

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 123

In the Matter of)	
)	
FISH MILL LODGES WATER SYSTEM)	ORDER
)	
Request for a general rate increase.)	

DISPOSITION: NEW TARIFFS ADOPTED

On September 17, 2007, Fish Mill Lodges Water System (Fish Mill or the Company) filed a request to increase rates for water service. Based on Fish Mill’s calculations, the Company proposed to increase its residential customers’ monthly flat rate from \$24 to \$120.81. With its request, Fish Mill also sought approval of an immediate interim increase raising the monthly flat rate to \$72.

At its October 9, 2007, Public Meeting, the Public Utility Commission of Oregon (Commission) adopted Staff’s recommendation to suspend the general rate request under ORS 757.215(1) for investigation. We also found Fish Mill’s interim request to be excessive. Based on Commission Staff’s (Staff) recommendation, we determined that an interim increase raising the flat monthly rate to \$48 was appropriate. In granting interim relief, we clarified that the rate increase was interim and subject to refund. *See* Order No. 07-439.

On November 2, 2007, a public comment hearing was held in this matter in Florence, Oregon, Representatives of all three customers appeared, but none intervened as a party to this proceeding.

On March 14, 2008, Michael Grant, Chief Administrative Law Judge, held an evidentiary hearing in Florence, Oregon. Judy Bedsole, owner, appeared on behalf of Fish Mill. Jason Jones, Assistant Attorney General, appeared on behalf of the Commission Staff.¹

¹ Following the hearing, Staff filed additional testimony to rebut new evidence offered by Fish Mill. Fish Mill neither objected to the admission of the testimony nor requested an opportunity for cross-examination. Accordingly, the additional testimony, Staff/200 and Staff/201, is hereby admitted.

Based on the record in this matter, we enter the following:

FINDINGS OF FACT

Fish Mill is a small, privately-owned water company providing service adjacent to Siltcoos Lake near the Oregon coast. Using water drawn from a spring, Fish Mill provides domestic water service to three residential customers and the owner's own business, Fish Mill Lodges and a Recreational Vehicle (RV) Park (Lodge). The Lodge provides overnight lodging and boat docking, and is open year-round, doing mostly seasonal business. It consists of a manager house, four rooms, six cabins, a shop and fish room, and 11 RV spaces.

In August 2007, Fish Mill filed a petition asking that it be rate regulated by the Commission. We granted Fish Mill's request and, in Order No. 07-391, asserted jurisdiction over the water utility and directed them to file tariffs.

In September 2007, Fish Mill filed tariffs seeking to increase its revenues. Prior to our approval of interim rates, Fish Mill charged its three residential customers a flat monthly rate of \$24. In its tariff filing, Fish Mill proposed to increase that rate to \$120.81 per month. Fish Mill proposed no rate for the Lodge.

At the time of its tariff filing, Fish Mill was under a boiled water notice by the Drinking Water Program (DWP) due to coliform bacteria contamination. Site visits from DWP identified system deficiencies that needed to be addressed. These included securing the spring collection site, establishing a coliform sampling plan and storage tank cleaning schedule, and installing meters. The Oregon Water Services provided a bid of \$4,907 to complete the identified repairs and corrective measures.

Staff reviewed Fish Mill's application and determined the Company's annual expenses using a 2006 test year. Staff documented all costs with invoices, check, and receipts. Staff also removed non-utility items, amortized certain expenses over a three-year period, and made other appropriate adjustments.

Based on its analysis, Staff recommends an annual increase in revenue of \$3,428, or 294.6 percent over test period revenues, resulting in total annual revenues of \$4,546. These figures are based on a 9.5 percent rate of return on a rate base of \$1,736.²

Using estimated water usage, Staff initially proposed allocating 39.02 percent of that revenue requirement to residential customers, and 60.98 percent to the Lodge. In response to additional evidence relating to the Lodge's water usage, Staff revised its rate design recommendation and supports Fish Mill's proposed allocation of 42.66 percent for residential customers and 57.34 percent for the Lodge.

² In its testimony, Staff mistakenly reported a proposed increase in revenues of \$3,682 and a rate base of \$1,059. *See* Staff/100, Miller/20. The figures cited above are the correct figures, as confirmed by Staff's Revenue Requirement spreadsheet set forth in Staff/101, Miller/5.

Under Staff's recommended revenue requirement and rate design, the monthly flat rate for residential customers would increase from \$24 to \$53.87. The Lodge would pay a commercial flat monthly rate of \$217.22.

