ORDER NO. 04-487

ENTERED AUG 25 2004

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OF OREGON

UM 1160

In the Matter of)	
)	ORDER
DEER ISLAND WATERWORKS)	
)	
Application for Waiver of Late Statement Fee.)	

DISPOSITION: APPLICATION APPROVED

On July 22, 2004, Deer Island Waterworks (Deer Island) filed an application with the Public Utility Commission of Oregon (Commission) to waive the \$100 late statement fee (late fee). Pursuant to ORS 756.310, each utility is required to pay the Commission an annual fee. Payment is due on April 1 of each year. If the utility does not pay by 5:00 p.m. on the fifth business day following the due date, a late fee of \$100 is assessed. Pursuant to OAR 860-036-0001(1), the Commission may relieve any obligations under Division 36 rules and, due to the late timing of Deer Island receiving its statement, the application for waiver of the late fee should be approved. A description of the filing is contained in the Staff Report, attached as Appendix A, and incorporated by reference.

At its Public Meeting on August 17, 2004, the Commission adopted Staff's Recommendation and approved Deer Island's application for waiver of its late fee.

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ORDER

IT IS ORDERED that Deer Island Waterwork's application to waive the \$100 late statement fee assessed on its gross revenue fee is granted.

Made, entered, and effective ______.

Lee Beyer Chairman John Savage Commissioner

Ray Baum Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.

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ITEM NO. CA10

PUBLIC UTILITY COMMISSION OF OREGON STAFF REPORT PUBLIC MEETING DATE: August 17, 2004

REGULAR	EF: CONSENT X DA	FECTIVE TE	N/A
DATE:	August 10, 2004		
то:	Lee Sparling through Marc Hellman and Rebecca Trujillo		
FROM:	Renee Sloan		
SUBJECT:	DEER ISLAND WATERWO	<u>DRKS</u> : (Docket No. UM 1160 ee.)) Application

STAFF RECOMMENDATION:

Pursuant to ORS 756.310, OAR 860-036-0095(3)(c), and OAR 860-036-0001(1), Staff recommends the application of Deer Island Waterworks (Deer Island or the Company) to waive the \$100 late statement fee (late fee) assessed on its gross revenue fee (annual fee) be approved.

DISCUSSION:

Deer Island is a public water utility and, as such, is subject to ORS 756.310 that requires each public utility to pay the Commission (PUC) an annual fee. Annual fee statements are mailed to each public utility every year on March 5. Payment of the annual fee to the Commission is due each year on April 1. The fee is considered late if it is not received by 5:00 p.m. on the fifth business day following the due date [OAR 860-036-0095] and is assessed a late fee of \$100 [OAR 860-036-0095(3)(c)].

Deer Island requests that the \$100 late fee be waived. On July 22, 2004, the Commission received a letter from the Company's new owner, David Graham, along with the minimum \$10 annual fee payment. In the letter, Mr. Graham stated that the PUC statement was mailed to Richard Backlund, the previous owner. Mr. Backlund did not forward the statement to Mr. Graham until May, when payment was already over a month late.

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Pursuant to OAR 860-036-0001(1):

... Upon application by a water utility, the Commission may relieve it of any obligations under these rules.

Due to the late timing of the Company receiving its statement, Staff recommends that the Commission relieve Deer Island of its obligation to pay the \$100 late fee pursuant to OAR 860-036-0001(1).

PROPOSED COMMISSION MOTION:

Pursuant to ORS 756.310, OAR 860-036-0095(3)(c), and OAR 860-036-0001(1), Deer Island Waterworks' application to waive the \$100 late statement fee assessed on its gross revenue fee due April 1, 2004, be approved.

UM 1160 Deer Island.doc

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