

ORDER NO. 02-034

ENTERED JAN 15 2002

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

WA 6

In the Matter of the Application by)
Shady Acres Trailer Park for Allocation)
of Exclusive Territory to Provide Water)
Service, Pursuant to ORS 758.300)
Through ORS 758.320.)

ORDER

DISPOSITION: APPLICATION GRANTED

On January 21, 2000, Shady Acres Trailer Park (applicant) filed under Oregon Administrative Rule 860-036-0900 an application with the Public Utility Commission (Commission) for an allocation of exclusive territory for the provision of water service. Applicant is requesting allocation of the service territory it adequately and exclusively served on October 23, 1999. See ORS 758.300 and Section 2 to 4 Chapter 695, Oregon Laws 1999. The territory sought is described in Appendix A. The Commission gave notice of the application on February 3, 2000, as required by Chapter 695, Oregon Laws 1999, Section 2(2). No requests for hearing were filed.

Applicant is a mobile home park that provides water service to approximately 21 customers in the area near Highway 62, Shady Acres, Oregon.

Based on its investigation, the Commission finds that the applicant was adequately and exclusively serving the territory described in Appendix A and covered by the current service territory application on October 23, 1999.

FINDING OF FACTS

Merits of the Application

Staff’s analysis of the company’s application indicates that the company has met the criteria required to demonstrate that the company adequately and exclusively provided water service to its current service territory as required in OAR 860-036-0900 through OAR 860-036-0930.

The criteria are:

1) Service Quality

The Commission Consumer Services Division had no record of complaints on Shady Acres. Commission surveys were sent to the twenty-one customers listed in the application. Five responses were received with two surveys undeliverable. One unacceptable rating was made regarding timely resolution of service complaints. Two sub-par ratings were given on water pressure. Explanatory letters on the required procedure for consumer complaints were sent. The other ratings ranged from average to excellent. Given the lack of further responses, there does not appear to be a system-wide problem.

2) Water Quality

The Shady Acres Oregon Health Division drinking water program violation and enforcement history is as follows:

<u>Date</u>	<u>Violation</u>	<u>Rule or Contaminant</u>
10/1/00	Consumer Confidence Report - content, delivery, adequacy	Consumer confidence report
1/1/97	Chemical nonreporting	Nitrate
7/1/96	Routine coliform samples: did not report any	Coliform
1/1/96	Chemical nonreporting	Nitrate
1/1/94	Initial tap sampling for Lead and Copper	Lead and copper rule

<u>Date</u>	<u>Type of Action</u>	<u>Reason for Action</u>	<u>Compliance Achieved</u>
1/1/98	Return to compliance	Monitoring and Reporting for Nitrate	1/2/98
5/15/95	Return to compliance	Lead and Copper Monitoring and Reporting	5/31/96

This record does not preclude approval, in my opinion.

- 3) **Water Capacity**
The source well has a maximum pumping rate of sixty-five gallons per minute. Since the system is unmetered, no consumption, demand or pumping figures are available. Given the relative lack of complaints, it is presumed that the system's capacity is adequate.
- 4) **Technical Ability**
The owner-operator submitted photocopies of certificates of attendance to the continuing education courses given by the Oregon Association of Water Utilities.
- 5) **Exclusive Service**
Shady Acres has well water right 98-29744 and the owner-operator submitted photocopies of the deed for the land on which the well is located, and the well.
- 6) **Reasonable Rates**
The commercial customer is charged \$50 per month. As previously mentioned, no separable charge is made to space renters.

OPINION

Jurisdiction

ORS 757.005 defines a public utility as “ any corporation, company, individual, association of individuals, or its lessees, trustees, or receivers that own, operates, manages or controls all or a part of any plant or equipment in this state for the production, transmission, delivery or furnishing of . . . water . . . directly or indirectly to or for the public.”

Applicable Law

The 1999 Oregon Legislature enacted ORS 758.300 through 758.320, which provide that all public water utilities must file an application with the Commission seeking an order designating the service territory that the utility served adequately and exclusively on October 23, 1999, as exclusive service territory.

On April 11, 2000, the Commission adopted rules (AR 370) governing the allocation of exclusive service territory to water utilities. Oregon Administrative Rules 860-036-0900 through OAR 860-036-0930 specify the service territory application requirements and processes necessary to meet the requirements of ORS 758.300 through ORS 758.320.

Disposition

Applicant has met the service territory requirements and processes set out in OAR 860-038-0900 through OAR 860-036-0930 and is entitled to the exclusive territory described in Appendix A.

CONCLUSIONS

1. The Company is a public utility subject to the service territory jurisdiction of the Public Utility Commission.
2. The utility meets the requirements set out in OAR 860-036-0900 through OAR 860-036-0930.
3. The Company meets the requirements of ORS 758.300 through ORS 758.320.
4. The Application should be granted.

ORDER

IT IS ORDERED that the application of Shady Acres Trailer Park for exclusive service territory as allocated to the applicant and set forth in Appendix A is granted.

Made, entered, and effective _____.

John Savage
 Director
 Utility Program

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 of 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 to a hearing may appeal this order to a court pursuant to applicable law.

APPENDIX A

Description of the exclusive service territory:

The Shady Acres Trailer Park and the contiguous restaurant near Highway 62 in Shady Acres, Oregon.