DISCUSSION

Fish Mill raised six objections to Staff's recommendation. We do not address the first two issues, as they relate to Staff's representation of historical facts that are not relevant to establishing rates in this proceeding.³ We address the remaining four issues in turn.

1. Amortization of Contract Labor Expense

Staff identified \$3,111 in Contract Labor Expense, but concluded that a large majority of those costs were related to clearing brush away from the facilities and, consequently, were nonrecurring. Accordingly, to determine test year expenses, Staff amortized the \$3,111 over a three-year period.

Fish Mill opposes the amortization of the Contract Labor Expense. It states that, without amortization, the Company would receive increased revenues to facilitate system improvements in a timelier manner.

We agree with Staff that the Contract Labor Expense incurred during the 2006 test year should be amortized over three years for purposes of setting rates. While we acknowledge Fish Mill's need to make improvements to its water system, customer rates must be established based on the utility's reasonable expenses. As noted, the Contract Labor Expense during the test year was unusually high due to the need to clear away brush to gain access to the water facilities. This level of activity should not be required in the future with routine maintenance, as contemplated by Staff's recommendation that includes an annual \$780 in Repairs and Maintenance Expense.

2. Adjustment to Legal Expenses

In its filing, Fish Mill requested recovery of \$3,507.68 in legal fees. Given the small number of customers, Staff found the amount to be excessive and repeatedly requested that Fish Mill provide information explaining the purpose and reason for the legal expenses. Based on the incomplete information the Company did provide, Staff identified \$2,631 as appropriate legal expenses, and amortized that amount over a three-year period.

³ Fish Mill first objects to Staff's characterization of a prior dispute with a customer as a "property dispute or civil issue." Fish Mill claims that the dispute was actually a "case of interference with a public utility." Second, Fish Mill contends that Staff erred by stating that a prior application for exclusive service territory reduced the number of customers from 16 to 3. Fish Mill claims that only three customers were being served at the time of the application. As stated above, these alleged errors of historic fact are not relevant to our discussion.

Fish Mill contends that all its reported legal expenses were prudent and relevant either to deal with the interference of water system maintenance or to prepare for this rate proceeding. Accordingly, it seeks recovery of the entire \$3,507.68 on an annual, unamortized basis.

We have reviewed the information provided by Fish Mill in support of its legal expenses and agree with Staff that the Company has failed it burden to establish that all these legal expenses were prudent and related to the provision of water service. As Staff notes, the majority of expenses appear to be related to a 1997 dispute with a former customer. That dispute should have been resolved years ago, and is nonrecurring in nature. We adopt Staff's recommendation to disallow 25 percent of the legal expenses, given the uncertainty of the prudence and relevance of such costs, and to amortize the remaining amount over a three-year period.

3. RV Space #8

In determining the proper allocation of expenses between the residential customers and the Lodge, Staff estimated the water usage for the Lodge's tenants, the fish room and shop, and RV spaces. Staff presumed that RV Space #8 was occupied full-time, based on correspondence from Ms. Bedsole that the space was rented year-round to a couple from California.

Fish Mill contends that Staff's estimated water usage for RV Space #8 is erroneous, because the space "was rented all year as a storage space. It was never inhabited."

We find no error in Staff's estimated water usage. First, as further discussed below, Staff adjusted its water usage assumptions in its rebuttal testimony filed after the hearing. These adjustments address, in part, Fish Mill's concerns about the water usage for the RV spaces. Second, despite the fact that Fish Mill appears to be providing conflicting information as to the use of RV Space #8, we find that Staff's analysis, as adjusted and viewed as a whole, reasonably estimates the amount of water usage for purposes of allocating operating expenses between the residential customers and the Lodge. As Staff notes, the actual amount of water usage must be adjusted to reflect a "normal" or expected use in the future. For this reason, Staff explains, it assumed full time water usage for all three residential customers, even though the house of one customer is not occupied. Similarly, Staff's usage estimates for RV Space #8 were reasonable, given its availability for use by tenants. Absent evidence that Fish Mill has terminated water service to RV Space #8, we find Staff's assumptions to be reasonable, regardless of the actual amount of water used by that space during the 2006 test year.

4. Lodge Water Usage

In its analysis, Staff assumed that each Lodge tenant used 100 gallons per day of occupancy. Using this assumption and others, Staff initially proposed allocating 39.02 percent of Fish Mill's revenue requirement to residential customers, and 60.98 percent to the Lodge.

