

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

WJ 15

In the Matter of)	
)	
ANGLER'S COVE/SHADY COVE)	
HEIGHTS WATER COMPANY)	ORDER
)	
Assertion of Jurisdiction pursuant to)	
ORS Chapter 757.)	

DISPOSITION: JURISDICTION ASSERTED

Pursuant to ORS Chapter 757, (ORS 757) the Public Utility Commission of Oregon (Commission) regulates privately-owned water companies providing service directly or indirectly to or for the public. The Commission regulates service quality (water quality, water pressure, customer service, and plant maintenance) for certain private water companies designated as public utilities. *See* ORS 757.005. Also, any association of individuals that furnishes water to members of the association is subject to regulation in the same manner as provided by ORS 757 for public utilities if 20 percent or more of the members of the association file a petition with the Commission requesting such regulation. *See* ORS 757.063. ORS 757 provisions apply to an association of individuals even if the association does not furnish water directly to or for the public. *See* ORS 757.063(2).

FINDINGS OF FACT

Angler's Cove/Shady Cove Heights Water Company (ACSCWC or Company), is located in the vicinity of Shady Cove. The Company is a homeowners association that provides water service to members of the association and meets the definition of a public utility pursuant to ORS 757.063.

On July 26, 2007, the Commission received written petitions from nine customers of ACSCWC. ACSCWC serves 43 customers; therefore, receipt of nine petitions exceeds the statutory threshold of 20 percent of customers. *See* ORS 757.063. The Company's annual average monthly rates are over \$57. Therefore, pursuant to ORS 757.063 and ORS 757.061, and upon receipt of a sufficient number of valid petitions, ACSCWC meets the requirements for a water utility subject to rate regulation.

CONCLUSION OF LAW

ACSCWC is a public utility under ORS 757.063 and is subject to service and financial regulation pursuant to ORS 757.061 and ORS 757.063. ACSCWC is classified as a financial regulated public utility.

If ACSCWC challenges the Commission's jurisdiction by requesting reconsideration pursuant to ORS 756.561, the request must be filed within 60 days of the date of service of this order and include information, consistent with OAR 860-014-0095, that demonstrates that ACSCWC is not subject to Commission jurisdiction.

ORDER

IT IS ORDERED that:

1. Angler's Cove/Shady Cove Heights Water Company is a financially regulated utility pursuant to ORS 757.061 and ORS 757.063.
2. Angler's Cove/Shady Cove Heights Water Company shall file appropriate tariffs within 60 days of the date of this order.

Made, entered, and effective SEP 19 2007.



A handwritten signature in cursive script, 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 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.