

ORDER NO. 02-464

ENTERED JUL 15 2002

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

WA 33

In the Matter of the Pete's Mountain)
Water Company Incorporated)
Application for Allocation of)
Exclusive Territory to Provide) ORDER
Water Service, Pursuant to ORS)
758.300 Through ORS 758.320.)

DISPOSITION: APPLICATION GRANTED

On February 4, 2000, Pete's Mountain Water Company Incorporated (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 5, 2001, 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 93 customers in the area of Township 3 S, Range 1 E, Sections 3, 4 and Township 2 S, Range 1 E, Sections 32, 33 and 34 in Clackamas County.

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 Pete's.
- 2) Water Quality
The Oregon Department of Human Services Drinking Water website showed no record of violations.
- 3) Water Capacity
Pete's is a metered system with water rights to two wells (permits G-5383 and T-7846). Only one well is now utilized. Average daily and peak daily demand are respectively 34,948 and 143,820 gallons. The daily pumping capacity is 431,454 gallons. There is also a 140,000-gallon storage tank. The system is more than adequate.
- 3) Technical Ability
Pete's has been owned and operated by the same family since 1971. Operators regularly attend educational courses sponsored by the Oregon Department of Human Services Drinking Water program.
- 4) Exclusive Service
Copies of deeds covering the well sites, distribution facilities, and storage tank were submitted.
- 5) Reasonable Rates
Residential rates averaged \$100.23 per customer per month during the two years reported on in the application. Rates were vetted in rate case UW 34 in 1991.

OPINION

Jurisdiction

ORS 757.005 defines a public utility as “ any corporation, company, individual, association of individuals, or its lessees, trustees or receivers, that owns, 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.”

ORS 758.300 defines a water utility as " any corporation, company, individual or association of individuals, or its lessees, trustees or receivers, that owns, 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, whether or not such plant or equipment or part thereof is wholly within any town or city. ‘Water utility’ does not include a municipal corporation.”

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 Pete's Mountain Water Company Incorporated 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.