

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 106

In the Matter of)	
)	
SHADOW WOOD WATER SERVICE)	ORDER
)	
Request for a general rate increase.)	

DISPOSITION: STIPULATION ADOPTED

On January 5, 2005, Shadow Wood Water Service, (Shadow Wood or Company) filed to increase revenue by \$19,155, or 78 percent above its 2003 test period revenues of \$24,483. The Company also requested a 10 percent return on \$56,395 net plant calculated in its most recent rate case (docket UW 97), a 7 percent return on \$99,266 of new plant being added from an improvement project completed in 2004-2005, and \$25,000 Construction Work in Progress. In addition, the Company requested an interim rate increase of half the requested increase, or \$9,578, to provide cash to finish a fire protection upgrade.

On January 25, 2005, the Commission suspended the filing for investigation, and granted the interim rate increase of \$9.85 per customer per month, subject to refund. *See* Order No. 05-056. With the interim rate increase, the average customer's monthly bill increased from \$40.84 to \$50.69 per month, or about a 24 percent increase.

A Public Comment Hearing/Open House Meeting and Prehearing Conference was held on February 22, 2005, in West Linn, Oregon. The Commission Staff (Staff), representatives of the Company, and approximately two dozen customers appeared. Petitions to intervene were filed by and granted for John Jeglum, Walter Gamble, Steve Moore, Carl Wikman and Nicholas Krichevsky.

In the course of settlement discussions, Staff, the Company, and two intervenors, Carl Wikman and Nicholas Krichevsky, reached settlement and signed a proposed stipulation to resolve all issues (Stipulation). The Stipulation is supported by testimony submitted by Staff witness, Kathy Miller. The Stipulation recommends a \$10,936 or 28.96 percent increase to the Company's annual revenues, as well as an 8.04 percent return on a rate base of \$182,076. The remaining three customer intervenors did not object to the Stipulation.

Based on the record in this matter, the Commission enters the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Shadow Wood is a small water system serving approximately 64 residential customers in West Linn, Oregon. The system was originally constructed in 1922 and started providing service in 1924. The current owner, Hiland Water Corporation (Hiland), purchased the system on January 1, 2003. *See* Order No. 03-052. Shadow Wood has been a rate-regulated water utility since 1997. This is the water system's third rate case and Shadow Wood's second rate case under the new ownership.

The water system serves customers on two sides of a ravine, which contains a creek and classified wetlands. Approximately 47 customers are located on the south side of the ravine, opposite the reservoirs. The Company installed an 8" distribution line from the pump house next to the reservoirs down the north side of the ravine, under the wetlands, and up to the south side. The line ends at a fire hydrant at the top of Shadow Wood Drive. There the new 8" line connects to an old 1 1/4" distribution line that serves the south side customers. Portions of the small distribution line have been replaced, but the majority is small diameter old steel pipe that is deteriorated and is subject to leaks.

The approximately 17 remaining customers on the north side of the ravine are served by various pipes. These include a new 8" line that connects to a 2" line that crosses beneath the road to serve three customers, a new pressurized 2" line that extends from the pump house to serve three other customers, a new 6" line that serves five customers, and an old 2" line that serves three customers.

Shadow Wood's current rates include a base rate of \$25.25 for the first 3,000 gallons of water, and a variable rate of \$5.40 per 1,000 gallons above 3,000 gallons. Based on the customers' actual 2004 average consumption, Staff calculated the average monthly bill at \$40.84.

In its current application, the Company proposes to increase the current base rate from \$25.25 to \$44.94. The proposed rate continues to allow a monthly allowance of 3,000 gallons of water in the base rate. The variable rate of \$5.40 per 1,000 gallons above 3,000 gallons remains the same. Using average consumption for 2004, Staff calculates the average customer monthly charge at the Company's proposed rates to be \$60.43.¹

Shadow Wood seeks higher rates to recover costs associated with an improvement project to increase the water capacity and provide fire protection. The Company reconfigured and repaired the two usable reservoirs, installed new lines from the reservoirs to the pump house, and added two 8" distribution lines to provide fire flow protection to the majority of the customers. The Company also seeks \$25,000 in

¹ As a result of the interim rate increase granted by the Commission in Order No. 05-056, the current average monthly bill is \$50.69.

Construction Work in Progress; \$15,000 to finish the reservoir restoration; and \$10,000 to finish the fire protection.

Stipulation

Staff, the Company, and two customer intervenors have entered into a Stipulation that adopts Staff's analysis and recommendation. Staff's analysis proposed an annual revenue requirement of \$39,372, or a 28.96 percent increase, including an 8.04 percent return on a rate base of \$182,076. The Stipulation also adopts Staff's proposed rate design, which uses a 45/55 percent split (of the proposed revenue requirement of \$39,372) to the variable rate and the base rate, respectively. This produces a base rate of \$28.20, and a variable rate of \$3.94 for every 1,000 gallons of water consumed.

Under this rate design, Staff calculates the average monthly bill at \$51.27. This is \$0.58 higher than the current average monthly bill of \$50.69, which includes the \$40.84 average under rates approved in the Company's last rate case, plus the \$9.85 interim rate increase approved in this proceeding.

The Stipulation also requires Shadow Wood to provide a \$4.19 per month credit to all customers (presently 22) who do not live within 1,000 feet of a fire hydrant. Finally, the Company must also file, within 30 days of the Commission's order in this case, affiliated interest applications for office manager, labor, backflow services, and office rent.

During its investigation, Staff worked with the Company to address the customer concerns relating to water quality, water pressure, improvement projects, service interruptions, chlorine levels, communication, and fire flow. At Staff's request, the Company held a meeting with its customers to help explain the status of the water system, current and scheduled projects, and to answer questions. Staff also reminded the Company of its regulatory obligations, such as those relating to service interruptions and responding to customer complaints and inquiries, as well as providing proper documentation of its costs.

Staff, the Company, and the two signing intervenors believe that the Stipulation is just and reasonable and recommends that the Commission adopt it in its entirety.

