

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 103

In the Matter of)
)
ODELL WATER COMPANY)
)
Request for a General Rate Increase in the)
Company's Revenues of \$98,738, or 175)
Percent Overall.)

ORDER

DISPOSITION: STIPULATION APPROVED

On November 5, 2004, Odell Water Company, (Odell) filed an application with the Public Utility Commission of Oregon (Commission) seeking a general increase in revenues of \$98,738 (175 percent), resulting in a total revenue requirement of \$154,683. On November 24, 2004, the Commission suspended the proposed tariff for investigation pursuant to ORS 757.210 and 757.215. *See* Order No. 04-685.

An Open House Meeting and Prehearing Conference were held on December 16, 2004, in Hood River, Oregon. Two customers, Sara Stone and Peter Frothingham, sought and were granted party status in the proceeding. *See* Administrative Law Judge (ALJ) Rulings January 7, 2005, and January 24, 2005.

Following settlement discussions, Odell, the Commission Staff (Staff), Ms. Stone and Mr. Frothingham entered into an agreement in settlement of all issues. The parties submitted the Stipulation, which is attached as Appendix A. The Stipulation was supported by testimony of Staff witness, Renee Sloan. All parties recommend that the Commission adopt the Stipulation in its entirety.

DISCUSSION

Odell serves 141 customers in Hood River, Oregon. Since its last rate increase in 2001, Odell completed a major system upgrade to make improvements required by the Oregon Health Division. The improvements were funded by a Drinking Water State Revolving Loan Fund through the Oregon Economic and Community

Development Department. The loan totaled \$1,515,000, with Odell's first payment due December 1, 2005. The reasons for the upgrade include the following:

1. The system at times exceeds Safe Drinking Water Act Maximum Contaminant Levels of nitrates.
2. At times water pressure drops below 20 pounds per square inch (psi), a violation of OAR 333-061-0025(7), which requires water suppliers to maintain a pressure of at least 20 psi at all service connections at all times.
3. The system lacks treated water storage for high demand periods, emergency needs, or fire supply.
4. Customers have no incentive to practice water conservation because consumption is not metered.

Odell replaced nearly all of the aging distribution system, added a new booster pump station and 500,000 gallon storage reservoir, and installed meters and hydrants. To alleviate the high nitrate problem, an intertie between Odell and Crystal Springs Water District's (CSWD) distribution systems was constructed as part of the pump station/treatment plant improvements. When necessary, water from CSWD will be mixed with water from Odell to lower nitrates to an acceptable level. Under the new rate design, all customers will be charged a base rate with no water consumption allowance and a variable rate for each 1,000 gallons of consumption.

The parties agreed to Staff's analysis of Odell's filing supporting a total revenue requirement of \$154,683. Although Odell originally requested a 1.4 percent rate of return on a rate base of \$1,515,000, the parties also agreed to Staff's upward adjustment of the rate of return to 1.89 percent. The Commission has adopted a 10 percent rate of return in recent water cases as reasonable for rate-regulated water companies. Based on Staff's analysis supporting a rate base of \$1,386,566, an upward adjustment percent results in the total revenue requirement requested by Odell.

Currently, all customer classes are charged a flat rate for unlimited consumption based on the size of the service connection. These rates range from \$25.95 to \$411.02. Under the stipulated rate design, all customers will now be charged a base rate with no water consumption allowance and a variable rate for each 1,000 gallons of consumption. Using factors developed by the American Water Works Association, the parties agreed to allocate base rates by meter size. These rates range from \$29.90 for a 3/4" meter to \$747.50 for a 4" meter. The average monthly residential bill, based on 7,000 gallons of usage, would be \$46.92 per month.

CONCLUSIONS

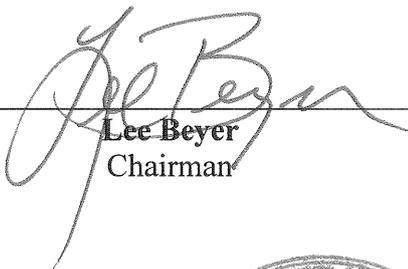
The Commission has examined the Stipulation and the entire record in this proceeding. The Commission concludes that the Stipulation is an appropriate resolution of all issues and that the rates established therein are just and reasonable. The revenue requirement worksheet is set forth as part of the Stipulation as Attachment A. The relevant tariff sheets are set forth in the Stipulation as Attachment B.

ORDER

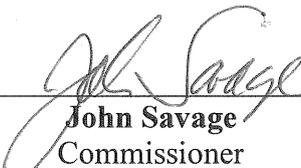
IT IS ORDERED that:

1. The rate schedules proposed by Odell Water Company, in Advice No. 04-35, are permanently suspended.
2. The Stipulation, set forth as Appendix A to this order, is adopted.
3. The terms and rates set out in the tariff sheets, Attachment B of the Stipulation, are effective on April 1, 2005.

Made, entered, and effective MAR 28 2005



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 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 in 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 may appeal this order to a court pursuant to applicable law.

**PUBLIC UTILITY COMMISSION
OF OREGON**

UW 103

STIPULATION

**Entered into by
Public Utility Commission Staff
Odell Water Company
And the Intervenors in this Docket**

ODELL WATER COMPANY

General Rate Case

March 16, 2005

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UW 103

4	In the Matter of Rate Schedules Filed)	
5	by ODELL WATER COMPANY for)	STIPULATION
6	Water Service.)	

9 Odell Water Company (Odell or the Company), appearing by and
 10 through its owner Phil Davis, Intervenors Peter Frothingham and Sara Stone, and
 11 the Public Utility Commission Staff (Staff) appearing by and through its attorney,
 12 Jason W. Jones, Assistant Attorney General, enter into this agreement in settlement
 13 of all issues between them.

1.

15 Staff's written testimony, exhibits, and tariff sheets will be received into
 16 evidence pursuant to this stipulation without requiring any party to lay a foundation
 17 for its admission.

2.

