

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 126

In the Matter of)	
)	
ANGLER’S COVE/SHADY COVE)	RULING
HEIGHTS WATER COMPANY)	
)	
Application for a General Rate Revision)	

**DISPOSITION: PETITIONS TO INTERVENE GRANTED; INSTRUCTIONS
PROVIDED FOR MOTION FOR INTERIM RATES**

On April 11, 2008, Molly Bittler and Donald Biggs, customers of Angler’s Cove/Shady Cove Heights Water Company (Company), filed separate petitions to intervene in this proceeding. I find that both customers have sufficient interest in the proceeding, and that their appearance and participation will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. See OAR 860-012-0001. The petitions to intervene are conditionally granted, subject to filing of timely objections.

At the March 21, 2008, Public Comment Hearing, Ms. Bittler also provided Staff with a letter requesting that the Commission implement a temporary water rate pending the resolution of this investigation. Ms. Bittler states that she and her husband have incurred extremely high water bills during the past seven months, primarily due to the need to irrigate their 4.25 acre lot during the summer months. She proposes that all customers equally share fixed costs, and be charged a minimal per gallon usage fee. Under this proposal, Ms. Bittler estimates that no household will pay more than \$100/month during the summer.

At this time, I am unable to rule on Ms. Bittler’s request, for two reasons. First, the request was not served on the Company to allow it the opportunity to respond. Second, Ms. Bittler fails to provide any legal authority for the Commission to grant such relief. The Commission may grant interim relief to *increase* the utility’s revenues ORS 757.215(5). There is no similar provision allowing the Commission to grant interim relief to *decrease* rates.¹

¹ ORS 756.515 provides the Commission the ability to summarily investigate the reasonableness of any rate and take necessary action. Such action, however, would not provide Ms. Bittler the timely relief sought. Even if the Commission were to order the Company to reduce its rates under this statute, the Company could ask for a hearing, thus requiring the automatic suspension of the order for further review. See ORS 756.515(6).

The substance of Ms. Bittler's request for quick action is addressed, in large part, by the schedule adopted in this proceeding. That schedule provides for an expedited review of the Company's rates and is designed to allow settlement and the establishment of new rates prior to the summer watering season. Under that scenario, Ms. Bittler's request for interim relief might be rendered moot.

If Ms. Bittler wishes to pursue her request, I direct her to redraft her letter to address whether the Commission is authorized to provide such interim relief and form Mr. Biggs, the other intervenor. If the motion is filed, the other parties will have 15 days to respond to the request. The official service list for this case may be accessed by entering docket UW 126 in the eDockets feature on the Commission's website:
<http://apps.puc.state.or.us/edockets/search.asp>.

Dated at Salem, Oregon, this 21st day of April, 2008.

Michael Grant
Chief Administrative Law Judge