

**This is an electronic copy. Format and font may vary from the official version.  
Attachments may not appear.**

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

WA 26

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

ORDER

**DISPOSITION: APPLICATION GRANTED**

On February 22, 2000, Odell Water Company (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 28, 2000, 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 129 customers in the area along Highway 282 between Straight Hill Road and Summit, Odell, Oregon.

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 records four resolved complaints on Odell (three in 2001; one in 2003). A Commission survey conducted in February 2001 was sent to the 130 customers listed as current customers by the utility to determine the level of service quality being provided. Of the 81 respondents, 55 gave below average or unacceptable evaluations on water pressure. The Commission applies a general standard requiring a minimum of 20 percent of the customer base to complain before taking action. When this deficiency was discussed with Odell, the company decided to implement a plan for replacement of the entire distribution system.

Odell obtained the funds needed to upgrade its distribution system and resolve the water pressure issue. Upon Commission notification of completion of the project and allowing sufficient time for ratepayers to connect to the new system, a second survey was conducted in March 2004. There were 129 questionnaires sent out, with 56 responses tabulated as follows:

	Excellent	Above Average	Average	Below Average	Unacceptable
Water Quality	18	18	16	2	1
Water Pressure	18	11	22	3	1
Courteous Customer Service	25	20	7	1	3
Timely and Accurate Billings	30	12	12		1
Customer Confidence in Management/Operator	24	16	12		3
Communication Between Utility and Customers	24	14	11	4	3
Timely Resolution of Service Complaints	21	16	11		2

Explanatory letters on the required procedure for consumer complaints or responses to written complaints were sent to all eight sub-par evaluators. The water pressure problem has been satisfactorily resolved.

- 2) **Water Quality**  
The Oregon Department of Human Services Drinking Water Program's website listed nine violations from July 1991 through November 1998. No enforcement action was necessary.
- 3) **Water Capacity**  
Odell is supplied by two water rights on Davis Spring with a daily pumping capacity of 807,896 gallons. This supply would allow each residential connection 6,263 gallons daily, which seems more than adequate. The system does not have a storage facility.
- 4) **Technical Ability**  
Co-owner Philip Davis has operated Odell for over twenty years. He holds a Water Distribution Level 1 certificate, number 1947. Co-owner Mrs. Davis has been Secretary/Treasurer for over ten years.
- 5) **Exclusive Service**  
A Hood River County property tax assessment was submitted as proof of ownership.
- 6) **Reasonable Rates**  
Under Docket UW 76, Order No. 01-536, dated June 27, 2001, authorized the current 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 860-036-0900 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 Odell Water Company for exclusive service territory as allocated to the applicant and set forth in Appendix A is granted.

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

---

**Lee Sparling**  
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 Odell Water Company's exclusive service territory:

All lots that adjoin AGA Roads west side (approximately 250 feet deep).

All lots west and east of State Highway 282 north of Eagle Loop and Mud Alley to Ehrck Hill and Summit (approximately 250 feet deep).

All lots north and east of Mud Alley (approximately 250 feet deep).

Lots east of Highway 282 from Chevron Drive and south to the railroad tracks (approximately 300 feet deep).

From Straight Hill road due north to the railroad tracks then west from Straight Hill Road (approximately 250 feet deep) then south 250 feet then west to AGA Road.