19 Staff, the Company, and the Intervenors (Parties) agree that Odell
 20 Water Company will increase revenues by \$98,758 for a total revenue requirement
 21 of \$154,683. The Parties also agree to total expenses of \$63,028, a rate base of
 22 \$1,386,566, and a 1.89 percent rate of return. The stipulated revenue requirement
 23 and summary of adjustments are shown in Attachment A.

3.

25 The Parties agree that the Company shall charge a variable rate of
 26 \$2.43 per 1,000 gallons. The Parties also agree that the Company shall charge the

- 1 following base rates using factors developed by the American Water Works
 2 Association to allocate base rates by meter size:

Meter Size	Base Rate
3/4"	\$29.90
1"	\$74.75
1½"	\$149.50
2"	\$239.20
3"	\$448.50
4"	\$747.50

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The Parties agree to the Miscellaneous Service Charges and Rules and
 6 Regulations as set forth in Attachment B, Sheets 5 through 19.

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The Parties agree that the Company will provide Staff with 12 months of
 9 2005 data for purchased power and consumption no later than February 28, 2006.

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The Parties agree that the Company will install a smaller size meter upon
 12 customer request and at customer cost, if the customer provides documentation to
 13 the Company showing that the smaller size meter is consistent with applicable rules
 14 and codes.

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By entering into this stipulation, no Party shall be deemed to have
 17 approved, accepted, or consented to the facts, principles, methods or theories
 18 employed by any other Party in arriving at the agreed revenue requirement and rate
 19 spread.

8.

The Parties recommend that the Commission adopt this stipulation in its entirety. The Parties have negotiated this stipulation as an integrated document. Accordingly, if the Commission rejects all or any material portion of this stipulation, each Party reserves the right, upon written notice to the Commission and all Parties to this proceeding within 15 days of the date of the Commission's order, to withdraw from the stipulation and request an opportunity for the presentation of additional evidence and argument.

The Parties understand that this stipulation is not binding on the Commission in ruling on this application and does not foreclose the Commission from addressing other issues.

Dated this 11th day of March, 2005.

Respectfully submitted,

HARDY MYERS
Attorney General



JASON W. JONES # 00059
Assistant Attorney General
Of Attorneys for PUC Staff

Dated this _____ day of _____, 2005.

PHIL DAVIS, Owner/Operator
Odell Water Company

8.

The Parties recommend that the Commission adopt this stipulation in its entirety. The Parties have negotiated this stipulation as an integrated document. Accordingly, if the Commission rejects all or any material portion of this stipulation, each Party reserves the right, upon written notice to the Commission and all Parties to this proceeding within 15 days of the date of the Commission's order, to withdraw from the stipulation and request an opportunity for the presentation of additional evidence and argument.

The Parties understand that this stipulation is not binding on the Commission in ruling on this application and does not foreclose the Commission from addressing other issues.

Dated this _____ day of _____, 2005.

Respectfully submitted,

HARDY MYERS
Attorney General

JASON W. JONES # 00059
Assistant Attorney General
Of Attorneys for PUC Staff

Dated this 14 day of MARCH, 2005.



PHIL DAVIS, Owner/Operator
Odell Water Company

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Dated this _____ day of _____, 2005.

Peter Frothingham, Intervenor

Dated this 14~~th~~ day of March, 2005.

Sara K. Stone

Sara Stone, Intervenor

X

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Dated this 14th day of March, 2005.

Peter Frothingham

Peter Frothingham, Intervenor

Dated this _____ day of _____, 2005.