CONCLUSIONS

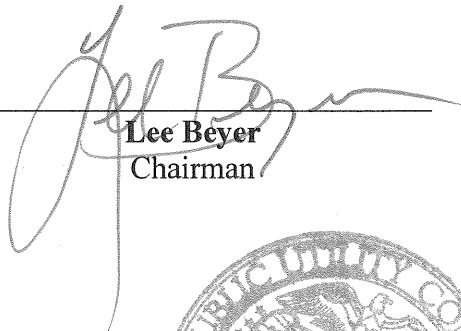
The Commission has examined the Stipulation and the entire record in this case. The Commission concludes that the Stipulation is an appropriate resolution of all issues and that the rates established therein are just and reasonable. The Stipulation is attached as Appendix A. The revenue requirement worksheet is part of the Stipulation as Attachment A; the applicable tariff sheets are marked as Attachment B. The Commission adopts the Stipulation in its entirety, including the attachments.

ORDER

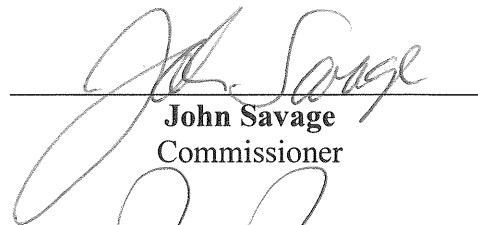
IT IS ORDERED that:

1. The rate schedules proposed by Shadow Wood Water Service, in Advice No. 05-1 are permanently suspended.
2. The Stipulation, Appendix A to this order, is adopted.
3. The terms and rates set out in the tariff sheets, Attachment B of the Stipulation, are effective as of the date of this order.

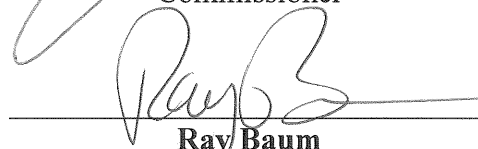
Made, entered, and effective SEP 15 2005.



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.

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UW 106

In the Matter of the Revised)	
Tariff Schedules Filed by)	
SHADOW WOOD WATER)	STIPULATION
SERVICE general rate case)	

Shadow Wood Water Service (SWWS or Company), appearing by and through its owner, Melvin Olson; intervenors Carl Wikman and Nicholas Krichevsky; and the Public Utility Commission Staff (Staff) appearing by and through its attorney, Jason W. Jones, Assistant Attorney General, enter into this agreement in settlement of all issues between them. The other intervenors, John Jeglum, Walter Gamble, and Steve Moore did not sign the Stipulation. Mr. Jeglum was the only intervenor to attend the Settlement Conference. Mr. Gamble provided comments to the Settlement Conference.

1.

The written testimony of Staff, attached hereto, will be received in evidence pursuant to this stipulation without requiring any stipulating party to lay a foundation for its admission.

2.

Staff, the stipulating intervenors, and the Company agree that SWWS will be allowed to increase total revenues by \$10,936 or 28.96 percent, resulting in total revenue of \$39,372. Attachment A shows the stipulated revenue requirement. Attachment B is the Company's tariff sheets, PUC Oregon No. 2, Original Sheets No. 1 through 19, which show SWWS's rates, rules, and regulations.

3.

Staff, the stipulating intervenors, and the Company agree that the Company may charge rates according to the rate schedule set forth in tariff sheet designated PUC Oregon No. 2, Original Sheet No. 3, Schedule No. 1, Residential Metered Rates.

APPENDIX A
PAGE 1 OF 27

DOCKETED

1 4.

2 Staff, the stipulating intervenors, and the Company agree that the Company may charge
3 Miscellaneous Service Charges according to the rate schedule set forth in tariff sheet designated
4 PUC Oregon No. 2, Original Sheet No. 4, Schedule No. 2, Miscellaneous Service Charges.

5 5.

6 Staff, the stipulating intervenors, and the Company agree that the Company will credit all
7 customers (presently 22 customers) who do not live within a 1,000 ft. radius of a SWWS fire
8 hydrant a sum of \$4.19 per month, set forth in tariff sheet designated PUC Oregon No. 2,
9 Original Sheet No. 3, Schedule No. 1, Residential Metered Rates.

10 6.

11 The Company agrees to provide to the Commission semi-annual reports that
12 demonstrate that it is properly crediting customers who do not have fire protection service
13 pursuant to the rate schedule set forth in tariff sheet designated PUC Oregon No. 2, Original
14 Sheet No. 3, Schedule No. 1, Residential Metered Rates. The reports will include copies of bills
15 sent to affected customers. The reports will be submitted no later than January 15 and July 15 of
16 each year. Additionally, the Company agrees to submit accurate and timely annual reports to the
17 Commission pursuant to OAR 860-036-0815.

18 7.

19 The Company agrees to submit, for Commission approval, affiliated interest applications
20 for Office Manager, Office Rent, Backflow Prevention Services, and Labor within 30 days of the
21 date of the Commission order approving rates. Staff's affiliated interest review and
22 recommendations are not bound by any related costs included in this general rate case.

23 8.

24 By entering into this stipulation, no party shall be deemed to have approved, accepted, or
25 consented to the facts, principles methods, or theories employed by any other party in arriving at
26 the agreed revenue requirement and rate spread and design.

9.

The parties recommend that the Commission adopt this stipulation in its entirety. The parties have negotiated this stipulation as an integrated document. Accordingly, if the Commission rejects all or any material portion of this stipulation, each party reserves the right, upon written notice to the Commission and all parties to this proceeding within 15 days of the date of the Commission's order, to withdraw from the stipulation and request an opportunity for the presentation of additional evidence and argument.


10.

The parties understand that this stipulation is not binding on the Commission in ruling on this application and does not foreclose the Commission from addressing other issues.

DATED this 8th day of July 2005.

