

Intervener objects to MRWC 1.8 because the Company has access to all these records. Furthermore, this request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal information and this request appears intended to harass and harm Mr. Dougherty as Intervener. Any such information is available to Ms. Olsen and Montezuma Rimrock from public sources.

#### **9. MRWC 1.9**

Ms. Olsen is in receipt of the only flyer that was sent to Montezuma Rimrock customers. (Attached)

Intervener objects to the balance of MRWC 1.9 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

#### **10. MRWC 1.10**

The only such petition has been docketed in W-04254A-08-0361, 0362.

## **11. MRWC 1.11**

Intervener objects to MRWC 1.11 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

## **12. MRWC 1.12**

Intervener objects to MRWC 1.12 beyond any communications with the Arizona Corporation Commission, which are included in this response. MRWC, if it so desires, can obtain records of communications with these agencies by filing public records requests, which the Company already has done with ADEQ and Yavapai County.

These records, however, are not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to harass and harm Mr. Dougherty as Intervener. Further, this information is obtainable by the Company by filing public records requests with the listed government agencies.

## **13. MRWC 1.13**

Intervener objects to MRWC 1.13 as seeking privileged and confidential information. MRWC has a record of all public meetings attended by Intervener because MRWC attended such meetings.

Furthermore, this request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

## **14. MRWC 1.14**

Beyond communications with the ACC, intervener objects to MRWC 1.14 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

## **15. MRWC 1.15**

Intervener objects to MRWC 1.15 as seeking privileged and confidential information.

This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

#### **16. MRWC 1.16**

Intervener provided copies of all subpoenas and records received in W-04254A-08-361, 362 and W-04254A-11-0323 to the Company's former Counsel in early 2011.

Intervener has attached copies of all subpoenas issued in this Docket and records received in this Docket.

Intervener has received records from National Bank of Arizona (attached), Nile River Leasing, (attached) and RB-LB (monthly general ledgers statements for Oct., Nov., and Dec. 2011 to be mailed.

As of this date, Intervener has received nothing from Financial Pacific Leasing.

There are no other administrative subpoenas.

#### **17. MRWC 1.17**

Intervener objects to MRWC 1.17. Intervener's FOIA to ADEQ and Yavapai County are a matter of public record, which MRWC has already obtained. Intervener has filed no FOIAs with the ACC.

Furthermore, FOIAs to other government agencies and their responses are not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. Montezuma Rimrock is not entitled to personal and confidential information and this request appears intended to harass and harm Mr. Dougherty as Intervener.

#### **18. MRWC 1.18**

Intervener has only had limited email exchanges with Nile River Leasing LLC/Odyssey Equipment Financing Company. The emails are attached. In addition, Intervener has docketed the copies of the full and complete lease agreement dated March 22, 2012 between MRWC and Nile River, including Rider 2, that shows the lease agreement is a capital lease.

Intervener has had no contact with Financial Pacific Leasing, LLC, Wells Fargo Capital Finance, LLC and Kevlor Design Group, LLC.

#### **19. MRWC 1.19**

Intervener objects to MRWC 1.19 as seeking privileged and confidential information.

This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. This request appears intended to harass and harm Mr. Dougherty as Intervener.

**20. MRWC 1.20**

Intervener objects to MRWC 1.19 as seeking privileged and confidential information. This request is not relevant to the issues at stake in the above-referenced documents and is not reasonably calculated to lead to the discovery of admissible evidence. This request appears intended to harass and harm Mr. Dougherty as Intervener.

# **EXHIBIT C**

**WILEY, TODD**

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**From:** John Dougherty [jd.investigativemedia@gmail.com]  
**Sent:** Thursday, March 28, 2013 1:36 PM  
**To:** WILEY, TODD  
**Cc:** Charles Hains  
**Subject:** Re: Intervener Response to MRWC Data Request

Mr. Wiley,

The additional requests you are seeking are not likely to lead to admissible evidence relevant to the issues before the Commission.

You are attempting to invade my privacy by requesting personal financial matters that bear no relevance whatsoever to the rate case, requests for loans, and my formal complaint against the Company.

If you wish to waste your client's money with this fishing trip into my personal financial situation and personal communications that have no relevance to the issues pending before the commission you are entitled to do so by filing a motion with the ALJ and requesting a hearing.