Sara Stone, Intervenor

ATTACHMENT A
Page 1 of 2

Odell Water Company UW 103 Test Year: 2003										Company Case	174.70%	Based on all Revenues, Not just water sales	Staff Case	176.59%
		A	B	C	D	E	F	G	H	I				
		Balance Per Application 11/2004	Proposed Company Adjustments	Adjusted Results (A+B=C)	Company Proposed Rev Changes	Proposed Results (C+D=E)	Proposed Staff Adjustments	Adjusted Results (A+F=G)	Staff Proposed Rev Changes	Proposed Results (G+H=I)	Staff			
REVENUES														
1	461.1 Residential/Commercial/Industrial	55,925	0	55,925	98,758	154,683	0	55,925	98,758	154,683	176.59%			
2	Disconnect Fees	20	0	20	(20)	0	(20)	0						
3	Other Rev	365		365	(365)	0	(365)	0						
4	TOTAL REVENUE	56,310	0	56,310	98,373	154,683	(385)	55,925	98,758	154,683				
OPERATING EXPENSES														
7	601 Salaries and Wages	27,360	0	27,360		27,360	0	27,360		27,360	Company			
8	604 Employee Pension & Benefits			0		0	0	0		0	174.70%			
9	611 Telephone/Communications	1,331	669	2,000		2,000	235	1,566		1,566				
10	615 Purchased Power Expense	138	3,462	3,600		3,600	3,462	3,600		3,600				
11	618 Chemical Expense	584	136	720		720	136	720		720				
12	619 Office Supplies Expense	912	338	1,250		1,250	(271)	641		641				
13	619.1 Postage	0	500	500		500	500	500		500				
14	620 O&M Materials/Supplies	0	5,000	5,000		5,000	2,656	2,656		2,656				
15	621 Repairs to Water Plant	6,402	1,098	7,500		7,500	(3,417)	2,985		2,985				
16	631 Contract Svcs - Engineering Expense	0	3,000	3,000		3,000	3,000	3,000		3,000				
17	632 Contract Svcs - Accounting Expense	1,915	585	2,500		2,500	452	2,367		2,367				
18	633 Contract Svcs - Legal	0	500	500		500	500	500		500				
19	634 Contract Svcs - Mgmt			0		0	0	0		0				
20	635 Contract Svcs - Testing Expense	524	2,826	3,350		3,350	1,135	1,659		1,659				
21	636 Contract Svcs - Labor	2,027	(1,067)	960		960	(1,067)	960		960	AI			
22	639 Contract Services - Bookkeeping			0		0	0	0		0				
23	641 Rental of Bldg/Real Property	4,000	(2,000)	2,000		2,000	(2,000)	2,000		2,000	AI			
24	642 Rental of Equipment	500	250	750		750	250	750		750	AI			
25	643 Small Tools	0	250	250		250	250	250		250				
26	648 Computer / Electronic Expense	0	1,000	1,000		1,000	1,410	1,410		1,410				
27	650 Transportation Expense	1,502	999	2,501		2,501	258	1,760		1,760	AI			
28	656 Vehicle Insurance Expense			0		0	0	0		0				
29	657 General Liability Insurance Expense	1,232	170	1,402		1,402	(332)	900		900				
30	659 Insurance - Other	0	1,000	1,000		1,000	900	900		900				
31	660 Public Relations/Advertising Expense			0		0	0	0		0				
32	666 Amortz. of Rate Case Expense	0	1,500	1,500		1,500	2,500	2,500		2,500				
33	667 Gross Revenue Fee	149	149	298		298	(9)	140	247	387				
34	671 Cross Connection Program Expense	0	500	500		500	500	500		500				
35	672 Capacity Development Expense	0	0	0		0	0	0		0				
36	673 Training and Certification Expense	782	(32)	750		750	185	967		967				
37	674 Consumer Confidence Report	0	250	250		250	250	250		250				
38	675 General Expense	1,746	314	2,060		2,060	194	1,940		1,940				
39	TOTAL OPERATING EXPENSES	51,104	21,397	72,501		72,501	11,677	62,781	247	63,028				
41	403 Depreciation Expense	25,597	18,413	44,010		44,010	17,126	42,723		42,723				
42	407 Amortization Expense	0	0	0		0	0	0		0				
43	408 Taxes Other Than Income Tax	3,137	13,146	16,283		16,283	12,743	15,880		15,880				
44	409.11 Oregon Income Tax	10	(10)	0		0	(4,329)	(4,319)	6,502	2,182				
45	410.10 Federal Income Tax	0	0	0		0	(9,170)	(9,170)	13,801	4,631				
46	TOTAL REVENUE DEDUCTIONS	79,848	52,946	132,794		132,794	28,046	107,894	20,550	128,444				
47	NET OPERATING INCOME	(23,538)	(52,946)	(76,484)	98,373	21,889	(28,431)	(51,969)	78,208	26,238				
49	101 Utility Plant in Service	1,471,102	0	1,471,102		1,471,102	(10,477)	1,460,625		1,460,625				
50	Less:						0							
51	108.10 Depreciation Reserve	99,015	0	99,015		99,015	(19,703)	79,312		79,312				
52	Unamortized Retired Plant	0	0	0		0	0	0		0				
53	Net Utility Plant	1,372,087	0	1,372,087	0	1,372,087	9,226	1,381,313	0	1,381,313				
54	Plus: (working capital)													
55	151 Materials and Supplies Inventory	0	0	0		0	0	0		0				
56	Working Cash (1/12 Total Op Exp)	0	0	0		0	973	5,232	21	5,252	5,252			
57	TOTAL RATE BASE	1,372,087	0	1,372,087	0	1,372,087	10,199	1,382,286	21	1,386,566				
58	Rate of Return										1.89%			
										Company requested 1.4%				

* Company required to provide its 2005 power cost to PUC Staff by February 28, 2006.

Oregon Income Tax Rate: 6.60%
Federal Income Tax Rate: 15.00%
Net to Gross Factor: 1.2628

Odell Water Company
UW 103
SUMMARY OF ADJUSTMENTS

ATTACHMENT A
Page 2 of 2

1	Residential/Commercial/Industrial	0	
2	Disconnect Fees	(20)	Removed because not water sales revenue
3	Other Rev	(365)	Removed because not water sales revenue
4	TOTAL REVENUE	(385)	
5			
6	OPERATING EXPENSES		
7	Salaries and Wages	0	
8	Employee Pension & Benefits	0	
9	Telephone/Communications	235	Reflects increased expense for a second cell phone
10	Purchased Power Expense	3,462	Reflects increased power cost due to new pump station/treatment plant*
11	Chemical Expense	136	Reflects actual annual cost for Sodium Hypochlorite (bleach)
12	Office Supplies Expense	(271)	Reasonable compared to similar rate-regulated water companies
13	Postage	500	Reflects reasonable postage expense for billings and other mailings.
14	O&M Materials/Supplies	2,656	Reasonable compared to similar rate-regulated water companies
15	Repairs to Water Plant	(3,417)	Reasonable compared to similar rate-regulated water companies
16	Contract Svcs - Engineering Expense	3,000	Reflects 40 hours @ \$75 per hour - mainly related to operation of the new facilities.
17	Contract Svcs - Accounting Expense	452	Upward adj reflects 3 year amortization of additional funds needed in 2005.
18	Contract Svcs - Legal	500	Reflects estimated annual expense for corporate attorney. Test year cost was paid through construction loan.
19	Contract Svcs - Mgmt	0	
20	Contract Svcs - Testing Expense	1,135	Reflects amortization of actual three-year cost for Testing.
21	Contract Svcs - Labor	(1,067)	Affiliated Interest Agreement in UI 190(1).
22	Contract Services - Bookkeeping	0	
23	Rental of Bldg/Real Property	(2,000)	Affiliated Interest Agreement in UI 190(1).
24	Rental of Equipment	250	Affiliated Interest Agreement in UI 190(1).
25	Small Tools	250	Reflects reasonable amount for Odell.
26	Computer / Electronic Expense	1,410	Reflects cost for software and annual maintenance agreement.
27	Transportation Expense	258	Affiliated Interest Agreement in UI 190(1).
28	Vehicle Insurance Expense	0	
29	General Liability Insurance Expense	(332)	Reflects actual expense for General Liability Insurance.
30	Insurance - Other	900	Reflects actual expense for General Property Insurance
31	Public Relations/Advertising Expense	0	
32	Amortz. of Rate Case Expense	2,500	Reflects 3-year amortization of \$7,500 for this Expense.
33	Gross Revenue Fee	(9)	Calculated
34	Cross Connection Program Expense	500	Reflects actual cost for contractor to assist with this program.
35	Capacity Development Expense	0	
36	Training and Certification Expense	185	Reflects 3-year amortization of \$650 for Comprehensive Utility Billing System Training.
37	Consumer Confidence Report	250	Reflects cost for preparing report.
38	General Expense	194	Reflects increased costs for Bank Charges, Sewer Fees, Locates, etc.
39	TOTAL OPERATING EXPENSES	11,677	
40			
41	Depreciation Expense	17,126	Upward adjustment reflects actual amount for this expense.
42	Amortization Expense	0	
43	Taxes Other Than Income Tax	12,743	Reflects actual property expense.
44	Oregon Income Tax	(4,329)	Calculated
45	Federal Income Tax	(9,170)	Calculated
46	TOTAL REVENUE DEDUCTIONS	28,046	
47	NET OPERATING INCOME	(28,431)	
48			
49	Utility Plant in Service	(10,477)	Reflects removal of fully depreciated plant.
50	Less:		
51	Depreciation Reserve	(19,703)	Adjustment due to fully depreciated plant.
52	Unamortized Retired Plant	0	
53	Net Utility Plant	9,226	
54	Plus: (working capital)		
55	Materials and Supplies Inventory	0	
56	Working Cash (1/12 Total Op Exp)	973	
57	TOTAL RATE BASE	(19,981)	