Respectfully submitted,

HARDY MYERS
Attorney General



Jason W. Jones, # 00059
Assistant Attorney General
Of Attorneys for PUC Staff

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DATED this 2nd day of Aug., 2005.

Melvin Olson
Melvin Olson
Shadow Wood Water Service

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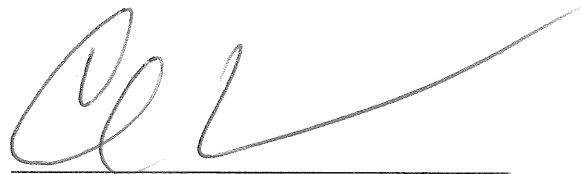
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10.

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DATED this 31 day of July 2005.



Carl Wikman

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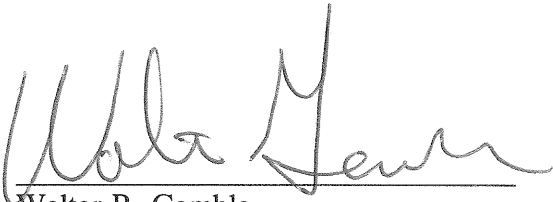
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10.

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DATED this 1 day of July 2005.

8/15/05



Walter R. Gamble

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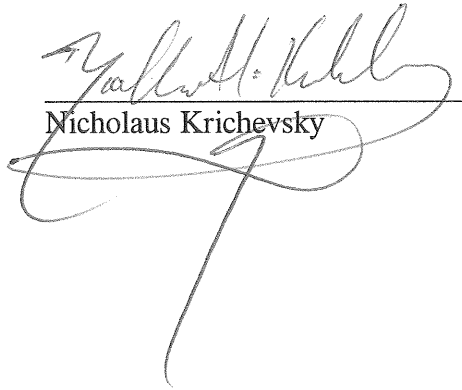
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10.

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DATED this 11 day of ^{August}~~July~~ 2005.



Nicholaus Krichevsky

SHADOW WOOD WATER SERVICE
 UW 106
 Test Year: 2003

Staff Case	28.96%
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	A WATER Revenues	B Proposed Results Per Company Application	C Approved Results UW 97	D Proposed Staff Adjustments UW 97	E Staff's Adjusted Results (C+D=E)	F Staff Proposed Rev Changes	G Staff's Proposed Results (E+F=G)
1	Residential Wtr Sales Rev	43,638	28,436	2,094	30,530	8,842	39,372
2	Commer/Indust Wtr Rev			0	0	0	0
3	Irrigation Wtr Sales Rev			0	0	0	0
4	TOTAL REVENUE	43,638	28,436	2,094	30,530	8,842	39,372
5	Operating Expenses						
6	Operating Expenses						
7	Chemicals	0	128	(128)	0		0
8	Bookkeeping	0	800	(800)	0		0
9	Communications	0	332	127	459		459
10	Purchased Power	1,565	1,640	0	1,640		1,640
11	Postage	0	271	37	308		308
12	Office Supplies	315	315	77	392		392
13	O&M Materials & Supplies	6,331	1,637	1,116	2,753		2,753
14	Repairs & Maintenance	0	1,968	(1,968)	0		0
15	Contract Servc - Engineering	4,083	585	(585)	0		0
16	Contract Service - Accounting	45	45	79	124		124
17	Contract Service - Legal	3,360	622	(622)	0		0
18	Contract Service - Mgmt Expense	800	2,400	(1,235)	1,165		1,165
19	Contract Service - Testing	757	1,121	304	1,425		1,425
20	Contract Service - Labor	11,301	5,157	1,835	6,992		6,992
21	Rate Case Amortization	0	218	32	250		250
22	Insurance	150	150	0	150		150
23	Cross Connection Program Exp	35	35	(35)	0		0
24	Gross Rev Fee	0	71	0	71	22	93
25	Equipment Rental	0	672	(672)	0		0
26	Office Rental	0		401	401		401
27	Miscellaneous Exp	1,645	247	125	372		372
28	Water Right Expense	1,700					0
29	Corrosion Control Expense	1,604					0
30	System Capacity Development Exp	200					0
31	Meter Reading Expense			576	576		576
32	TOTAL OPERATING EXPENSES	33,891	18,414	(1,336)	17,078	22	17,100
33							
34	Depreciation Expense	4,940	2,613	2,810	5,423		5,423
35	Amortization Expense			0	0		0
36	Property/Payroll Tax	559	576	0	576		576
37	Oregon Income Tax		452	(510)	(58)	582	524
38	Federal Income Tax		958	(1,082)	(124)	1,236	1,112
39	TOTAL REVENUE DEDUCTIONS	39,390	23,013	(118)	22,895	1,840	24,735
40	NET OPERATING INCOME	4,248	5,423	2,212	7,635	7,002	14,637
41				2,212	7,635	7,002	14,637
42	Utility Plant in Service	222,044	101,347	156,965	258,312		258,312
43	Less:						
44	Depreciation Reserve	66,383	46,384	31,277	77,661		77,661
45	Contributions in Aid of Const			0	0		0
46	Unamortized Retired Plant			0	0		0
47	Amortization of CIAC			0	0		0
48	Net Utility Plant	155,661	54,963	125,688	180,651	0	180,651
49	Plus: (working capital)			125,688	180,651		
50	Materials and Supplies Inventory			0	0		0
51	Working Cash (1/12 Total Op Exp	2,391	1,534	(111)	1,423	2	1,425
52	TOTAL RATE BASE	158,052	56,497	125,577	182,074		182,076
53	requested rate of return	8.29%		135,577	182,074		

**Containing Rules and Regulations
Governing Water Utility Service**

NAMING RATES FOR:

**SHADOW WOOD WATER SERVICE
PO Box 699
NEWBERG OR 97132**

(503) 554-8333

Serving water in the vicinity of
WEST LINN, OREGON

Issue Date	August 4, 2005	Effective Date
Issued By	SHADOW WOOD WATER SERVICE	
Signed By	MELVIN OLSON, OWNER	X

Table of Contents

<u>Schedule No.</u>		<u>Page No.</u>
	Title Page	1
	Index.....	2
1	Residential Metered Rates & Fire Protection Credit	3
2	Miscellaneous Charges	4
	Rules and Regulations	5

Issue Date	August 4, 2005	Effective Date
Issued By	SHADOW WOOD WATER SERVICE	
Signed By	MELVIN OLSON, OWNER	X

SCHEDULE NO. 1

RESIDENTIAL METERED RATES

Available: To customers of the Utility at West Linn, Oregon, and vicinity.

