

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UA 92

In the Matter of)	
)	
EMERALD PEOPLE’S UTILITY)	
DISTRICT)	ORDER
)	
Application for Territorial Allocation of)	
Exclusively Served Territory and Adjacent)	
Unservd Territory)	

DISPOSITION: APPLICATION APPROVED

On October 1, 2001, Emerald People's Utility District (Emerald) filed an application with the Public Utility Commission of Oregon (Commission) requesting allocation of exclusive rights to an area currently served by Emerald but outside Emerald’s certified metes and bounds. This application was docketed as UA 92. On January 20, 2002, Springfield Utility Board (SUB) filed an application docketed as UA 94 requesting allocation of exclusive rights to unserved territory adjacent to SUB’s existing territory. The unserved territory included portions of the area sought in Emerald’s application. The two applications were thus competitive. A general description of the property is attached as Appendix A and is incorporated by reference.

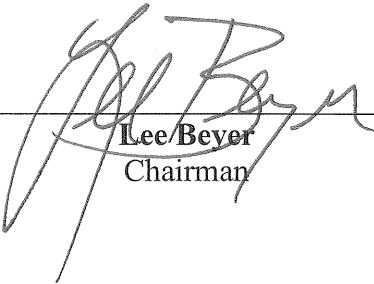
Following litigation, SUB and Emerald settled the matter through an Intergovernmental Agreement (IGA). Under the IGA, both companies agreed to modify their respective territorial allocation applications to reduce the territories for which allocation orders are sought. Each party then withdrew opposition to the other party’s application. On September 14, 2006, Emerald filed a modification of its application with the Commission. On November 17, 2006, Order No. 06-638 was entered approving SUB’s application.

Commission Staff finds that Emerald can economically provide service to the territories because its provision of exclusive electric utility service within those areas will prevent the duplication of facilities. The territory allocation modifications are acceptable and not contrary to the public interest.


ORDER

IT IS ORDERED that the application filed by Emerald People's Utility District for rights to exclusively served territory and adjacent unserved territory, which will become a part of its exclusive service territory, is approved.

Made, entered, and effective NOV 30 2006.



Lee Bever
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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

**DESCRIPTION OF REVISED TERRITORIAL ALLOCATION
REQUEST BY EMERALD PEOPLE'S UTILITY DISTRICT**

Beginning at a point on the North line of Section 11, Township 18 South, Range 3 West of the Willamette Meridian 50 feet Easterly from the Northwest corner thereof; thence, Easterly along the North line of said Section 11 to the middle of the Willamette River thence, Southeasterly upstream along the middle of said river to the confluence of the Coast and Middle forks of the Willamette River thence, continuing Easterly upstream along the middle of the Middle Fork of the Willamette River to its intersection with the West line of Section 9, Township 18 South, Range 2 West; thence North along the West lines of Sections 9 and 4, Township 18 South, Range 2 West, to the West one quarter corner of Section 4 and the TRUE POINT OF BEGINNING: thence North along the West line of said Section 4 to the intersection with the centerline of existing Jasper Road (County Road 49) thence Southeasterly along said centerline approximately 2,965 feet to the intersection of Jasper Road and Mt. Vernon Road (County Road 315); thence along the centerline of Mt. Vernon Road (County Road 315) Northeasterly and then Easterly to the SW corner of the Stephen D. Gager D.L.C. No. 61 a Brass Cap said point also known as the East SE corner of the R. Hixon D.L.C. No. 47; thence continuing easterly along the centerline of Mt. Vernon Road to the intersection of Mt. Vernon Road and the Booth Kelly-Weyerhaeuser Truck Road; thence Southerly along the centerline of Booth Kelly-Weyerhaeuser Truck Road to the intersection with the East – West one quarter Section line of Section 3 T. 18 S., R. 2 W., of the Willamette Meridian, thence West along the East-West one quarter Section line of Sections 3 and 4 of Township 18 South, Range 2 West, Willamette Meridian back to the TRUE POINT OF BEGINNING.

Exception: The Jasper Meadows Fourth Addition is not included in the requested territory. That excluded territory is described as follows:

Beginning at the SW 1/4 of Section 4 T. 18 S. R. 2 W. of the Willamette Meridian; thence North along the West side of the section line to the intersection of the center line of Jasper Road (County Road 49) Oregon State Highway 222; thence easterly and southeasterly along the centerline of Jasper Road (County Road 49) Oregon State Highway 222 to the intersection of the Jasper Road and Mt. Vernon Road (County Road 315); thence northeasterly and easterly along the centerline of Mt. Vernon Road (County Road 315) to the East Southeast corner of Richard G. Hixon D.L.C. No. 47 T 18S, R2W. Willamette Meridian said point also being known as the Southwest corner of D.L.C. No. 61 T 18S, R2W Willamette Meridian; thence North 89°44'28" East 568.77 feet to a point on the

South right-of-way of Mt. Vernon Road; thence leaving the South right-of-way of Mt. Vernon Road South 30.00 feet said point being marked by a 5/8 inch by 36 inch rebar with yellow plastic cap marked "D.W. Baker PLS 1978," said point being South 89°44'28" West 795.46 feet of the northwest corner of Jasper Meadows, as platted and recorded on Document No. 2002-012568, Lane County Oregon Plat Records, marked by a 5/8 inch rebar with yellow plastic cap marked "BRANCH ENG INC." on the southerly margin of Mt. Vernon Road at its intersection with the easterly margin of the future Jasper Road extension; said point also being the **TRUE POINT OF BEGINNING** all in Springfield, Lane County, Oregon; Run thence along the westerly boundary of the Jasper Meadows Third Addition the following courses: South 47.30 feet; thence South 21°08'43" East 48.92 feet; thence South 62.78 feet; thence along the arc of a 20 foot radius non-tangential curve to the right (Chord bears South 26°06'49" West 17.61 feet) a distance of 18.23 feet; thence South 89°52'01" West 75.82 feet; thence leaving said westerly boundary of Jasper Meadows third addition South 89°55'45" West 386.52 feet; thence North 00°01'47" West 150.65 feet to the southerly right-of-way of Mt. Vernon Road as dedicated on 2286R, INSTRUMENT NO. 9727039, Lane County, Oregon Official Records; thence along said southerly right-of-way the following 4 courses: South 84°31'13" East 38.23 feet; thence North 75°28'44" East 63.86 feet; thence North 69°25'44" East 68.80 feet; thence North 00°15'01" West 13.66 feet to the south right-of-way of Mt. Vernon Road as shown on land partition No. 99-P1279, Lane County, Oregon Official Records; thence along said south right-of-way, North 89°44'28" East 288.14 feet; thence leaving said south right-of-way, South 30.00 feet to the **TRUE POINT OF BEGINNING**, also known as Jasper Meadows 4th addition, all in Springfield, Lane County, Oregon.