* Company required to provide its 2005 power cost to PUC Staff by February 28, 2006.

UTILITY TARIFFS
Containing Rules and Regulations
Governing Service

NAMING RATES FOR

Odell Water Company
PO Box 166
Odell OR 97044

(541) 354-1885

Serving water in the vicinity of

Odell, Oregon

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SCHEDULE NO. 1

RESIDENTIAL METERED RATES

Available: To customers of the Utility at Odell, Oregon, and vicinity.

Applicable: To residential premises.

Base Rate

Service Meter Size	Monthly Base Rate	Usage Allowance	Unit of Measure
3/4 inch	\$29.90	0	<input type="checkbox"/> cubic feet
			<input type="checkbox"/> gallons
1 inch	\$74.75	0	<input type="checkbox"/> cubic feet
			<input type="checkbox"/> gallons
1½ inches	\$149.50	0	<input type="checkbox"/> cubic feet
			<input type="checkbox"/> gallons

Variable Usage Rate

Variable Rate	Per	Number of Units	Unit of Measure	Above	Base Usage Allowance	Unit of Measure
\$2.43	Per	1,000	<input type="checkbox"/> cubic feet	Above	0	<input type="checkbox"/> cubic feet
			<input checked="" type="checkbox"/> gallons			<input checked="" type="checkbox"/> gallons

(Sample: \$1.00 per 100 gallons above 3000 gallons)

Special Provisions:

1. These rates are based on continuous service. Discontinuation of service may not be employed to avoid monthly charges for service. See Rule No. 26 Voluntary Discontinuance.
2. Water used during the construction of buildings, etc., shall be metered. Charges shall be made at the rates specified in this schedule. When setting of a meter is impracticable, the amount of water used shall be estimated, and the charges shall be made at specified rates for the amounts so estimated.

SCHEDULE NO. 2

COMMERCIAL/INDUSTRIAL METERED RATES

Available: To customers of the Utility at Odell, Oregon, and vicinity.

Applicable: To commercial/industrial premises.

Base Rate

Service Meter Size	Monthly Base Rate	Usage Allowance	Unit of Measure
3/4 inch	\$29.90	0	<input type="checkbox"/> cubic feet
			<input type="checkbox"/> gallons
1 inch	\$74.75	0	<input type="checkbox"/> cubic feet
			<input type="checkbox"/> gallons
1½ inch	\$149.50	0	<input type="checkbox"/> cubic feet
			<input type="checkbox"/> gallons
2 inch	239.20	0	<input type="checkbox"/> cubic feet
			<input type="checkbox"/> gallons
3 inch	\$448.50	0	<input type="checkbox"/> cubic feet
			<input type="checkbox"/> gallons
4 inch	747.50	0	<input type="checkbox"/> cubic feet
			<input type="checkbox"/> gallons

Variable Usage Rate

Variable Rate	Per	Number of Units	Unit of Measure	Above	Base Usage Allowance	Unit of Measure
\$2.43	Per	1,000	<input type="checkbox"/> cubic feet	Above	0	<input type="checkbox"/> cubic feet
			<input checked="" type="checkbox"/> gallons			<input checked="" type="checkbox"/> gallons

(Sample: \$1.00 per 1000 gallons above 3000 gallons)

Special Provisions:

1. These rates are based on continuous service. Discontinuation of service may not be employed to avoid monthly charges for service. See Rule No. 26, Voluntary Discontinuance.
2. Water used during the construction of buildings, etc., shall be metered. Charges shall be made at the rates specified in this schedule. When setting of a meter is impracticable, the amount of water used shall be estimated, and the charges shall be made at specified rates for the amounts so estimated.

SCHEDULE NO. 3MISCELLANEOUS SERVICE CHARGES

This schedule lists the miscellaneous charges included in the utility's Rules and Regulations; refer to the appropriate rules for an explanation of charges and conditions under which they apply.

<u>Connection Charge for New Service</u> (Rule No. 9)	
Standard ¾-inch service	\$450.00
Nonstandard ¾ inch service	At cost
Larger than ¾-inch	\$450.00 (plus additional costs)
Irrigation hookup (if provided on separate system)	\$450.00
<u>Meter Test</u> (Rule No. 21)	
First test within 12-month period	N/C
Second test within 12-month period	\$20
<u>Pressure Test</u> (Rule No. 40)	
First test within 12-month period	N/C
Second test within 12-month period	\$20
<u>Late-Payment Charge</u> (Rule No. 22)	
Charged on amounts more than 30 days past due	Pursuant to OAR 860-036-0130 (as of 1/1/05 - 1.7%)
<u>Deposit for Service</u>	
Pursuant to OAR 860-036-0040(2)	Pursuant to OAR 860-036-0050 (as of 1/1/05 - 2%)
<u>Returned-Check Charge</u> (Rule No. 23)	\$20 each occurrence
<u>Trouble-Call Charge</u> (Rule No. 36)	
During normal office hours	\$30 per hour
After normal office hours on special request	\$45 per hour
<u>Disconnection/Reconnect Charge</u> (Rule No. 28 & 29)	
During normal office hours	\$25
After normal office hours on special request	\$35
<u>Unauthorized Restoration of Service</u> (Rule No. 30)	Reconnection charge plus costs
<u>Damage/Tampering Charge</u> (Rule No. 34)	At cost
<u>Disconnect-Visit Charge</u> (Rule No. 29)	\$20

RULES AND REGULATIONS

Rule 1: Jurisdiction of the Commission

The Rules and Regulations herein shall be subject to the rules and regulations of the Public Utility Commission of Oregon.