Applicable: To residential premises.

Base Rate

Service Meter Size	Monthly Base Rate	Usage Allowance	Unit of Measure
5/8 or 3/4 inch	\$28.20	None	<input type="checkbox"/> cubic feet
			<input checked="" type="checkbox"/> gallons
1 inch	N/A	None	<input type="checkbox"/> cubic feet
			<input checked="" type="checkbox"/> gallons

Commodity Usage Rate

Commodity Rate	Per	Number of Units	Unit of Measure	Above	Base Usage Allowance	Unit of Measure
\$3.94	Per	1,000	<input type="checkbox"/> cubic feet	N/A	None	<input type="checkbox"/> cubic feet
			<input checked="" type="checkbox"/> gallons			<input checked="" type="checkbox"/> gallons

FIRE PROTECTION MONTHLY BILL CREDIT

All customers living outside a 1,000 ft. radius of a Shadow Wood Water Service fire hydrant shall receive a monthly credit of \$4.19, separately identified on their monthly bills.

Special Provisions:

1. These rates are based on continuous service. Discontinuation of service may not be employed to avoid monthly charges for service. See Rule No. 26, Voluntary Discontinuance.
2. Water used during the construction of buildings, etc., shall be metered. Charges shall be made at the rates specified in this schedule. When setting of a meter is impracticable, the amount of water used shall be estimated, and the charges shall be made at specified rates for the amounts so estimated.

Issue Date	August 4, 2005	Effective Date	
Issued By	SHADOW WOOD WATER SERVICE		
Signed By	MELVIN OLSON, OWNER	X	

PUC Oregon No. 2
SHADOW WOOD WATER SERVICE

ATTACHMENT B
Original Sheet No. 4

SCHEDULE NO. 2

MISCELLANEOUS SERVICE CHARGES

This schedule lists the miscellaneous charges included in the utility's Rules and Regulations; refer to the appropriate rules for an explanation of charges and conditions under which they apply.

<u>Connection Charge for New Service</u> (Rule No. 9)	
Standard ¾-inch service	\$450.00
Nonstandard ¾ inch service	At cost
Larger than ¾-inch	\$450.00 (plus additional costs)
Irrigation hookup (if provided on separate system)	\$450.00
<u>Meter Test</u> (Rule No. 21)	
First test within 12-month period	N/C
Second test within 12-month period	\$20.00
<u>Pressure Test</u> (Rule No. 40)	
First test within 12-month period	N/C
Second test within 12-month period	\$20.00
<u>Late-Payment Charge</u> (Rule No. 22)	
Charged on amounts more than 30 days past due	Pursuant to OAR 860-036-0130 (as of 1/1/05 – 1.7%)
<u>Deposit for Service</u> (Rule No. 5)	
Pursuant to OAR 860-036-0040(2)	Pursuant to OAR 860-036-0050 (as of 1/1/05 – 2%)
<u>Returned-Check Charge</u> (Rule No. 23)	\$25 each occurrence
<u>Trouble-Call Charge</u> (Rule No. 36)	
During normal office hours	\$25 per hour
After normal office hours on special request	\$40 per hour
<u>Disconnection/Reconnect Charge</u> (Rule No. 28 & 29)	
During normal office hours	\$25
After normal office hours on special request	\$35
<u>Unauthorized Restoration of Service</u> (Rule No. 30)	Reconnection charge plus costs
<u>Damage/Tampering Charge</u> (Rule No. 34)	At cost
<u>Disconnect-Visit Charge</u> (Rule No. 29)	\$20.00

Issue Date	August 4, 2005	Effective Date
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Signed By	MELVIN OLSON, OWNER	X

RULES AND REGULATIONS**Rule 1: Jurisdiction of the Commission**

The Rules and Regulations herein shall be subject to the rules and regulations of the Public Utility Commission of Oregon.

Rule 2: Definitions

- A. "Utility" shall mean SHADOW WOOD WATER SERVICE.**
- B. "Applicant" shall mean any person, business, or organization who applies for service or reapplies for service at a new existing location after service has been discontinued, except as noted in the definition of "Customer."
- C. "Commission" shall mean the Public Utility Commission of Oregon.
- D. "Customer" shall mean any person, business, or organization who has applied for, been accepted to receive, or is currently receiving service. A customer who voluntarily discontinues service at the same or different premises within 20 (twenty) days after discontinuance retains customer status.
- E. "Residential customer premises" shall mean any dwelling and its land including, but not limited to, a house, apartment, condominium, townhouse, cottage, cabin, mobile home, or trailer house.
- F. "Commercial customer premises" shall mean any premises at which a customer carries on any major activity of gaining a livelihood or performing a public service. Such activity may be of a business, industrial, professional, or public nature.
- G. "Main" shall mean the pipe laid in the street, alley, or other right-of-way for the distribution of water to customers. It shall not include service lines.
- H. "Service connection" shall mean the pipe, stops, fittings, meter, and meter box laid from the main to the property line of the premises served.
- I. "Customer line" shall mean the pipe, stops, and fittings leading from the property line to the premises served.
- J. Point of Delivery is the property line or the outlet swivel/union of the meter defining where the service connection stops and the customer line starts.

