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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

WA 63

In the Matter of the Gramada Terrace )  
Application for Allocation of Exclusive )  
Territory to Provide Water Service, )  
Pursuant to ORS 758.300 Through )  
ORS 758.320. )

ORDER

DISPOSITION: APPLICATION GRANTED

On September 20, 2000, Gramada Terrace (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 hereinafter. The Commission gave notice of the application on March 6, 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 6 customers in the Gramada Terraces subdivision near Felix Debast Road, Antelope Avenue, Alpine Drive, and Bear Avenue in Columbia County, Oregon.

Based on its investigation, the Commission finds that the applicant was adequately and exclusively serving the territory described above 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 Gramada. A Commission survey was sent to five of the six current customers (the owners were excluded) of the utility to determine the level of service quality being provided. Two responses were received. There was one below average response listing timely and accurate billings, and communication between utility and customers. Those customers' complaints were based on a failure to bill monthly. An explanatory letter on the required procedure for consumer complaints was sent.

2) Water Quality

The Department of Human Services Drinking Water Program website showed eleven violations from June 1991 through September 2001. All pertain to non-reporting or reporting insufficiency. No enforcement action was necessary. This record does not preclude approval, in my opinion.

3) Water Capacity

Gramada is an unmetered system. Demand and supply figures are unknown. Given the absence of customer complaints regarding water pressure and the duration of service provision (over ten years under current ownership), it is presumed that the system is adequate.

4) Technical Ability

The co-owner has a Water System Operator's Class 1 license. He and his wife manage the office duties.

5) Exclusive Service

A copy of the system's transfer, along with the necessary easement, to the owners by quitclaim deed was submitted.

6) Reasonable Rates

The rates averaged \$22.18 per customer per month over the two years reported on in the application

**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 Gramada Terrace for exclusive service territory as allocated to the applicant and previously set forth 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.