

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

WJ 13

In the Matter of)	
)	
ASPEN ESTATES SUBDIVISION)	ORDER
)	
An Investigation Pursuant to ORS 756.515)	
to Determine Jurisdiction)	

DISPOSITION: REGULATION WITHDRAWN

ASPEN ESTATES SUBDIVISION (Aspen Estates or Company) is a privately owned water company located in Newberg, Oregon. As a regulated utility, the Company was subject to the Commission’s Annual Revenue Fee pursuant to ORS 756.310.

In October 2004, Staff learned that the city of Newberg (City) approved Aspen Estates’ request to connect to the City’s water system. At that time, the Company was in the process of hiring someone to draw up the plans so they could proceed with the connection.

In a letter to Aspen Estates dated December 28, 2006, Staff requested the status of the plan to connect the Company’s customers to the City’s water system. In its response filed February 22, 2007, the Company stated that the City is now serving Aspen Estates’ former customers. The response did not state when the connection occurred.

On March 28, 2007, the Commission received Aspen Estates’ 2006 Annual Fee Statement indicating zero usage and zero revenues. On May 3, 2007, Staff spoke with a City employee who confirmed that the City began providing water service to Aspen Estates’ customers in November 2005.

Because the City now serves the former customers of Aspen Estates Subdivision, the Company is not a public utility as defined in ORS 757.005.

FINDINGS OF FACT

Based on information provided by the Company and the city of Newberg, Aspen Estates no longer provides water service to or for the public. The city of Newberg now serves the customers formerly served by Aspen Lakes. Aspen Estates is no longer a public utility subject to Commission regulation for purposes of ORS Chapter 757.

CONCLUSION OF LAW

Aspen Estates no longer provides water service to or for the public. These customers are now served by the city of Newberg. According to the definition in ORS 757.005, Aspen Estates is no longer a public utility subject to Commission regulation for purposes of ORS Chapter 757.

ORDER

IT IS ORDERED that Aspen Estates Subdivision is no longer a public utility for purposes of ORS Chapter 757.

Made, entered, and effective MAY 17 2007.



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