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Issued By	SHADOW WOOD WATER SERVICE	
Signed By	MELVIN OLSON, OWNER	X

APPLICATION FOR SERVICE**Rule 3: Customer/Applicant Information (OAR 860-036-0015)**

The utility shall provide or be able to provide customers or applicants with the following information:

- A. Instructions on how to read meters, either in writing or by explanation;
- B. Application and contract forms;
- C. Utility rules and regulations;
- D. Commission rules and regulations;
- E. Approved tariffs;
- F. Rights and Responsibilities Summary for Oregon Utility Consumers;
- G. Notices in foreign languages, if applicable;
- H. The utility's business address, telephone number, and emergency telephone number; and
- I. Notices approved by the Commission.

Rule 4: Application for Service (OAR 860-036-0035)

Application for water service must be made for each individual service. The application shall identify the applicant, the premises to be served, the billing address if different, the type of use to which the water is to be put, and an agreement to conform to the Rules and Regulations of the utility as a condition for receiving such service. The applicant shall, at this time, pay any scheduled fees or deposits. An application is a request for water utility service and shall not be accepted until the applicant establishes credit as set forth in OAR 860-036-0040.

An application for water service must be made where:

- A. An applicant who has not previously been served by the water utility requests service;
- B. Service has been involuntarily discontinued in accordance with the utility and Commission rules, and service is sought;
- C. Service has been voluntarily discontinued and a request to restore service has not been made within 20 days; or
- D. There is a change in the identity of a customer, the type of use to which the water is put, or the number of premises served.

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Signed By	MELVIN OLSON, OWNER	X

Rule 5: Deposit for Service (OAR 860-036-0040)

In accordance with the Commission's rules for credit establishment and deposit waiver, an applicant or a customer may be required to make a deposit to secure payment of bills for service. The deposit shall not exceed one-sixth (1/6) the amount of reasonable estimated billings for one year's use of service at the premises during the prior year or upon the type and size of the customer's equipment that will use the service. (OAR 860-036-0040)

The utility shall pay interest on deposits at the rate established by the Commission. After the customer has paid bills for service for 12 consecutive months without having had service discontinued for nonpayment, or more than two occasions in which a shut-off notice was issued, and the customer is not then delinquent in the payment of bills, the utility shall promptly and automatically refund the deposit plus accrued interest by **(check one)**:

- 1) issuing the customer a refund check
 2) crediting the customer's account

Rule 6: Customer Service Line

The customer shall own and maintain the customer service line and promptly repair all breaks and leaks. The utility shall not be responsible for any damage or poor service due to inadequacy of the customer line or any portion of the customer's plumbing. All leaks in the customer line, faucets, and all other parts of the plumbing owned or controlled by the customer shall be promptly repaired so as not to waste water.

Rule 7: Separate Control of Service

All premises supplied with water will be served through service lines so placed as to enable the utility to control the supply to each individual premises using a valve placed within and near the line of the street, the utility right-of-way, or at the meter.

Rule 8: Service Connections (OAR 860-036-0060)

The utility shall furnish and install at its own expense all necessary trenching, pipe, valves, and fittings between its main line and the customer's service line. Such installation shall be designated as the service connection. The utility shall own, operate, maintain, and replace the service connection when necessary and promptly repair all breaks and leaks. The customer shall not be responsible for any damage or poor service due to inadequacy of the service lines or any portion of the utility's plumbing.

Issue Date	August 4, 2005	Effective Date
Issued By	SHADOW WOOD WATER SERVICE	
Signed By	MELVIN OLSON, OWNER	X

Rule 9: Service Connection Charge

An applicant requesting permanent water service to premises not previously supplied with permanent water service by the utility shall be required to pay the service connection charge listed in the utility's Miscellaneous Service Charges Schedule.

Rule 10: Main Line Extension Policy (OAR 860-036-0065)

The utility shall specify the size, character, and location of pipes and appurtenances in any main line extension. Main line extensions shall normally be along streets, roads, highways, or other satisfactory rights-of-way. All construction work shall conform to all applicable rules, regulations, codes, and industry standards. Each main line extension shall normally extend along applicant's property line to the point the applicant's service line would be at a 90-degree angle to the street or main line.

Rule 11: Main Line Advances and Refunds Policy

Each new customer requesting a main line extension shall advance the utility the cost-base amount necessary to extend the main line to provide service.

For a period of two (2) years after construction of the requested main line extension, the utility shall also collect from any additional applicants whose service connections or service lines shall connect to said main line extension an amount per foot equal to the new applicant's proportionate share of the main line extension cost for that portion used. The utility will then refund the share differential amount to those customers who previously shared the cost of said main line extension. Refunds shall not exceed the amount originally advanced.

No part of the distribution system installed prior to the request for a main line extension shall be used to calculate any customer advance or refund.

Rule 12: Types of Use

Water service may be supplied for residential, commercial, irrigation, temporary construction, special contracts, fire prevention, and other uses. The utility shall file separate rate schedules for each type of use and basis of supply.

Issue Date	August 4, 2005	Effective Date	
Issued By	SHADOW WOOD WATER SERVICE		
Signed By	MELVIN OLSON, OWNER	X	

Rule 13: Multiple Residences

An apartment building, mobile home park, motel, trailer camp, duplex, townhouse, or any other property consisting of more than one residential unit, if served through one service line, shall be considered to be equivalent to the number of dwelling units when determining the customer count.

Rule 14: Utility Access to Private Property (OAR 860-036-0120(3)(b) and OAR 860-036-0205(3))

Customers shall provide access during reasonable hours to utility-owned service lines that extend onto the premises of the customer for the purposes of reading meters, maintenance, inspections, or removal of utility property at the time service is to be discontinued. Where the customer does not cooperate in providing reasonable access to the meter or to the premises, as required by law or to determine if a health or safety hazard exists, it is grounds for disconnection.

Rule 15: Restriction on Entering a Customer Residence (OAR 860-036-0085)

No water utility employee shall enter the residence of its customers without proper authorization except in an emergency when life or property is endangered.