Rule 2: Definitions

- A. "Utility" shall mean Odell Water Company.
(name of utility)
- B. "Applicant" shall mean any person, business, or organization who applies for service or reapplies for service at a new existing location after service has been discontinued, except as noted in the definition of "Customer."
- C. "Commission" shall mean the Public Utility Commission of Oregon.
- D. "Customer" shall mean any person, business, or organization who has applied for, been accepted to receive, or is currently receiving service. A customer who voluntarily discontinues service at the same or different premises within 20 (twenty) days after discontinuance retains customer status.
- E. "Residential customer premises" shall mean any dwelling and its land including, but not limited to, a house, apartment, condominium, townhouse, cottage, cabin, mobile home, or trailer house.
- F. "Commercial customer premises" shall mean any premises at which a customer carries on any major activity of gaining a livelihood or performing a public service. Such activity may be of a business, industrial, professional, or public nature.
- G. "Main" shall mean the pipe laid in the street, alley, or other right-of-way for the distribution of water to customers. It shall not include service lines.
- H. "Service connection" shall mean the pipe, stops, fittings, meter, and meter box laid from the main to the property line of the premises served.
- I. "Customer line" shall mean the pipe, stops, and fittings leading from the property line to the premises served.
- J. Point of Delivery is the property line or the outlet swivel/union of the meter defining where the service connection stops and the customer line starts.

APPLICATION FOR SERVICE

Rule 3: Customer/Applicant Information (OAR 860-036-0015)

The utility shall provide or be able to provide customers or applicants with the following information:

- A. Instructions on how to read meters, either in writing or by explanation;
- B. Application and contract forms;
- C. Utility rules and regulations;
- D. Commission rules and regulations;
- E. Approved tariffs;
- F. Rights and Responsibilities Summary for Oregon Utility Consumers;
- G. Notices in foreign languages, if applicable;
- H. The utility's business address, telephone number, and emergency telephone number; and
- I. Notices approved by the Commission.

Rule 4: Application for Service (OAR 860-036-0035)

Application for water service must be made for each individual service. The application shall identify the applicant, the premises to be served, the billing address if different, the type of use to which the water is to be put, and an agreement to conform to the Rules and Regulations of the utility as a condition for receiving such service. The applicant shall, at this time, pay any scheduled fees or deposits. An application is a request for water utility service and shall not be accepted until the applicant establishes credit as set forth in OAR 860-036-0040.

An application for water service must be made where:

- A. An applicant who has not previously been served by the water utility requests service;
- B. Service has been involuntarily discontinued in accordance with the utility and Commission rules, and service is sought;
- C. Service has been voluntarily discontinued and a request to restore service has not been made within 20 days; or
- D. There is a change in the identity of a customer, the type of use to which the water is put, or the number of premises served.

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In accordance with the Commission's rules for credit establishment and deposit waiver, an applicant or a customer may be required to make a deposit to secure payment of bills for service. The deposit shall not exceed one-sixth (1/6) the amount of reasonable estimated billings for one year's use of service at the premises during the prior year or upon the type and size of the customer's equipment that will use the service. (OAR 860-036-0040)

The utility shall pay interest on deposits at the rate established by the Commission. After the customer has paid bills for service for 12 consecutive months without having had service discontinued for nonpayment, or more than two occasions in which a shut-off notice was issued, and the customer is not then delinquent in the payment of bills, the utility shall promptly and automatically refund the deposit plus accrued interest by (check one):

- 1) issuing the customer a refund check
 2) crediting the customer's account

Rule 6: Customer Service Line

The customer shall own and maintain the customer service line and promptly repair all breaks and leaks. The utility shall not be responsible for any damage or poor service due to inadequacy of the customer line or any portion of the customer's plumbing. All leaks in the customer line, faucets, and all other parts of the plumbing owned or controlled by the customer shall be promptly repaired so as not to waste water.

Rule 7: Separate Control of Service

All premises supplied with water will be served through service lines so placed as to enable the utility to control the supply to each individual premises using a valve placed within and near the line of the street, the utility right-of-way, or at the meter.

Rule 8: Service Connections (OAR 860-036-0060)

The utility shall furnish and install at its own expense all necessary trenching, pipe, valves, and fittings between its main line and the customer's service line. Such installation shall be designated as the service connection. The utility shall own, operate, maintain, and replace the service connection when necessary and promptly repair all breaks and leaks. The customer shall not be responsible for any damage or poor service due to inadequacy of the service lines or any portion of the utility's plumbing.

Rule 9: Service Connection Charge

An applicant requesting permanent water service to premises not previously supplied with permanent water service by the utility shall be required to pay the service connection charge listed in the utility's Miscellaneous Service Charges Schedule.

Rule 10: Main Line Extension Policy (OAR 860-036-0065)

The utility shall specify the size, character, and location of pipes and appurtenances in any main line extension. Main line extensions shall normally be along streets, roads, highways, or other satisfactory rights-of-way. All construction work shall conform to all applicable rules, regulations, codes, and industry standards. Each main line extension shall normally extend along applicant's property line to the point the applicant's service line would be at a 90-degree angle to the street or main line.

Rule 11: Main Line Advances and Refunds Policy

Each new customer requesting a main line extension shall advance the utility the cost-base amount necessary to extend the main line to provide service.