At hearing, Fish Mill objected to Staff's water use assumption, claiming that 100 gallons per day was too high. Fish Mill explained that its guests' water use is much lower than average residential use, because they spend the majority of the day elsewhere and do not engage in water intensive activities, such as watering yards or washing clothes.

Following hearing, Staff researched water usage for hotel guests and agreed with Fish Mill's claim. Accordingly, it revised its recommendation and now supports Fish Mill's proposed allocation of 42.66 percent for residential customers and 57.34 percent for the Lodge.

We find Fish Mill's proposed allocation reasonable, and adopt Staff's revised recommendation.

CONCLUSION

We find Staff's adjustments to Fish Mill's expenses contained in its application, as summarized in Staff/101, Miller/4, to be reasonable for purposes of establishing water rates. We also find that Staff's proposed rate design, based on Fish Mill's proposed allocation between its residential customers and the Lodge, to be reasonable.

We conclude that Staff's recommendation will provide Fish Mill with sufficient revenue to cover its costs and to begin to make the improvements to its water system to address its recent service quality programs. As discussed, Staff's proposed revenue requirement includes an additional \$780 for annual repairs to water plant, with additional amounts for testing and contract labor expense. While we do not expect Fish Mill to immediately undertake all of the repairs, the Company should begin to systematically address the deficiencies identified by the Drinking Water Program and to take corrective action to ensure the provision of safe and reliable service.

Accordingly, we find Staff's recommended revenue requirement and rates to be just and reasonable. We approve an annual increase in revenue for Fish Mill of \$3,428, or 294.6 percent over test period revenues, resulting in total annual revenues of \$4,546. These figures are based on a 9.5 percent rate of return on a rate base of \$1,736.

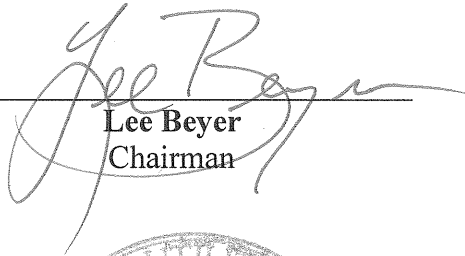
The revised tariffs, attached as Appendix A and which incorporated the terms of this order, are adopted. Average monthly residential rates will increase from \$24.00 to \$53.87. The Lodge will pay a flat monthly rate of \$217.22.

ORDER

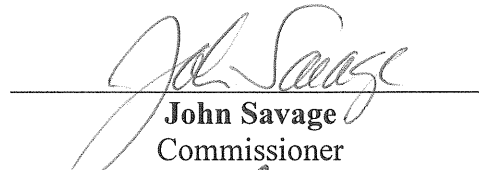
IT IS ORDERED that:

1. The tariff schedules set forth in the application filed by Fish Mill Lodges Water System are permanently suspended.
2. The revised tariff schedules, set forth in Appendix A, shall become effective May 15, 2008.

Made, entered, and effective APR 24 2008.



Lee Beyer
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.

**Containing Rules and Regulations
Governing Water Utility Service**

NAMING RATES FOR

FISH MILL LOGES WATER SYSTEM

PO BOX 95
WEST LAKE OR 97439

541-997-2511

Serving water in the vicinity of

Dunes City, Oregon

Issue Date		Effective Date	September 1, 2008
Issued By	ANGLERS COVE SHADY COVE HEIGHTS WATER COMPANY		
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Name & Title			

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APPENDIX *A*
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SCHEDULE NO. 1

RESIDENTIAL & COMMERCIAL FLAT RATES

Available: To customers of the Utility at Dunes City, Oregon, and vicinity.

Applicable: To residential and commercial premises.

Residential Flat Rate

Service Meter Size	Monthly Flat Rate	Usage Allowance
Any size	\$53.87	None

Commercial Flat Rate

Service Meter Size	Monthly Flat Rate	Usage Allowance
Any size	\$217.22	None

Special Provisions:

1. These rates are based on continuous service. Discontinuation of service may not be employed to avoid monthly charges for service. See Rule No. 26, Voluntary Discontinuance.
2. Water used during the construction of buildings, etc., shall be metered. Charges shall be made at the rates specified in this schedule. When setting of a meter is impracticable, the amount of water used shall be estimated, and the charges shall be made at specified rates for the amounts so estimated.

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SCHEDULE NO. 2
MISCELLANEOUS SERVICE CHARGES

This schedule lists the miscellaneous charges included in the utility's Rules and Regulations; refer to the appropriate rules for an explanation of charges and conditions under which they apply.

