

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1197

In the Matter of)	
)	ORDER
A & G LLC WATER & SEWER)	
)	
Application for Waiver of Late Statement)	
Fee.)	

DISPOSITION: APPLICATION APPROVED

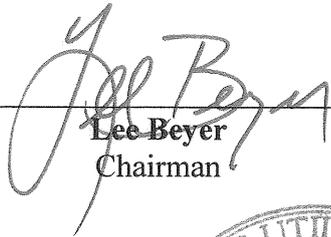
On March 4, 2005, A & G LLC Water & Sewer (A & G) filed an application with the Public Utility Commission of Oregon (Commission) to waive the \$100 late statement fee (late fee). Pursuant to ORS 756.310, each utility is required to pay the Commission an annual fee. Payment is due on April 1 of each year. If the utility does not pay by 5:00 p.m. on the fifth business day following the due date, a late fee of \$100 is assessed. OAR 860-036-0095(3)(c). Pursuant to OAR 860-036-0001(1), the Commission may relieve any obligations under Division 36 rules. When the current owners acquired A & G in June 2004, they were unaware of the outstanding annual fee balance. Since the current owners paid the outstanding gross revenue fee and incorrectly believed the \$100 late fee would be waived at that time, the application for waiver of the late fee should be approved. A description of the filing is contained in the Staff Report, attached as Appendix A, and incorporated by reference.

At its Public Meeting on March 22, 2005, the Commission adopted Staff's Recommendation and approved A & G's application for waiver of its late fee.

ORDER

IT IS ORDERED that A & G LLC Water & Sewer's application to waive the \$100 late statement fee assessed on its gross revenue fee due April 1, 2004, is granted.

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
STAFF REPORT
PUBLIC MEETING DATE: March 22, 2005

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____ N/A

DATE: March 15, 2005

TO: Public Utility Commission

FROM: Renee Sloan

THROUGH: Lee Sparling, Marc Hellman, and Rebecca Trujillo

SUBJECT: A & G LLC WATER & SEWER: (Docket No. UM 1197) Application for Waiver of Late Statement Fee.

STAFF RECOMMENDATION:

Pursuant to ORS 756.310, OAR 860-036-0001(1), and the then effective OAR 860-036-0095(3)(c),¹ Staff recommends that the application filed by A & G LLC Water & Sewer (A&G or Company) to waive the \$100 late statement fee assessed on its gross revenue fee (annual fee) be approved.

DISCUSSION:

A&G is a public water utility and, as such, is subject to ORS 756.310 that requires each public utility to pay the Commission an annual fee. Annual fee statements are mailed to each public utility every year on March 5. Payment of the annual fee to the Commission is due on April 1 each year. Per OAR 860-036-0095 the fee is considered late if it is not received by 5:00 p.m. on the fifth business day following the due date and is assessed a late fee of \$100 per OAR 860-036-0095(3)(c).

A&G requests that the \$100 late fee be waived. When the current owners acquired the Company in June 2004, they were unaware of the outstanding annual fee balance. Nevertheless, upon receipt of Commission Invoice AR 130101 dated December 9, 2004, the Company paid the total

¹ OAR 860-036-0095 was revised effective December 30, 2004. When used in this memo, OAR 860-036-0095 means the version of the rule in effect at the time the annual fee was assessed at \$100 in March 2004. The late fee was changed from \$100 to \$25 in OAR 860-011-0080.

outstanding fee of \$55.20 plus a penalty of \$9.90 (2 percent per month through December 2004). A&G incorrectly believed the \$100 late statement penalty fee would be waived at that time. The Commission informed the Company that the \$100 late statement fee was still owed. Subsequently, on March 4, 2005, A&G LLC Water & Sewer filed a request for waiver of the fee.

Pursuant to OAR 860-036-0001(1):

. . . Upon application by a water utility, the Commission may relieve it of any obligations under these rules.

Since the current owners were unaware a gross revenue fee was owed at the time it acquired A&G, and since they paid the outstanding fee and 2 percent penalty following receipt of PUC Invoice AR 130101, Staff recommends that the Commission relieve A&G of its obligation to pay the \$100 late fee pursuant to OAR 860-036-0001(1).

PROPOSED COMMISSION MOTION:

Pursuant to ORS 756.310, OAR 860-036-0095(3)(c), and OAR 860-036-0001(1) the application of A & G LLC Water & Sewer to waive the \$100 late statement fee assessed on its gross revenue fee due April 1, 2004, be approved.

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