

**BEFORE WASHINGTON UTILITIES AND  
TRANSPOTATION COMMISSION**

**WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, ) DOCKET NO. UE-001734  
)  
Complainant, ) AFFIDAVIT OF  
) MICHAEL V. HUBBARD,  
) COUNSEL FOR CREA IN  
PacifiCorp, d/b/a/ Pacific Power & Light, ) SUPPORT OF MOTION TO  
) COMPEL  
Respondent . )**

STATE OF WASHINGTON )  
) ss.  
COUNTY OF WALLA WALLA )

MICHAEL V. HUBBARD, being first duly sworn on oath, deposes and says:

1. I am general counsel for Columbia Rural Electric Association, Inc. and the attorney of record for that company in this proceeding.
2. CREA served its data requests 1-31 on PacifiCorp on June 26, 2002, PacifiCorp's responses to them were made under a cover letter dated July 5, 2002.

3. After CREA had reviewed PacifiCorp's responses, I wrote to James C. Paine, of attorneys for PacifiCorp, explaining in summary form why substantive responses should be made to CREA's data requests 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, 19, 20, 21, 22, 23 and 31.

4. By letter dated August 6, 2002, Mr. Paine responded to CREA's request that PacifiCorp reconsider its responses to the above noted data requests. A copy of Mr. Paine's letter is attached to this affidavit.

5. On June 13, 2002, Mr. Paine called me requesting that CREA furnish him with a copy of the responses made by CREA to Staff's data requests in this proceeding. On July 15, 2002, I called Mr. Paine back to discuss that subject and to request that he and PacifiCorp make an effort to respond to CREA's data requests 3, 4, 5, 6, 19, 20, 21, 22, and 23. He replied simply that he wasn't going to give us any more information and to go ahead and file our motion to compel. On August 16, 2002, I sent him the copy he wanted of CREA's responses to Staff's data requests; even though PacifiCorp had not actually requested them as part of its formal discovery in this case.

6. CREA believes that quality of service and the public's interest are at the center of this proceeding. CREA also believes it is entitled to reasonably complete responses to all its data requests to PacifiCorp. But, for the sake of compromise, is requesting the Commission to act only on data requests 3, 4, 5, 6, 19, 20, 21, 22, and 23. The information sought from PacifiCorp to CREA data requests 3, 4, 5, 6, 19, 20, 21, 22 and 23 would be relevant to the quality of service

provided by PacifiCorp and whether that company is meeting its commitment to serve the public interest.

7. If permanent disconnection from the PacifiCorp system is attributable to PacifiCorp's low quality electric service and lack of customer service, the cost of relocating facilities should not be borne by the customer.

DATED this 26<sup>th</sup> day of August, 2002.

\_\_\_\_\_  
**Michael V. Hubbard, WSBA #8823**  
**Hubbard Law Office, P.C.**  
**Attorney for CREA**

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of August, 2002.

\_\_\_\_\_  
NOTARY PUBLIC in and for  
the State of Washington,  
residing at Waitsburg.  
Commission expires:\_\_\_\_\_