

ORDER NO. 04-153

ENTERED MAR 17 2004

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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UW 98

In the Matter of)	
)	
LONG BUTTE WATER SYSTEM)	ORDER
)	
Application for Approval of Tariff Rate.)	

DISPOSITION: TARIFF RATE APPROVED

On March 5, 2004, Long Butte Water System (LBWS) filed a tariff pursuant to ORS 757.215(4) and ORS 757.220 to collect a \$6,900 infrastructure fee. The filing was submitted with less than statutory notice and requests an effective date of March 17, 2004.

LBWS' filing is in response to Order No. 04-082, in dockets UCR 37 and UCR 45. According to the Order, LBWS customers are required to sign a Mainline Agreement with Pat Hodge Construction Company (PHC). In the Order, the Commission concluded (in part) that the requirement was "invalid and unenforceable" because LBWS was "imposing terms and obligations of service on its customers that are not specified or authorized in its rate schedules." The Order required LBWS to cease and desist from requiring customers to sign the agreement. In the Order, the Commission recognized that LBWS would no longer be able to sign up new customers until the infrastructure fee, currently being reviewed in UW 96, is determined. The Commission stated in the Order that LBWS may file a request for approval of a tariff to collect the \$6,900 infrastructure fee during the UW 96 proceeding.

At its regular public meeting on March 16, 2004, the Commission adopted Staff's recommendation and approved the tariff rate, subject to refund. Staff's recommendation is attached as Appendix A and incorporated herein.

ORDER

IT IS ORDERED that Long Butte Water System's tariff rate, as designated in Appendix A, is approved, effective March 17, 2004, with less than statutory notice and subject to refund.

Made, entered, and effective _____.

Lee Beyer
Chairman

John Savage
Commissioner

Ray Baum
Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561.
A party may appeal this order to a court pursuant to ORS 756.580.

"is imposing terms and obligations of service on its customers that are not specified or authorized in its rate schedules." The Order further requires Long Butte to "cease and desist from requiring customers to sign" the agreement.

On October 23, 2003, Long Butte requested a tariff to collect the \$6,900 infrastructure fee (Docket UW 96), which Staff is currently reviewing. Effective November 24, 2003, Docket UW 96 was suspended for six months during the pendency of Staff's review. Pat Hodge owns Long Butte as well as PHC. An affiliated interest application has been filed with the Commission as Docket UI 222.

The Order recognizes that Long Butte will no longer be able to sign up new customers until the infrastructure fee is approved in Docket UW 96. The Order recommends Long Butte request approval for a tariff pursuant to ORS 757.215(4) and ORS 757.220, to collect the \$6,900 infrastructure fee, subject to refund. Staff believes that the proposed \$6,900 infrastructure fee, subject to refund, is fair and reasonable.

PROPOSED COMMISSION MOTION:

Pursuant to ORS 757.215(4) and ORS 757.220, Long Butte Water System's request of March 5, 2004, for a tariff to collect a \$6,900 infrastructure fee (Schedule 3), effective March 17, 2004, be approved with less than statutory notice and subject to refund.

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