John Dougherty

On Thu, Mar 28, 2013 at 12:54 PM, WILEY, TODD <[TWILEY@fclaw.com](mailto:TWILEY@fclaw.com)> wrote:

Mr. Dougherty,

I have attached your responses to the MRWC's first set of data requests, along with the Company's first set of data requests to you.

Unfortunately, you did not answer the majority of the Company's first set of data requests. This email is a good faith effort to resolve these discovery issues without involving the Judge. All of the data requests served by the Company are relevant to the issues raised by your intervention in the rate case along with the issues raised in your complaint proceeding and the Company's responses. The Company is entitled to all of the requested information from you during the discovery process and prior to the hearing in this case case and filing of testimony.

At this point, I request that you provide answers to all of the data requests set forth below by end of business next Thursday, April 4, 2013. Even as a *pro per* party, you are obligated to comply with applicable rules and practices relating to discovery responses. If you do not provide the responses by next Thursday, the Company will have no choice but to file a motion with the Administrative Law

Judge and seek a hearing.

To start, you did not answer MRWC 1.1(b-e), 1.2(a-f), 1.3(a-g), and 1.4(a-d). You don't have any basis for refusing to answer those data requests. They are both relevant and reasonably calculated to lead to the discovery of admissible evidence relating to your intervention in the rate case and your complaint proceeding.

Likewise, you did not answer MRWC 1.5 through 1.8. Instead, you objected to those requests as not relevant and seeking privileged and confidential information. Again, you don't have any basis for refusing to answer those data requests.

On MRWC 1.9, you have provided one flyer sent to Company customers, but you have not otherwise answered 1.9(a-d). You have no basis for refusing to provide the requested documents.

You also did not provide any response to MRWC 1.11. You don't have any basis for refusing to answer that data request.

Next, you did not provide responses to MRWC 1.12(a-f). You object to MRWC 1.12 "beyond any communications with the Arizona Corporation Commission, which are included in this response." That is not a valid objection and you haven't stated any valid basis for refusing to answer MRWC 1.12.

You did not provide any responses to MRWC 1.13, again objecting as not relevant and involving confidential personal information. Those are not valid objections and you haven't stated any valid basis for refusing to answer MRWC 1.13.

On MRWC 1.14, you respond that "[b]eyond communications with the ACC, intervenor objects to MRWC 1.14 as seeking privileged and confidential information." You also object that such request is not relevant and involved confidential private information. Those objections are not valid and you don't have any valid basis for failing to respond to MRWC 1.14.

You also have refused to respond to MRWC 1.15 without stating any valid objection or reason for not responding.

On MRWC 1.17, you have only partially responded by referencing public records requests to ADEQ and Yavapai County. To the extent you have sent public records requests to other agencies, you are obligated to provide those requests. Or you can confirm that you have not served any other public records requests.

You have not responded to MRWC 1.19 and 1.20 other than objecting that such requests

are not relevant and seek "privileged and confidential information." Those objections are not valid. MRWC 1.19 and MRWC 1.20 are clearly relevant to your intervention in the rate case and you are obligated to answer those data requests.

Ultimately, I simply ask that you comply with your discovery obligations in this case and I hope that you will provide the necessary responses without any further legal action.

Todd C. Wiley

Todd C. Wiley | Fennemore Craig, P.C.  
2394 East Camelback Road, Suite 600  
Phoenix, AZ 85016  
Direct: (602) 916-5337  
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**From:** John Dougherty [mailto:[jd.investigativemedia@gmail.com](mailto:jd.investigativemedia@gmail.com)]  
**Sent:** Thursday, March 14, 2013 2:53 PM  
**To:** WILEY, TODD  
**Cc:** Charles Hains  
**Subject:** Intervener Response to MRWC Data Request

Mr. Wiley, I've attached my response and relevant documents. This make take several emails. I will mail you a hard copy of the records obtained from MRWC's bookkeeper for the general ledger for Oct. Nov. and Dec. of 2011, although I assume the copy has these.

--

John Dougherty  
InvestigativeMedia.com  
602-710-4089

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John Dougherty  
InvestigativeMedia.com  
602-710-4089