For a period of 10 years after construction of the requested main line extension, the utility shall also collect from any additional applicants whose service connections or service lines shall connect to said main line extension an amount per foot equal to the new applicant's proportionate share of the main line extension cost for that portion used. The utility will then refund the share differential amount to those customers who previously shared the cost of said main line extension. Refunds shall not exceed the amount originally advanced.

No part of the distribution system installed prior to the request for a main line extension shall be used to calculate any customer advance or refund.

Rule 12: Types of Use

Water service may be supplied for residential, commercial, irrigation, temporary construction, special contracts, fire prevention, and other uses. The utility shall file separate rate schedules for each type of use and basis of supply.

Rule 13: Multiple Residences

An apartment building, mobile home park, motel, trailer camp, duplex, townhouse, or any other property consisting of more than one residential unit, if served through one service line, shall be considered to be equivalent to the number of dwelling units when determining the customer count.

Rule 14: Utility Access to Private Property (OAR 860-036-0120(3)(b) and OAR 860-036-0205(3))

Customers shall provide access during reasonable hours to utility-owned service lines that extend onto the premises of the customer for the purposes of reading meters, maintenance, inspections, or removal of utility property at the time service is to be discontinued. Where the customer does not cooperate in providing reasonable access to the meter or to the premises, as required by law or to determine if a health or safety hazard exists, it is grounds for disconnection.

Rule 15: Restriction on Entering a Customer Residence (OAR 860-036-0085)

No water utility employee shall enter the residence of its customers without proper authorization except in an emergency when life or property is endangered.

REFUSAL OF SERVICE

Rule 16: Refusal of Service Due to Customer Accounts (OAR 860-036-0080(1-3))

The utility may refuse to serve an applicant until receipt of full payment of overdue amounts, or other obligations related to a prior account of the applicant with the utility, when the following circumstances exist:

- A. An overdue amount remains outstanding by a customer at the service address;
- B. The applicant resided at the service address indicated in (A) during the time the overdue charges were incurred; or
- C. The person indicated in (A) will reside at the location to be served under the new application.
(OAR 860-036-0080)

Service shall not be refused for matters not related to water service. Residential service shall not be refused due to obligations connected with nonresidential service.

If service is refused under this rule, the utility shall inform the applicant or customer of the reasons for the refusal and of the Commission's dispute resolution process.

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Rule 17: Refusal of Service Due to Utility Facilities (OAR 860-036-0080(7))

The utility shall not accept an application for service or materially change service to a customer if the utility does not have adequate facilities or water resources to render the service applied for, or if the desired service is of a character that is likely to unfavorably affect reasonable service to other customers.

For refusal of service under this rule, the utility shall provide a written letter of refusal to the applicant informing applicant that the details upon which the utility's decision was based may be requested. A copy of such notice will be sent to the Commission. The details will include, but not be limited to:

- A. Current capacity and load measured in gallons or cubic feet per minute;
- B. Current capacity and load measured in pounds per square inch;
- C. Cost to the utility for additional capacity in order to provide the additional service; and
- D. Information regarding the appeal process of the utility's refusal to provide service is available through the Commission's dispute resolution process pursuant to OAR 830-036-0025.

Rule 18: Refusal of Service Due to Customer Facilities (OAR 860-036-0080(4-6))

The utility shall refuse service to an applicant or customer whose facilities do not comply with applicable plumbing codes or, if in the best judgment of the utility, are of such a character that safe and satisfactory service cannot be given.

If service is refused under this rule, the utility will provide written notification to the customer within 10 working days stating the reason(s) for refusal and providing information regarding the Commission's complaint process. A copy of the notification will also be sent to the Commission.

METERS

Rule 19: Utility Meters (OAR 860-036-0105)

The utility shall own, maintain, and operate all meters. Meters placed in service shall be adequate in size and design for the type of service, set at convenient locations, accessible to the utility, subject to the utility's control, and placed in a meter box or vault between the street curb and property line. Each meter box or vault shall be provided with a suitable cover.

Where additional meters are furnished by the utility or relocated for the convenience of the customer, a reasonable charge may be made in accordance with a schedule approved by the Commission.

The water utility shall have the right to set meters or other devices for the detection and prevention of fraud or waste without notice to the customer.

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Each customer shall provide the utility with regular access to the meter on the customer's property. Failure to permit access at reasonable times and after reasonable notice by the utility requesting access is grounds for disconnection. (OAR 860-036-0120) Should damage result to the meter from molesting, tampering, or willful neglect on the part of the customer, the utility shall repair or replace the meter and may bill the customer for the reasonable cost. (OAR 860-036-0105(6))

Rule 20: Meter Testing (OAR 860-036-0110)

The meter shall be tested prior to or within 30 (thirty) days of installation to determine it is accurate to register not more than 2 percent error. No meter shall be allowed to remain in service if it registers an error in excess of 2 percent under normal operating conditions. The utility shall maintain a record of all meter tests and results. Meter test result records shall include:

- A. Information necessary to identify the meter;
- B. Reason for making the test;
- C. Date of test;
- D. Method of testing;
- E. Meter readings;
- F. Test results; and
- G. Any other information required to permit convenient checking of methods employed.

Rule 21: Customer-Requested Meter Test (OAR 860-036-0115)

A customer may request that the utility test the service meter; such test shall be made within 20 working days of the receipt of such request at no cost to the customer. The customer has the right to be present during said test, which is to be scheduled at a mutually agreeable time. A written report shall be provided to the customer stating:

- A. Customer's name;
- B. Date of the customer's request;
- C. Address at which the meter has been installed;
- D. Meter identification number;
- E. Date of actual test; and
- F. Test results.

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If a customer requests a meter test more often than once in any 12-month period, the deposit listed on the Miscellaneous Service Charges Schedule may be required to recover the cost of the test. If the meter is found to register more than 2 percent fast under conditions of normal operation, the utility shall refund the deposit to the customer.