REFUSAL OF SERVICERule 16: Refusal of Service Due to Customer Accounts (OAR 860-036-0080(1-3))

The utility may refuse to serve an applicant until receipt of full payment of overdue amounts, or other obligations related to a prior account of the applicant with the utility, when the following circumstances exist:

- A. An overdue amount remains outstanding by a customer at the service address;
- B. The applicant resided at the service address indicated in (A) during the time the overdue charges were incurred; or
- C. The person indicated in (A) will reside at the location to be served under the new application. (OAR 860-036-0080)

Service shall not be refused for matters not related to water service. Residential service shall not be refused due to obligations connected with nonresidential service.

Issue Date	August 4, 2005	Effective Date
Issued By	SHADOW WOOD WATER SERVICE	
Signed By	MELVIN OLSON, OWNER	X

If service is refused under this rule, the utility shall inform the applicant or customer of the reasons for the refusal and of the Commission's dispute resolution process.

Rule 17: Refusal of Service Due to Utility Facilities (OAR 860-036-0080(7))

The utility shall not accept an application for service or materially change service to a customer if the utility does not have adequate facilities or water resources to render the service applied for, or if the desired service is of a character that is likely to unfavorably affect reasonable service to other customers.

For refusal of service under this rule, the utility shall provide a written letter of refusal to the applicant informing applicant that the details upon which the utility's decision was based may be requested. A copy of such notice will be sent to the Commission. The details will include, but not be limited to:

- A. Current capacity and load measured in gallons or cubic feet per minute;
- B. Current capacity and load measured in pounds per square inch;
- C. Cost to the utility for additional capacity in order to provide the additional service; and
- D. Information regarding the appeal process of the utility's refusal to provide service is available through the Commission's dispute resolution process pursuant to OAR 860-036-0025.

Rule 18: Refusal of Service Due to Customer Facilities (OAR 860-036-0080(4-6))

The utility shall refuse service to an applicant or customer whose facilities do not comply with applicable plumbing codes or, if in the best judgment of the utility, are of such a character that safe and satisfactory service cannot be given.

If service is refused under this rule, the utility will provide written notification to the customer within 10 working days stating the reason(s) for refusal and providing information regarding the Commission's complaint process. A copy of the notification will also be sent to the Commission.

METERS

Rule 19: Utility Meters (OAR 860-036-0105)

The utility shall own, maintain, and operate all meters. Meters placed in service shall be adequate in size and design for the type of service, set at convenient locations, accessible to the

Issue Date	August 4, 2005	Effective Date	
Issued By	SHADOW WOOD WATER SERVICE		
Signed By	MELVIN OLSON, OWNER	X	

utility, subject to the utility's control, and placed in a meter box or vault between the street curb and property line. Each meter box or vault shall be provided with a suitable cover.

Where additional meters are furnished by the utility or relocated for the convenience of the customer, a reasonable charge may be made in accordance with a schedule approved by the Commission.

The water utility shall have the right to set meters or other devices for the detection and prevention of fraud or waste without notice to the customer.

Each customer shall provide the utility with regular access to the meter on the customer's property. Failure to permit access at reasonable times and after reasonable notice by the utility requesting access is grounds for disconnection. (OAR 860-036-0120) Should damage result to the meter from molesting, tampering, or willful neglect on the part of the customer, the utility shall repair or replace the meter and may bill the customer for the reasonable cost. (OAR 860-036-0105(6))

Rule 20: Meter Testing (OAR 860-036-0110)

The meter shall be tested prior to or within 30 (thirty) days of installation to determine if it is accurate to register not more than 2 percent error. No meter shall be allowed to remain in service if it registers an error in excess of 2 percent under normal operating conditions. The utility shall maintain a record of all meter tests and results. Meter test result records shall include:

- A. Information necessary to identify the meter;
- B. Reason for making the test;
- C. Date of test;
- D. Method of testing;
- E. Meter readings;
- F. Test results; and
- G. Any other information required to permit convenient checking of methods employed.

Rule 21: Customer-Requested Meter Test (OAR 860-036-0115)

A customer may request that the utility test the service meter; such test shall be made within 20 working days of the receipt of such request at no cost to the customer. The customer has the right to be present during said test, which is to be scheduled at a mutually agreeable time. A written report shall be provided to the customer stating:

Issue Date	August 4, 2005	Effective Date	
Issued By	SHADOW WOOD WATER SERVICE		
Signed By	MELVIN OLSON, OWNER	X	

PUC Oregon No. 2
SHADOW WOOD WATER SERVICE

ATTACHMENT B
Original Sheet No. 12

- A. Customer's name;
- B. Date of the customer's request;
- C. Address at which the meter has been installed;
- D. Meter identification number;
- E. Date of actual test; and
- F. Test results.

If a customer requests a meter test more often than once in any 12-month period, the deposit listed on the Miscellaneous Service Charges Schedule may be required to recover the cost of the test. If the meter is found to register more than 2 percent fast under conditions of normal operation, the utility shall refund the deposit to the customer.

BILLING

Rule 22: Billing Information/Late-Payment Charge (OAR 860-036-0120, OAR 860-036-0125 and OAR 860-036-0130)

Bills are due and payable when rendered by deposit in the mail or other reasonable means of delivery. As near as practical, **meters shall be read at monthly, bimonthly, quarterly, or annual intervals** on the corresponding day of each meter reading or billing period. The bill shall be rendered immediately thereafter. (OAR 860-036-0120(3) requires water utilities to bill at monthly intervals. A utility may request upon application special authority by the Commission to bill at intervals other than monthly.) The utility shall make reasonable efforts to prepare opening and closing bills from actual meter readings. When there is good reason for doing so, estimated bills may be submitted. Any estimated billings shall be clearly designated as such.

The late-payment charge determined by the Commission and listed on the Miscellaneous Service Charges Schedule shall be applied to all overdue balances at the time of preparing the subsequent months' bill or balances owing that are 30 days old.

All bills become delinquent if not paid within 15 days of the date of transmittal of the bill. (OAR 860-036-0125 requires a minimum of 15 days.) If permitted to become delinquent, water service may be terminated after proper notice as provided in Rule 29, Disconnection/Reconnection Visit Charge.

