

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

WA 60 (1)

In the Matter of the Application by)
Sunriver Water LLC for Expansion of)
Exclusive Service Territory to Provide)
Water Service, Pursuant to ORS)
758.300 Through ORS 758.320.)

ORDER

DISPOSITION: APPLICATION GRANTED

On May 9, 2006, Sunriver Water LLC (Applicant or Company) filed, pursuant to Oregon Administrative Rule 860-036-0915, an application with the Public Utility Commission (Commission) for expansion of exclusive service territory for the provision of water service. See ORS 758.302. The original territory award was made in Order No. 01-991, dated November 21, 2001. The territory sought is described in Appendix A. The Commission gave notice of the application starting on May 11, 2006, as required by the statutes. No protest was registered.

Applicant is an investor owned water utility that provides water service to more than 4,000 customers in the Sunriver Lodge and Resort area. Service to the expanded territory described in Appendix A began in March of this year and is projected for complete build out and system utilization by October 2025.

FINDING OF FACTS

Merits of the Application

Staff’s analysis of the company’s application indicates that the company will be able to adequately and exclusively provide water service to the expanded service territory as required in OAR 860-036-0900 through OAR 860-036-0930.

The evaluative criteria are:

1) Water Capacity

Sunriver will serve the expanded service territory with the unused capacity from the existing system and enhancements thereto.

2) Technical Ability

Sunriver has operated a water system since the 1970s. The current staff has collective total experience in water utility operations in excess of one hundred-fifty years and no staff increase is required. Staff credentials include Water Distribution Levels 1 and 2, Cross Connection Control Inspector and/or Tester, and Water Treatment Level 1.

3) Reasonable Rates

Sunriver is a fully regulated public utility with tariffs on file with the Commission.

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.”

Applicable Law

The 1999 Oregon Legislature enacted ORS 758.300 through 758.320, which provide that all public water utilities may file an application with the Commission seeking an order designating the service territory that the utility served adequately and exclusively on the date of the application, as exclusive service territory. In addition any adjacent area may be included therein given compliance with ORS 758.302(2).

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 expanded exclusive territory described in Appendix A.

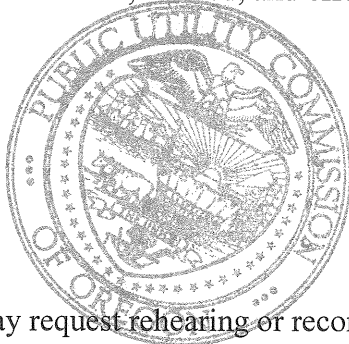
CONCLUSIONS

1. Applicant is a public utility subject to the service territory jurisdiction of the Public Utility Commission.
2. The Company 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 Sunriver Water LLC for expanded exclusive service territory as allocated to the applicant and set forth in Appendix A is granted.

Made, entered, and effective JUL 26 2006.



A handwritten signature in black ink, appearing to read "Lee Sparling", is written over a horizontal line.

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 Sunriver Water LLC's expanded exclusive service territory:

PARCEL 1

The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section Eight and the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section Seventeen, all in Township Twenty South, Range Eleven East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM a portion of the Southeast Quarter of the Southwest Quarter of Section Eight and the Northeast Quarter of the Northwest Quarter of Section Seventeen, all in Township Twenty South, Range Eleven East of the Willamette Meridian, Deschutes County, Oregon, being more fully described as follows: That portion of said Southeast Quarter of the Southwest Quarter and said Northeast Quarter of the Northwest Quarter lying West of the westerly right-of-way of South Century Drive as monumented by Deschutes County Public Works in the W.C. Kauffman survey dated August 30, 1989.

PARCEL 2

The Southeast Quarter of the Northwest Quarter except the County Road right-of-way and the Oregon Trunk Railway right-of-way, and also the West Half of the Southwest Quarter of the Northeast Quarter, all in Section Eight, Township Twenty South, Range Eleven, East of the Willamette Meridian, Deschutes County, Oregon.

The West Half of the Southeast Quarter in Section Eight, Township Twenty South, Range Eleven, East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM the Southwest Quarter of the Southeast Quarter of said Section Eight.

The East Half of the Southwest Quarter in Section Eight, Township Twenty South, Range Eleven, East of the Willamette Meridian, Deschutes County, Oregon.

Save and except: The Southeast Quarter of the Southwest Quarter of Section Eight, Township Twenty South, Range Eleven, East of the Willamette Meridian.

The Northeast Quarter of the Northwest Quarter of Section Eight, Township Twenty South, Range Eleven, East of the Willamette Meridian, lying West of the Townsite of Harper, Deschutes County, Oregon. EXCEPTING the Oregon Trunk Railway right-of-way and the County Road right-of-way.

PARCEL 3

All of Townsite of Harper except Lots One, Two, Three, Four, Five, Six, Twenty-One, Twenty-Two, Twenty-Three, Twenty-Four, Twenty-Five, and Twenty-Six, and the North 7.5 feet of lots Seven and Twenty, in Block One.

EXCEPTING THEREFROM the alleys and streets dedicated to the public on the plat of Harper.

PARCEL 4

A Parcel of land being a portion of Lot Sixteen, Block Two, BUSINESS PARK I, a subdivision located in the South One-Half of Section Five, Township Twenty South, Range Eleven, East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Lot 16, Block 2, BUSINESS PART I, Deschutes County, Oregon.

EXCEPTING THEREFROM a parcel of land being a portion of Lot 16, Block 2, BUSINESS PARK I, being more particularly described as follows: Beginning at the Southwest corner of Lot 16, Block 2, BUSINESS PARK I, thence North $05^{\circ}20'38''$ East, along the West boundary of said Lot 16, 408.31 feet to the Southerly right-of-way of Venture Lane; thence along said right-of-way the following two courses: along the arc of a non-tangent 280.00 foot radius curve to the left, through a central angle of $12^{\circ}40'20''$, an arc length of 61.93 feet, (the chord of which bears South $67^{\circ}40'19''$ East, 61.80 feet); thence South $73^{\circ}43'32''$ East, 21.55 feet; thence leaving said right-of-way, South $06^{\circ}16'39''$ West, 378.80 feet to the South boundary of said Lot 16; thence South $89^{\circ}38'26''$ West along said South boundary, 4.62 feet; thence South $89^{\circ}53'50''$ West continuing along said South boundary, 69.71 feet to the Point of Beginning.