BILLING

Rule 22: Billing Information / Late-Payment Charge (OAR 860-036-0120, OAR 860-036-0125 and OAR 860-036-0130)

Bills are due and payable when rendered by deposit in the mail or other reasonable means of delivery. As near as practical, meters shall be read at monthly, bimonthly, quarterly, or annual intervals on the corresponding day of each meter reading or billing period. The bill shall be rendered immediately thereafter. (OAR 860-036-0120(3) requires water utilities to bill at monthly intervals. A utility may request upon application special authority by the Commission to bill at intervals other than monthly.) The utility shall make reasonable efforts to prepare opening and closing bills from actual meter readings. When there is good reason for doing so, estimated bills may be submitted. Any estimated billings shall be clearly designated as such.

The late-payment charge determined by the Commission and listed on the Miscellaneous Service Charges Schedule shall be applied to all overdue balances at the time of preparing the subsequent months' bill or balances owing that are 30 days old.

All bills become delinquent if not paid within 15 days of the date of transmittal of the bill. (OAR 860-036-0125 requires a minimum of 15 days.) If permitted to become delinquent, water service may be terminated after proper notice as provided in Rule 29, Disconnection/Reconnection Visit Charge.

All water service bills shall show:

- A. Beginning and ending meter readings for the billing period;
- B. Beginning and ending dates of the period of service to which the bill applies;
- C. For all metered bills, beginning and ending meter readings for the period for which the bill is rendered;
- D. Number of units of service supplied stated in gallons or cubic feet;
- E. Schedule number under which the bill was computed;
- F. Delinquent date of the bill;
- G. Total amount due; and
- H. Any other information necessary for the computation of the bill.

Rule 23: Returned-Check Charge

The returned-check charge listed on the Miscellaneous Service Charges Schedule shall be billed for each occasion a customer submits a check for payment that is not honored, for any reason, by a bank or other financial institution.

Rule 24: Prorating of Bills

Initial and final bills will be prorated according to the number of days service was rendered and on the basis of a 31-day month. For metered services, the meter will be read upon opening and closing a customer's account. Consumption will be charged at scheduled rates. Any minimum monthly charge will be prorated.

Rule 25: Adjustment of Bills (860-036-0135)

When an underbilling or overbilling occurs, the utility shall provide written notice to the customer detailing the circumstances, period of time, and the amount of the adjustment. If it can be shown that the error was due to an identifiable cause, the date of which can be fixed, the overcharge or undercharge shall be computed back to such date. If no date can be fixed, the utility shall refund the overcharge or rebill the undercharge for no more than six months' usage. In no event shall an overbilling or underbilling be for more than three years' usage. No billing adjustment shall be required if a meter registers less than 2 percent error under conditions of normal operation.

When a customer is required to repay an underbilling, the customer shall be entitled to enter into a time-payment agreement without regard to whether the customer already participates in such an agreement. If the customer and the utility cannot agree upon payment terms, the Commission shall establish terms and conditions to govern the repayment obligation. The utility shall provide written notice advising the customer of the opportunity to enter into a time-payment agreement and of the Commission's complaint process.

DISCONNECTION OF WATER SERVICE

Rule 26: Voluntary Discontinuance (OAR 860-036-0210)

Except for emergencies, customers who (for any reason) wish to have service discontinued shall provide the utility with at least five days' advance notice of the requested date of discontinuance of service. Until the utility receives such notice, the customer shall be held responsible for all service rendered. Should the customer wish to recommence service within 12 months at the same premises, the customer will be required to pay the customary minimum monthly charge as if service had been continuous. The reconnection charge listed on the Miscellaneous Service Charges Schedule will be applicable at the time of reconnection.

Rule 27: Emergency Disconnection (OAR 860-036-0215)

The utility may terminate service in emergencies when life or property is endangered without following the procedures set forth in OAR 860-036-0245. Immediately thereafter, the utility will notify the customer and the Commission. When the emergency termination was through no fault of the customer, there shall be no charge made for restoration of service.

Rule 28: Disconnection of Water Service Charge for Cause (OAR 860-036-0205 and 0245)

When a customer fails to comply with the utility's rules and regulations, or permits a bill or charge for regulated services to become delinquent (except for nonpayment of a time-payment agreement*), the utility shall give at least five days' written notice before water may be shut off. The notice shall state:

- A. The reason(s) for the proposed disconnection;
- B. The earliest date for disconnection;
- C. The amount to be paid to avoid disconnection;
- D. An explanation of the time-payment provision of OAR 860-036-0125;
- E. Information regarding the Commission's dispute resolution process; and
- F. The Commission's Consumer Services toll-free number, 1-800-522-2404.

Prior to disconnection on the day that the water utility expects to disconnect service, the utility must make a good-faith effort to physically contact the customer to be disconnected or an adult at the customer's premise to be disconnected to advise the customer or adult of the proposed disconnection. If contact is not made, the utility shall leave a notice in a conspicuous place at the customer's premise informing the customer that service has been or is about to be disconnected. The utility shall document its efforts to provide notice and make that documentation available to the customer upon request.

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Service shall not be shut off for nonemergencies on a Friday or the day of a state- or utility-recognized holiday or the day prior to such holiday. (OAR 860-036-0220)

The utility shall not disconnect residential service due to the failure to pay or meet obligations associated with nonresidential service. (OAR 860-036-0225)

A water utility may not disconnect residential service for nonpayment if a customer enters into a written time-payment plan. The utility will offer such customers a choice of payment agreements between a levelized-payment plan and an equal-pay arrearage plan or some other mutually agreeable alternate payment arrangement agreed to in writing. (OAR 860-036-0125)

*When a customer fails to comply with the terms of a written time-payment agreement between the customer and/or the utility permits a time-payment agreement charge to become delinquent, the utility shall give at least 15 days' written notice before the water may be shut off.

Rule 29: Reconnection Charge and Disconnection Visit Charge (OAR 860-036-0080 and 0245(7))

Service shall not be restored until the utility's rules and regulations are complied with and/or payment is made in the amount overdue and any additional disconnection, reconnection, or disconnection visit charges incurred as listed on the Miscellaneous Service Charges Schedule are paid.