Issue Date	August 4, 2005	Effective Date	
Issued By	SHADOW WOOD WATER SERVICE		
Signed By	MELVIN OLSON, OWNER	X	

APPENDIX A
PAGE 20 OF 27

All water service bills shall show:

- A. Beginning and ending meter readings for the billing period;
- B. Beginning and ending dates of the period of service to which the bill applies;
- C. For all metered bills, beginning and ending meter readings for the period for which the bill is rendered;
- D. Number of units of service supplied stated in gallons or cubic feet;
- E. Schedule number under which the bill was computed;
- F. Delinquent date of the bill;
- G. Total amount due; and
- H. Any other information necessary for the computation of the bill.

Rule 23: Returned-Check Charge

The returned-check charge listed on the Miscellaneous Service Charges Schedule shall be billed for each occasion a customer submits a check for payment that is not honored, for any reason, by a bank or other financial institution.

Rule 24: Prorating of Bills

Initial and final bills will be prorated according to the number of days service was rendered and on the basis of a 31-day month. For metered services, the meter will be read upon opening and closing a customer's account. Consumption will be charged at scheduled rates. Any minimum monthly charge will be prorated.

Rule 25: Adjustment of Bills (860-036-0135)

When an underbilling or overbilling occurs, the utility shall provide written notice to the customer detailing the circumstances, period of time, and the amount of the adjustment. If it can be shown that the error was due to an identifiable cause, the date of which can be fixed, the overcharge or undercharge shall be computed back to such date. If no date can be fixed, the utility shall refund the overcharge or rebill the undercharge for no more than six months' usage. In no event shall an overbilling or underbilling be for more than three years' usage. No billing adjustment shall be required if a meter registers less than 2 percent error under conditions of normal operation.

When a customer is required to repay an underbilling, the customer shall be entitled to enter into a time-payment agreement without regard to whether the customer already participates in such an agreement. If the customer and the utility cannot agree upon payment terms, the

Issue Date	August 4, 2005	Effective Date	
Issued By	SHADOW WOOD WATER SERVICE		
Signed By	MELVIN OLSON, OWNER	X	

Commission shall establish terms and conditions to govern the repayment obligation. The utility shall provide written notice advising the customer of the opportunity to enter into a time-payment agreement and of the Commission's complaint process.

DISCONNECTION OF WATER SERVICE

Rule 26: Voluntary Discontinuance (OAR 860-036-0210)

Except for emergencies, customers who (for any reason) wish to have service discontinued shall provide the utility with at least five days' advance notice of the requested date of discontinuance of service. Until the utility receives such notice, the customer shall be held responsible for all service rendered. Should the customer wish to recommence service within 12 months at the same premises, the customer will be required to pay the customary minimum monthly charge as if service had been continuous. The reconnection charge listed on the Miscellaneous Service Charges Schedule will be applicable at the time of reconnection.

Rule 27: Emergency Disconnection (OAR 860-036-0215)

The utility may terminate service in emergencies when life or property is endangered without following the procedures set forth in OAR 860-036-0245. Immediately thereafter, the utility will notify the customer and the Commission. When the emergency termination was through no fault of the customer, there shall be no charge made for restoration of service.

Rule 28: Disconnection of Water Service Charge for Cause (OAR 860-036-0205 and 0245)

When a customer fails to comply with the utility's rules and regulations, or permits a bill or charge for regulated services to become delinquent (except for nonpayment of a time-payment agreement*), the utility shall give at least five days' written notice before water may be shut off. The notice shall state:

- A. The reason(s) for the proposed disconnection;
- B. The earliest date for disconnection;
- C. The amount to be paid to avoid disconnection;
- D. An explanation of the time-payment provision of OAR 860-036-0125;
- E. Information regarding the Commission's dispute resolution process; and
- F. The Commission's Consumer Services toll-free number, 1-800-522-2404.

Prior to disconnection on the day that the water utility expects to disconnect service, the utility must make a good-faith effort to physically contact the customer to be disconnected or an adult

Issue Date	August 4, 2005	Effective Date
Issued By	SHADOW WOOD WATER SERVICE	
Signed By	MELVIN OLSON, OWNER	X

at the customer's premise to be disconnected to advise the customer or adult of the proposed disconnection. If contact is not made, the utility shall leave a notice in a conspicuous place at the customer's premise informing the customer that service has been or is about to be disconnected. The utility shall document its efforts to provide notice and make that documentation available to the customer upon request.

Service shall not be shut off for nonemergencies on a Friday or the day of a state- or utility-recognized holiday or the day prior to such holiday. (OAR 860-036-0220)

The utility shall not disconnect residential service due to the failure to pay or meet obligations associated with nonresidential service. (OAR 860-036-0225)

A water utility may not disconnect residential service for nonpayment if a customer enters into a written time-payment plan. The utility will offer such customers a choice of payment agreements between a levelized-payment plan and an equal-pay arrearage plan or some other mutually agreeable alternate payment arrangement agreed to in writing. (OAR 860-036-0125)

*When a customer fails to comply with the terms of a written time-payment agreement between the customer and/or the utility permits a time-payment agreement charge to become delinquent, the utility shall give at least 15 days' written notice before the water may be shut off.

Rule 29: Reconnection Charge and Disconnection Visit Charge (OAR 860-036-0080 and 0245(7))

Service shall not be restored until the utility's rules and regulations are complied with and/or payment is made in the amount overdue and any additional disconnection, reconnection, or disconnection visit charges incurred as listed on the Miscellaneous Service Charges Schedule are paid.

Rule 30: Unauthorized Restoration of Service

After the water has been disconnected or shut off at the curb stop or at the meter, if any person not authorized by the utility should turn it on, the water service line may be disconnected without notice. Service shall not be reconnected until all arrearages, all cost-of-service disconnection and reconnection, and the reconnection charge listed on the Miscellaneous Service Charges Schedule are paid in full.

