

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

WA 12

In the Matter of the Application by)
Aldridge Ditch Company Water)
System for Allocation of Exclusive)
Territory to Provide Water Service,)
Pursuant to ORS 758.300 Through)
ORS 758.320.)

ORDER

DISPOSITION: APPLICATION GRANTED

On February 23, 2000, Aldridge Ditch Company Water System (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 March 28, 2000, as required by Chapter 695, Oregon Laws 1999, Section 2(2). No requests for hearing were filed.

Applicant is an investor-owned utility that provides water service to approximately 11 customers in the area of the first addition to Riverside Park, Collins Road in Hood River, 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

A Commission survey was sent to the eleven customers listed in the application. Eight responses were received. One complaint each was registered on customer confidence in management/operator and communication between utility and customers. Two complaints were made about water quality. Three complaints were made about water pressure. Explanatory letters on the required procedure for consumer complaints were sent. The Commission Consumer Services Division had no record of complaints on Aldridge. It was decided that these sub-par survey ratings did not indicate a systemic problem.

2) Water Quality

A review of the Oregon Health Division's website showed a continuing failure to report routine coliform samples. The lack of an enforcement history indicates that these violations are not considered material. However, reporting compliance will become a condition of the order approving the service territory award.

3) Water Capacity

Aldridge has twelve residential/irrigation customers. Average residential demand is 5,068 gallons per day (gpd). Peak residential demand is 7,608 gpd. The pumping capacity is 72,000 gpd. The utility has two permits for .99 cubic feet per second (639,857 gpd) of water, drawn from Tony Creek. During times of average residential demand, less than 1 percent of the available water rights is in use. The storage capacity at the pump house is 1,000 gallons.

4) Technical Ability

The corporate president has completed an Oregon Health Division water system training course and has extensive on-the-job training. His wife, who has twenty-five years experience, handles office responsibilities.

5) Exclusive Service

A photocopy of the easement for the construction, operation, maintenance, and implementation of the system's pump station was submitted.

6) Reasonable Rates

The monthly residential and irrigation rates are \$34.75 and \$11.70 respectively.

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 Aldridge Ditch Company Water System 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 Aldridge Ditch Company Water System's exclusive service territory:

Irrigation Water Boundary: Beginning in the SW corner of lot 60 in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13 T1N R9E WM, then North approximately 500 feet to the intersection of the ditch line, then following the ditch line in a North Easterly direction to Collins Road, then South on Collins Road to the SW corner of lot 34, then East along the southern boundary of lot 34 to the SE corner thereof, then South along the East boundary of lots 47, 50, and 63 to the Southeast corner of lot 63, then South to the NE corner of lot 200 in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 24 T1N R9E WM, then SW along the East boundary of lot 200 to the SE corner thereof, then West along the South boundary of lots 200 and 300 to the SW corner of lot 300, then North along the West boundary of lot 300, then to the SW corner of lot 62, Section 13 T1N R9E WM, then West along the Southern boundary of lots 61 and 60 to the point of origin.

Potable Water Boundary: Beginning in the SW corner of lot 60 in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13 T1N R9E WM, then North along the Western boundary of lots 60, 53 and to the NW corner of lot 44, then East along the North boundary of lot 44 to the NE corner thereof, then North along the Western boundary of lot 36 and to the NW corner of lot 29, then East along the Northern boundary of lots 29, 30 and to the NE corner of lot 31, then South along the Eastern boundary of lot 31 to the SE corner thereof, then East along the Northern boundary of lot 33/7500 to the NE corner thereof, then South along the Eastern border to the SE corner thereof, then West along the South border to the SW corner thereof, then South along the Eastern boundary of lots 47, 50 and to the SE corner of lot 63, then South to the NE corner of lot 200 in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 24 T1N R9E WM. then SW along the East boundary of lot 200 to the SE corner thereof, then West along the Southern boundary of lots 61 and 60 to the point of origin.