

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: December 3, 2019**

REGULAR _____ CONSENT X EFFECTIVE DATE December 4, 2019

DATE: November 12, 2019

TO: Public Utility Commission

FROM: Scott Shearer

THROUGH: Michael Dougherty, Bryan Conway, and Bruce Hellebuyck **SIGNED**

SUBJECT: METOLIUS MEADOWS PROPERTY OWNERS ASSOCIATION:
(Docket No. ADV 1038/Advice No. 19-01)
Revises Tariffs to align with recent changes to OAR 860-036, requests approval on less than statutory notice.

STAFF RECOMMENDATION:

Staff recommends that the Commission acknowledge Metolius Meadows Property Owners Association's (MMPOA) Advice No. 19-01, PUC OR No. 2 tariff filing as requested on less than statutory notice, to become effective with service rendered on and after December 4, 2019.

DISCUSSION:

Issues

Whether the Commission should acknowledge MMPOA's Advice 19-01, which updates its tariff to be consistent with recently adopted changes in the Commission's Division 36 rules applicable to water utilities, on less than statutory notice.

Applicable Rule or Law

ORS 757.205 requires each public utility to file with the Commission schedules showing all rates, tolls, charges, rules, and regulations that pertain to service performed by the public utility. Tariff revisions or corrections may be made by filing revised sheets with the information required under the Commission's administrative rules, including OAR 860-036-2000 and OAR 860-036-2010. Filings that make any change in rates, tolls, charges, rules, or regulations must be filed with the Commission at least 30 days prior

to the effective date of changes; however, the Commission has the discretion to approve tariff filings on less than statutory notice.

Analysis

On January 1, 2017, existing Division 36 administrative rules were repealed and new rules were adopted in Commission Docket No. AR 595, Order No. 17-017. This rulemaking was initiated with the goal of improving the organization and clarity of the rules. Due to the newly adopted administrative rules, Staff requested that rate-regulated water utilities file updated tariff sheets that reflect the changes in the Commission's administrative rules.

In response, MMPOA filed Advice No. 19-01 on November 8, 2019, to align its tariff with the changes adopted in Order No. 17-017. Staff notes that although MMPOA filed all new tariff sheets with a rate-effective date of December 4, 2019, there is no requested change to the rates, tolls, or charges approved by the Commission in MMPOA's most recent general rate case.

Due to some confusion and delay in filing, MMPOA's requested effective date of December 4, 2019, is less than the required 30 days' notice for schedule changes. On November 13, 2019, MMPOA filed the required application requesting less than statutory notice approval on the tariff filed in this docket.

Staff has reviewed MMPOA's Advice 19-01 to ensure that all rates, tolls, and charges remain unchanged and to ensure the requested changes are consistent with the new Division 36 administrative rules. Because this filing does not change any rates, but simply updates tariffs to be consistent with current Commission rules, Staff believes the request for less than statutory notice is reasonable.

Conclusion

The tariffs filed meet the requirements of the new water rules and should be allowed to go into effect.

PROPOSED COMMISSION MOTION:

Acknowledge MMPOA's Advice 19-01, PUC OR No. 2 tariff filing on less than statutory notice.