Issue Date	August 4, 2005	Effective Date
Issued By	SHADOW WOOD WATER SERVICE	
Signed By	MELVIN OLSON, OWNER	X

Rule 31: Unauthorized Use

No person shall be allowed to make connection to the utility mains, or to make any alteration to service connections, or to turn a curb stop off or on to any premises, without written permission of the utility. Meter tampering, diverting service, or any other unauthorized use of service will automatically cause a disconnection of the water service and meter removal. All fees, costs of disconnection and reconnection, past-due billings, and service charges listed on the Miscellaneous Service Charges Schedule must be paid in full before any service is restored. An advance deposit for restoration of service may be required.

Rule 32: Interruption of Service (OAR 860-036-0075)

The utility shall have the right to shut off the water supply temporarily for repairs and other necessary purposes. The utility shall use all reasonable and practicable measures to notify affected customers in advance of such discontinuance of service except in the case of emergency repairs. The utility shall not be liable for any inconvenience suffered by the customer or damage to the customer's property arising from such discontinuance of service.

The utility shall keep a record of all service interruptions affecting its whole system or a major section thereof, including the time and date of interruption, duration, and cause or purpose of interruption.

Rule 33: Water Supply/Usage Restrictions (OAR 860-036-0325)

The utility shall exercise due diligence to furnish a continuous and adequate supply of water to its customers. If water restrictions are necessary to equitably apportion its available water supply among its customers with due regard to public health and safety, the utility shall provide written notification to its customers and the Commission including:

- A. Reason for the restriction;
- B. Nature and extent of the restriction;
- C. Effective date of the restriction; and
- D. Probable date of termination of such restriction.

Rule 34: Damages/Tampering

Should damage result to any of the utility's property from molesting or willful neglect by the customer to a meter or meter box located in the customer's building, the utility will repair or replace such equipment and will bill the customer for the costs incurred.

Issue Date	August 4, 2005	Effective Date
Issued By	SHADOW WOOD WATER SERVICE	
Signed By	MELVIN OLSON, OWNER	X

SERVICE QUALITYRule 35: System Maintenance (OAR 860-036-0305)

The utility shall have and maintain its entire plant, distribution system, and hydrants in such condition that it will furnish safe, adequate, and reasonable continuous service. The utility shall inspect its facilities in such manner and with such frequency as may be necessary to ensure a reasonably complete knowledge of its condition and adequacy at all times.

The utility shall keep such records of all routine maintenance as considered necessary for the proper maintenance of its system, including regular flushing schedules, exercising of valves, and valve inspections.

Rule 36: Trouble Call

The trouble-call charge listed on the Miscellaneous Service Charges Schedule may be billed whenever a customer requests that the utility visit the customer's premises to remedy a service problem and the problem is due to the customer's facilities.

Rule 37: Water Purity (OAR 860-036-0310)

The utility shall deliver water for domestic purposes free from bodily injurious physical elements and disease-producing bacteria and shall cause such tests to be made and precautions taken as will ensure the constant purity of its supply.

The utility shall keep a record of all water quality testings, results, monitoring, and reports.

The utility shall deliver domestic water that is reasonably free from elements that cause physical damage to customer property such as pipes, valves, appliances, and personal property. A water supply that causes such damage will be remedied until the conditions are such as to not reasonably justify the necessary investment.

Issue Date	August 4, 2005	Effective Date	
Issued By	SHADOW WOOD WATER SERVICE		
Signed By	MELVIN OLSON, OWNER	X	

Rule 38: Water Pressure (OAR 860-036-0315)

Each water utility shall maintain pressure at a minimum of 20 pounds per square inch (psi) for health reasons to each customer at all times and not exceed a maximum of 125 psi. The 20 psi and 125 psi standards are not presumed to be adequate service and do not restrict the authority of the Commission to require improvements where water pressure or flow is inadequate.

In general, 40 psi of water pressure in the water mains is usually adequate for the purposes of this rule. Adequate pressure may vary depending on each individual water system and its customers' circumstances. In the case of a dispute, the Commission will determine the appropriate water pressure for the water utility.

Rule 39: Pressure Surveys (OAR 860-036-0320)

The utility shall have a permanently placed pressure gauge located on a main that is representative of the system's pressure. A portable gauge in good working condition shall be available for checking pressure conditions in any part of the distribution area.

Rule 40: Customer-Requested Pressure Test (OAR 860-036-0320)

Upon customer request, the utility will perform a water pressure test within 20 working days of the request at no cost to the customer. If the customer requests more than one pressure test within any 12-month period, a deposit to recover the reasonable cost of the additional test may be required of the customer. The deposit shall be returned if the pressure test indicates less than 20 psi or more than 125 psi. The customer or designated representative has the right to be present at the pressure test, and said test shall be conducted at a mutually agreeable time.

For metered service, the pressure will be tested at a point adjacent to the meter on the customer's service line. For nonmetered service, the pressure will be tested at the customer's service line or hose bibb or other reasonable point likely to best reflect the actual service pressure.

Rule 41: Maps/Records (OAR 860-036-0335)

The utility shall keep on file current maps and records of the entire plant showing size, location, character, and date of installation of major plant items, including shut-off valves.

Issue Date	August 4, 2005	Effective Date
Issued By	SHADOW WOOD WATER SERVICE	
Signed By	MELVIN OLSON, OWNER	X

PUC Oregon No. 2
SHADOW WOOD WATER SERVICE

ATTACHMENT B
Original Sheet No. 19

Rule 42: Utility Line Location (One Call Program) (OAR 860-036-0345)

The utility and its customers will comply with the requirements of OAR 952-001-0010 through and including OAR 952-001-0090 (One Call Program) regarding identification and notification of underground facilities.

Rule 43: Cross Connection/Backflow Prevention Program

SWWS does not provide any cross connection or backflow services. All cross connection and backflow services are contracted to Hiland Water Corp.

Issue Date	August 4, 2005	Effective Date	
Issued By	SHADOW WOOD WATER SERVICE		
Signed By	MELVIN OLSON, OWNER	X	