

ORDER NO. 15 384

ENTERED DEC 01 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1665

In the Matter of

PIGEON POINT WATER SUPPLY,

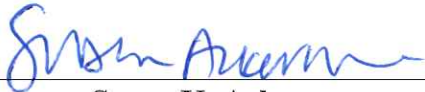
Request to Withdraw Jurisdiction.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

This order memorializes our decision, made and effective at the public meeting on December 1, 2015, to adopt Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

Dated this 1 day of December, 2015, at Salem, Oregon.




Susan K. Ackerman
Chair





John Savage
Commissioner



Stephen M. Bloom
Commissioner

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

PUBLIC UTILITY COMMISSION OF OREGON
 STAFF REPORT
 PUBLIC MEETING DATE: December 1, 2015

REGULAR _____ CONSENT X EFFECTIVE DATE December 2, 2015

DATE: November 9, 2015

TO: Public Utility Commission

FROM: Malia Brock *MBS*

THROUGH: Jason Eisdorfer, Bryan Conway, and Bruce Hellebuyck *JH*

SUBJECT: PIGEON POINT WATER SUPPLY COMPANY:
 (Docket No. UM 1665) Request to withdraw jurisdiction of Pigeon Point
 Water Supply Company and close Docket No. UM 1665.

STAFF RECOMMENDATION:

Staff recommends that the Public Utility Commission of Oregon (Commission) withdraw jurisdiction of Pigeon Point Water Supply Company (PPWSC) and close Docket No. UM 1665.

ISSUE:

Should the Commission withdraw jurisdiction over PPWSC because it no longer has any customers?

RULE:

Under ORS 757.005, the Commission regulates entities that provide water service directly or indirectly to the public. Even if an association of individuals does not provide water service directly or indirectly to or for the public, the Commission may assert regulation over the association if 20 percent or more of the members file a petition with the Commission. See ORS 757.063.

HISTORY:

On August 20, 2012, the Commission received two petitions from members of PPWSC requesting utility regulation. The petitions represented approximately 20 percent of the membership and met the statutory threshold of 20 percent.

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The petition resulted in the Commission asserting rate and service regulation in Order No. 13-073.

On October 7, 2015, in Order No. 15-311, the Commission approved appointment of regents to operate and maintain PPWSC. The Commission also approved rates to reimburse the regents costs and approved an assessment necessary to provide system improvements and overdue water system maintenance.

ANALYSIS:

Current water member customers were given the option to continue to receive water under rate and service regulation and to pay the approved rates necessary to run the system. Members were given until October 28, 2015, to advise the Commission whether or not they wanted to continue to receive water service.

All members opted to discontinue water service under the Commission approved rates and assessments. As a result, PPWSC has no customers and is not providing water service directly or indirectly to or for the public. Because there are no customers of PPWSC, there can be no money collected under the tariffs. Without any ability to collect money to operate and maintain a system owned by the PPWSC, it is not in the public interest for the Commission to regulate the system when PPWSC does not have paying customers or revenues.

PROPOSED COMMISSION MOTION:

Withdraw Commission jurisdiction of Pigeon Point Water Supply Company and close Docket No. UM 1665.

PPWSC Public Meeting Memorandum