

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

WJ 14

In the Matter of)	
)	
MOWICK WATER SYSTEM)	ORDER
)	
An Investigation Pursuant to ORS 756.515)	
to Determine Jurisdiction)	

DISPOSITION: REGULATION WITHDRAWN

In the year 2000, Mowick Water System (Mowick) was designated a regulated public utility subject to the Public Utility Commission’s (Commission) Annual Revenue Fee pursuant to ORS 756.310. At that time, Mowick’s customer base consisted of one commercial customer who paid \$200 a month for water.

On March 10, 2006, Mowick’s Oregon Annual Fee Statement for the year ended December 31, 2005, was mailed to Marit Wilson, the owner of record. Because Mowick did not pay the fee by the April 1, 2006, due date, the Commission sent Proposed Order FA 707 to Ms. Wilson on June 13, 2006, assessing penalties and late fees.

Subsequently, on July 27, 2006, Heidi Schmidt, sister of Marit Wilson, called the Commission to notify Staff that Mowick had been sold to Steve Pitkin in 2005. When Staff contacted Mr. Pitkin to discuss his ownership of Mowick, he confirmed that he purchased Mowick. He also informed Staff that he is the commercial customer receiving service from the water system.

On August 25, 2006, Mr. Pitkin agreed to fax a copy of the purchase agreement to Staff and follow up with a hard copy of the document.

While Staff awaited receipt of the purchase agreement, Marit Wilson’s name remained on Commission records as Mowick’s owner. Consequently, when the Commission mailed Oregon Annual Fee Statements for the year ending December 31, 2006, Mowick’s statement was mailed to Ms. Wilson.

When the fee was not paid by the due date, the Commission sent Proposed Order FA 768 to Ms. Wilson on May 14, 2007, assessing fees and penalties.

On May 21, 2007, the Commission received Ms. Wilson's payment along with a note questioning her need to pay, since she sold the Company in 2005.

Staff immediately reviewed the previous year's record and learned that Mr. Pitkin had not yet filed the hard copy of the purchase agreement and Ms. Wilson was still listed as Mowick's owner on Commission records.

Consequently, On May 22, 2007, Staff sent a letter to Mr. Pitkin, again requesting a copy of the purchase agreement. Staff's letter also requested Mr. Pitkin to provide the number of customers served by Mowick and the amount of revenue Mowick received in 2006.

On June 4, 2007, Mr. Pitkin filed a hard copy of the purchase agreement dated May 30, 2005. He stated that Mowick does not charge for water provided to itself by supplying water to Oney's Restaurant and Elsie Mercantile, which Mr. Pitkin owns, or to the Falleur family, which is grandfathered at no charge.¹ The Falleurs did not pay for water under the previous owner of the water system and continue to receive water from Mowick at no cost.

FINDINGS OF FACT

Mowick is now owned by the same party as it serves. Therefore, Mowick is not providing water service directly or indirectly to or for the public.

CONCLUSION OF LAW

Mowick Water System is not a public utility under ORS 757.005 because it does not provide water service directly or indirectly to or for the public.

ORDER

IT IS ORDERED that

1. Mowick Water System is no longer a public utility for purposes of ORS Chapter 757.

¹ The easement to the well is located on Falleur property.

2. The Commission should refund the amount paid by Marit Wilson resulting from Proposed Order FA 768.

Made, entered, and effective AUG 28 2007 .



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