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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UA 90

In the Matter of the Application of the)
CITY OF DRAIN on Behalf of JEFF)
FRIEZE for an Order Authorizing an) ORDER
Amendment of Service Territory)
Allocation from DOUGLAS ELECTRIC)
COOPERATIVE.)

DISPOSITION: TRANSFER OF ALLOCATION GRANTED

On February 8, 2001, the City of Drain, on behalf of Jeff Frieze, filed an application requesting amendment of the territorial allocation between the City and Douglas Electric Cooperative. Mr. Frieze’s property was located within the territorial allocation of Douglas Electric, but the property had recently been annexed into the City of Drain. The Commission published notice of the application pursuant to ORS 758.420.

The City and Douglas Electric entered into negotiations about the proposed transfer of allocation, and requested the Commission to give them time to complete their negotiations before scheduling a hearing or other procedure. On December 12, 2001, the City and Douglas Electric filed a Territory Transfer Agreement and stated that the parties had reached settlement on the issues.

The Transfer Agreement states that Douglas Electric agrees to transfer to the City its right to provide electric service to Mr. Frieze’s property. Attached to the Transfer Agreement are descriptions of the existing service territory boundary of Douglas Electric, the service territory of Douglas Electric after implementing the Transfer Agreement, and a description of the property of Mr. Frieze. A copy of the Transfer Agreement, including its exhibits, is attached to this order as Appendix A.

The application filed by the City does not cite any statutes. ORS 758.400 through 758.475 provide for the transfer of allocated territories and establish the procedures for processing territorial allocation applications. The City’s application is being considered under those statutes.

Mr. Frieze's property was recently annexed into the City of Drain. It is reasonable for the City to provide sewer, water, and electric service to its residents, including Mr. Frieze. Based on the information contained in the pleadings filed in this proceeding and the Transfer Agreement filed by the parties, the Commission finds that the Transfer Agreement will avoid unnecessary duplication of facilities; will promote the efficient and economic use and development of the utility systems of the parties; and will provide adequate and reasonable service. The agreement should be approved.

ORDER

IT IS ORDERED that:

1. The application of the City of Drain for approval of the allocation of utility service territory between it and Douglas Electric Cooperative allowing the City to provide electric service to the property of Jeff Frieze is granted;
2. The Transfer Agreement between the City of Drain and Douglas Electric Cooperative, attached to this order, is approved.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

Joan H. Smith
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.