

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

WJ 2

In the Matter of)	
)	
METOLIUS MEADOWS PROPERTY OWNERS ASSOCIATION)	ORDER
)	
An Investigation Pursuant to ORS 756.515 to Determine Jurisdiction)	

DISPOSITION: JURISDICTION ASSERTED

METOLIUS MEADOWS PROPERTY OWNERS ASSOCIATION (Metolius Meadows or Company) is an association providing water service to its membership and to customers who are not members of the association. On January 28, 2005, the Staff of the Public Utility Commission sent a letter to Metolius Meadows notifying the Company that it appeared to meet the definition of a public utility pursuant to ORS 757.005. The letter stated that Commission jurisdiction would be asserted unless Metolius Meadows requested a hearing by February 28, 2005, to explain why the Company was not subject to jurisdiction. A copy of Staff’s letter is attached as Appendix A and incorporated by reference. Metolius Meadows did not request a hearing, and the time for doing so has expired.

FINDINGS OF FACT

By providing water service to customers who are not members of the association, Metolius Meadows provides water service “to and for the public” (ORS 757.005).

CONCLUSION OF LAW

Metolius Meadows Property Owners Association is a public utility under ORS 757.005. Metolius Meadows Property Owners Association is subject to service regulation pursuant to ORS 757.061. Metolius Meadows Property Owners Association should be classified as a public utility.

ORDER

IT IS ORDERED that Metolius Meadows Property Owners Association is a public utility subject to Commission jurisdiction pursuant to ORS 757.005 and 757.061.

Made, entered and effective MAR 25 2005.



Lee Sparling
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 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.



Oregon

Theodore R. Kulongoski, Governor

ORDER NO. 05-150
Public Utility Commission

550 Capitol Street NE, Suite 215

Mailing Address: PO Box 2148

Salem, OR 97308-2148

Consumer Services

1-800-522-2404

Local: 503-378-6600

Administrative Services

503-373-7394

January 27, 2005

Metolius Meadows Property Owners Association
1330 SW Forest Service Rd 1419
Camp Sherman, OR 97730

NOTICE OF INTENT TO ASSERT JURISDICTION

The Public Utility Commission (Commission) is directed by the Legislature to regulate privately-owned water companies providing service directly or indirectly to or for the public. *See* ORS 757.005 (attached). The Commission regulates service quality (water quality, water pressure, customer service, and plant maintenance) for certain private water companies designated as public utilities. Additionally, the Commission regulates rates of water companies that either: (1) serve over 500 customers; or (2) charge more than an average annual monthly charge of \$24 for water service and whose customers have petitioned for Commission review. *See* ORS 757.061.

Our records show that Metolius Meadows Property Owners Association (Metolius Meadows) serves 11 members outside its membership. When an association serves customers outside of its membership, it becomes subject to Commission jurisdiction. Metolius Meadows is considered to be serving water to and for the public and therefore, meets the definition of a public utility, pursuant to ORS 757.005. The Commission intends to designate Metolius Meadows as a public utility subject to service regulation and an annual gross revenue fee of .0025 percent of annual revenues.

HEARING RIGHTS

Metolius Meadows has the right to a hearing to dispute the Commission's assertion of jurisdiction. The Company may formally request a hearing. The notice must be filed within 30 days from the date of this letter. The request for hearing must include information that demonstrates that Metolius Meadows is not subject to Commission jurisdiction. A request for hearing should be mailed to:

Public Utility Commission
Administrative Hearings Division
PO Box 2148
Salem, OR 97308-2148

If no request for hearing is filed within 30 days, the Commission will designate the information in its files as the record in this matter and issue an order asserting jurisdiction.

APPENDIX A
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DOCKETED



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If you have any questions or do not believe the information is correct, please contact me at the number listed below or Kathy Miller at 503-373-1003 or kathy.miller@state.or.us.

Rebecca Trujillo
Program Manager
Corporate Analysis and Water Regulation
Voice: 503-378-6164; Fax 503-373-7752
e-mail: rebecca.trujillo@state.or.us

cc: Chron File
Kathy Miller