

ORDER NO. 02-668

ENTERED SEP 26 2002

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**BEFORE THE PUBLIC UTILITY COMMISSION**  
**OF OREGON**

WA 29

In the Matter of the South Hills Water )  
System Application for Allocation of )  
Exclusive Territory to Provide Water )  
Service, Pursuant to ORS 758.300 )) ORDER  
Through ORS 758.320. )

**DISPOSITION: APPLICATION GRANTED**

On February 15, 2000, South Hills 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 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 104 customers in the area southwest of Hillsboro, Oregon near SW Unger Road.

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 South Hills.
- 2) Water Quality  
The Oregon Department of Human Services Drinking Water Program's website listed three coliform non-reporting, one coliform reporting insufficiency, and one coliform maximum contamination level violations from April 1991 through January 1999. No enforcement action was taken.
- 3) Water Capacity  
South Hills services 102 metered mobile home units and 2 houses. Average demand is 16,763 gallons per day. The summertime peak daily demand is estimated at 25,108 gallons. The system has a well pumping capacity of 288,000 gallons per day (under water rights G 5682 and G 7812) and two tanks with a 32,000-gallon storage maximum.
- 4) Technical Ability  
The operator has Oregon cross connection inspection certification and has conducted all billing and office duties for many years. Electrical, pump, plumbing, and testing requirements are contracted out.
- 5) Exclusive Service  
Copies of warranty deeds covering the well, its facilities, and the tanks' site were submitted.
- 6) Reasonable Rates  
Order No. 98-208 under Docket UW 60 was the last approval of South Hills' rates.

## 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 South Hills Water System for exclusive service territory as allocated to the applicant and set forth in Appendix A is granted.

Made, entered, and effective \_\_\_\_\_.

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**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 South Hills Water System's exclusive service territory:

South Hills Subdivision in the SW  $\frac{1}{4}$  and SE  $\frac{1}{4}$ , Section 25, T1S, R3W WM, in Washington County, Oregon as platted and filed December, 1968 in Washington County, Oregon, and also Assessor's Tax Lots 2800, 2801, 2802 and 2803 as shown in Section 25, T1S, R3W WM, being land abutting the above described subdivision, the said parcel lying North of SW Unger Road and West of the Southerly extension of the most Easterly line of said South Hills Subdivision extended to intersect said SW Unger Road.