Rule 30: Unauthorized Restoration of Service

After the water has been disconnected or shut off at the curb stop or at the meter, if any person not authorized by the utility should turn it on, the water service line may be disconnected without notice. Service shall not be reconnected until all arrearages, all cost-of-service disconnection and reconnection, and the reconnection charge listed on the Miscellaneous Service Charges Schedule are paid in full.

Rule 31: Unauthorized Use

No person shall be allowed to make connection to the utility mains, or to make any alteration to service connections, or to turn a curb stop off or on to any premises, without written permission of the utility. Meter tampering, diverting service, or any other unauthorized use of service will automatically cause a disconnection of the water service and meter removal. All fees, costs of disconnection and reconnection, past-due billings, and service charges listed on the Miscellaneous Service Charges Schedule must be paid in full before any service is restored. An advance deposit for restoration of service may be required.

Rule 32: Interruption of Service (OAR 860-036-0075)

The utility shall have the right to shut off the water supply temporarily for repairs and other necessary purposes. The utility shall use all reasonable and practicable measures to notify affected customers in advance of such discontinuance of service except in the case of emergency repairs. The utility shall not be liable for any inconvenience suffered by the customer or damage to the customer's property arising from such discontinuance of service.

The utility shall keep a record of all service interruptions affecting its whole system or a major section thereof, including the time and date of interruption, duration, and cause or purpose of interruption.

Rule 33: Water Supply/Usage Restrictions (OAR 860-036-0325)

The utility shall exercise due diligence to furnish a continuous and adequate supply of water to its customers. If water restrictions are necessary to equitably apportion its available water supply among its customers with due regard to public health and safety, the utility shall provide written notification to its customers and the Commission including:

- A. Reason for the restriction;
- B. Nature and extent of the restriction;
- C. Effective date of the restriction; and
- D. Probable date of termination of such restriction.

Rule 34: Damages/Tampering

Should damage result to any of the utility's property from molesting or willful neglect by the customer to a meter or meter box located in the customer's building, the utility will repair or replace such equipment and will bill the customer for the costs incurred.

SERVICE QUALITY

Rule 35: System Maintenance (OAR 860-036-0305)

The utility shall have and maintain its entire plant, distribution system, and hydrants in such condition that it will furnish safe, adequate, and reasonable continuous service. The utility shall inspect its facilities in such manner and with such frequency as may be necessary to ensure a reasonably complete knowledge of its condition and adequacy at all times.

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The utility shall keep such records of all routine maintenance as considered necessary for the proper maintenance of its system, including regular flushing schedules, exercising of valves, and valve inspections.

Rule 36: Trouble Call

The trouble-call charge listed on the Miscellaneous Service Charges Schedule may be billed whenever a customer requests that the utility visit the customer's premises to remedy a service problem and the problem is due to the customer's facilities.

Rule 37: Water Purity (OAR 860-036-0310)

The utility shall deliver water for domestic purposes free from bodily injurious physical elements and disease-producing bacteria and shall cause such tests to be made and precautions taken as will ensure the constant purity of its supply.

The utility shall keep a record of all water quality testings, results, monitoring, and reports.

The utility shall deliver domestic water that is reasonably free from elements that cause physical damage to customer property such as pipes, valves, appliances, and personal property. A water supply that causes such damage will be remedied until the conditions are such as to not reasonably justify the necessary investment.

Rule 38: Water Pressure (OAR 860-036-0315)

Each water utility shall maintain pressure at a minimum of 20 pounds per square inch (psi) for health reasons to each customer at all times and not exceed a maximum of 125 psi. The 20 psi and 125 psi standards are not presumed to be adequate service and do not restrict the authority of the Commission to require improvements where water pressure or flow is inadequate.

In general, 40 psi of water pressure in the water mains is usually adequate for the purposes of this rule. Adequate pressure may vary depending on each individual water system and its customers' circumstances. In the case of a dispute, the Commission will determine the appropriate water pressure for the water utility.

Rule 39: Pressure Surveys (OAR 860-036-0320)

The utility shall have a permanently placed pressure gauge located on a main that is representative of the system's pressure. A portable gauge in good working condition shall be available for checking pressure conditions in any part of the distribution area.

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Upon customer request, the utility will perform a water pressure test within 20 working days of the request at no cost to the customer. If the customer requests more than one pressure test within any 12-month period, a deposit to recover the reasonable cost of the additional test may be required of the customer. The deposit shall be returned if the pressure test indicates less than 20 psi or more than 125 psi. The customer or designated representative has the right to be present at the pressure test, and said test shall be conducted at a mutually agreeable time.

For metered service, the pressure will be tested at a point adjacent to the meter on the customer's service line. For nonmetered service, the pressure will be tested at the customer's service line or hose bibb or other reasonable point likely to best reflect the actual service pressure.

Rule 41: Maps/Records (OAR 860-036-0335)

The utility shall keep on file current maps and records of the entire plant showing size, location, character, and date of installation of major plant items, including shut-off valves.

Rule 42: Utility Line Location (One Call Program) (OAR 860-036-0345)

The utility and its customers will comply with the requirements of OAR 952-001-0010 through and including OAR 952-001-0090 (One Call Program) regarding identification and notification of underground facilities.

Rule 43: Cross Connection/Backflow Prevention Program

The utility will keep on file its current cross connection control program as required by the Oregon Health Division Drinking Water Section. The utility is responsible to determine what constitutes a cross connection hazard and what type of backflow prevention assembly is required to remedy that hazard. The utility shall apply this standard to all customers without discrimination. To require a customer to install and test a backflow prevention assembly, the utility must first notify the customer in writing, identifying the cross connection hazard and the type of backflow prevention assembly required. The utility shall inform the customer that he/she is entitled to choose any qualified person to install and/or test the backflow prevention assembly and must provide the customer with a current list of certified backflow prevention assembly testers in the general area. The utility (if certified) may offer its own installation and testing services to the customer; however, the utility shall inform the customer that he/she is not obligated in any way to use the utility's services. When a backflow prevention assembly is required by the utility, the customer is responsible for its installation and annual testing by a certified tester. Failure to install and/or test a required backflow prevention assembly is grounds for disconnection. The utility shall keep a record of all backflow prevention assemblies, installations, and tests.