

8:50 am

MR. KREIG

... and we have no way of hiring somebody to help because then that exposes Chugach confidential information. We have made questions to the court and I am personally very puzzled that none of this has been addressed so I feel personally just frozen in an impossible situation.

JUDGE STOWERS

Alright thank you Mr Kreig so the answer is no?

MR JACOBUS

No, the answer is what Mr. Kreig did comply with the April 20...

JUDGE STOWERS

No, Mr. Jacobus excuse me, the question I asked is, I'm taking this a step at a time. I'm not trying to...

MR. JACOBUS

Has there been a list made or started..

[MR. KREIG TRIES TO SPEAK BUT IS GAVELLED QUIET BY JUDGE]

JUDGE STOWERS

My question pure and simple is, has Mr Kreig made the list that was ordered to be made? Yes or no?

MR. JACOBUS

The list is not made.

JUDGE STOWERS

Alright that is what I understood him to say.

Mr. Jacobus what else would you care to say this morning?

MR. JACOBUS

Other than the fact that it's impossible to do and that I do not understand the purpose of this given what I've pointed out to the court<sup>1</sup> that the Chugach board is virtually certain to take some action on this point. My plan I think is an appropriate solution which takes everything into account. It protects the interests of all parties. The documents remain secure and confidential, Mr. Kreig won't have access to them, they are locked up. The court or opposing counsel can inspect the facilities what I've described. I'd be happy to take them over there. Chugach Electric is not harmed....

8:53 am

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*[In this one hour interval Kreig was never allowed to speak as Stewart blathered on and on. Finally Kreig said, "Am I ever going to get to say anything?"]*

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9:51:53 am

MR. KREIG

I'd like to make a couple of statements. I have released nothing to the public that is Chugach Electric confidential data.

I have only made confidential filings to your own court and Chugach Electric's own regulators and Chugach obviously doesn't want its regulators to know the things they have done. And their actions before you and what they are doing are contemptible and despicable. The RCA should be left to decide these matters, and what is unfolding here is paralyzing Chugach Consumers ability to function. It has paralyzed our, my ability and

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<sup>1</sup> Jacobus is referring to the "Plan Requested by Court" he filed before the hearing. In that plan he stated,

"It is reasonably clear to the undersigned that the new majority on the Chugach Electric Board will reconsider the question of Board members retention of documents. In fact, the subject is on the Agenda for the Board meeting of May 16, 2007. (See Exhibit B, item XI G) In addition, it is clear that the new Board majority is much more interested in protecting the consumer through, among other things, not acting in secret, than was the prior board which acted in secrecy to protect the I.B.E.W. In fact, the new Board will most likely be hiring an independent counsel to advise it on this matter. See Agenda Item XI F, Exhibit B; Exhibit C, and pages 7 through 10 of the draft minutes of the meetings of the Board of April 18, 2007 (old Board prior to election), Exhibit D."

Chugach Consumers ability to take part as interveners in the Chugach Electric rate case which the RCA has allowed as well as for me to defend myself and continue on.

We are public interest litigants. We do not have the money to hire even the beginnings of the legal help that I need to deal with this situation. Chugach is spending tens and tens of thousands of dollars on Mr. Stewart's despicable behavior and the things that he is doing. Sending things late to my counsel one hour before we have to prepare something<sup>2</sup>. Causing all of these copies to be made; running up huge expenses for no purpose whatsoever.

Now, I can understand Your Honor the way this looks to you. You come in and have this mess dumped in front of you, you're having to get into a lot of these details and have no idea how this is looking to us.

But, you're being used by people that do not have the interest of Chugach Electric customers at heart. You're setting a precedent that's going to have a chilling effect on the efforts of future pro-consumer board members, and it's creating a success for Chugach Electric's despicable behavior.

I am 100.00% confident that my position will be judged and ratified as correct.

This is a case of original jurisdiction. There are no cases in 100 years of corporate practice and what's happening to me is that because I don't have the ability to hire a law firm like Mr. Stewart's law firm and I'm over in the law library myself trying to defend myself he files motions like, instead of ..he's acting as Jacobus's law clerk instead of going through these files and everything<sup>3</sup>.

We have not had anything written over time<sup>4</sup>. The one thing that hasn't been stated here is how long would it take to write a list of 500 or a thousand documents that are... That's the one thing...Yes, it might take a few days to go through a sort things into two piles, but how long would it take to comply with the other part of that order, writing a description and titles of documents, hundreds and hundreds, maybe a thousand of them? You know that's the thing that was insurmountable in all of this.

Now I'm going to say one other thing, Mr. Stewart will never ever look at Chugach Consumers confidential information. He is absolutely not trustworthy. We must not allow

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<sup>2</sup> Bob Stewart gave pleadings to his messenger at 2:30pm but instructed that they not be delivered to Ken Jacobus before 4pm the day before a morning hearing.

<sup>3</sup> Having no money to pay Ken Jacobus to do all the research and brief prep, Kreig worked at the law library and developed the drafts himself. Bob Stewart seized on this and said Kreig should have been sorting documents instead of acting as Jacobus' law clerk.

<sup>4</sup> Referring to the lack of written orders to know exactly what is being expected of Kreig with these convoluted and impossible requirements [see Jacobus email to Robert Stewart, 5/7/07].

that to ever happen. And it can't ever happen. There must never be any place where Chugach Electric's attorneys are allowed to leaf through or look at Chugach Consumers confidential information or my confidential information, which is all interfiled with this stuff.

Now, if I had unclean hands or other intentions here, all this stuff could have disappeared before I left Anchorage. I've left it all out there, it's all in my attorney's hands. There's absolutely no reason for any of this, other than harassment and trying to interfere with proceedings before the RCA and my ability to defend myself and Chugach Consumers ability to operate.

So, I can understand, you know, the position you're in Your Honor. But I don't have the counsel, we don't have the money and your hearings are very short. It's obvious that I can't blather on, you know, as Mr. Stewart is, you know, to explain the situation that we're in.

So maybe I should stop here and throw ourselves on the mercy of the court and please don't do something which is going to have devastating effects essentially in the end on the ratepayers and the public.

9:56:48 AM