<u>Connection Charge for New Service</u> (Rule No. 9)	
Standard 3/4-inch service	\$450.00
Nonstandard 3/4 inch service	At cost
Larger than 3/4-inch	\$450.00 (plus additional costs)
Irrigation hookup (if provided on separate system)	\$450.00
<u>Meter Test</u> (Rule No. 21)	
First test within 12-month period	N/C
Second test within 12-month period	\$20
<u>Pressure Test</u> (Rule No. 40)	
First test within 12-month period	N/C
Second test within 12-month period	\$20
<u>Late-Payment Charge</u> (Rule No. 22)	
Charged on amounts more than 30 days past due	Pursuant to OAR 860-036-0130 (as of 1/1/07 – 1.7%)
<u>Deposit for Service</u> (Rule No. 5)	
Pursuant to OAR 860-036-0040(2)	Pursuant to OAR 860-036-0050 (as of 1/1/07 – 4%)
<u>Returned-Check Charge</u> (Rule No. 23)	\$20
<u>Trouble-Call Charge</u> (Rule No. 36)	
During normal office hours	\$25
After normal office hours on special request	\$35
<u>Disconnection/Reconnect Charge</u> (Rule No. 28 & 29)	
During normal office hours	\$25
After normal office hours on special request	\$35
<u>Unauthorized Restoration of Service</u> (Rule No. 30)	Reconnection charge plus costs
<u>Damage/Tampering Charge</u> (Rule No. 34)	At cost
<u>Disconnect-Visit Charge</u> (Rule No. 29)	\$20

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RULES AND REGULATIONS

Rule 1: Jurisdiction of the Commission

The Rules and Regulations herein shall be subject to the rules and regulations of the Public Utility Commission of Oregon.

Rule 2: Definitions

“Utility” shall mean FISH MILL LODGES WATER SYSTEM

- B. “Applicant” shall mean any person, business, or organization that applies for service or reapplies for service at a new existing location after service has been discontinued, except as noted in the definition of “Customer.”
- C. “Commission” shall mean the Public Utility Commission of Oregon.
- D. “Customer” shall mean any person, business, or organization who has applied for, been accepted to receive, or is currently receiving service. A customer who voluntarily discontinues service at the same or different premises within 20 (twenty) days after discontinuance retains customer status.
- E. “Residential customer premises” shall mean any dwelling and its land including, but not limited to, a house, apartment, condominium, townhouse, cottage, cabin, mobile home, or trailer house.
- F. “Commercial customer premises” shall mean any premises at which a customer carries on any major activity of gaining a livelihood or performing a public service. Such activity may be of a business, industrial, professional, or public nature.
- G. “Main” shall mean the pipe laid in the street, alley, or other right-of-way for the distribution of water to customers. It shall not include service lines.
- H. “Service connection” shall mean the pipe, stops, fittings, meter, and meter box laid from the main to the property line of the premises served.
- I. “Customer line” shall mean the pipe, stops, and fittings leading from the property line to the premises served.
- J. Point of Delivery is the property line or the outlet swivel/union of the meter defining where the service connection stops and the customer line starts.

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APPLICATION FOR SERVICE

Rule 3: Customer/Applicant Information (OAR 860-036-0015)

The utility shall provide or be able to provide customers or applicants with the following information:

- A. Instructions on how to read meters, either in writing or by explanation;
- B. Application and contract forms;
- C. Utility rules and regulations;
- D. Commission rules and regulations;
- E. Approved tariffs;
- F. Rights and Responsibilities Summary for Oregon Utility Consumers;
- G. Notices in foreign languages, if applicable;
- H. The utility's business address, telephone number, and emergency telephone number; and
- I. Notices approved by the Commission.

Rule 4: Application for Service (OAR 860-036-0035)

Application for water service must be made for each individual service. The application shall identify the applicant, the premises to be served, the billing address if different, the type of use to which the water is to be put, and an agreement to conform to the Rules and Regulations of the utility as a condition for receiving such service. The applicant shall, at this time, pay any scheduled fees or deposits. An application is a request for water utility service and shall not be accepted until the applicant establishes credit as set forth in OAR 860-036-0040.

An application for water service must be made where:

- A. An applicant who has not previously been served by the water utility requests service;
- B. Service has been involuntarily discontinued in accordance with the utility and Commission rules, and service is sought;
- C. Service has been voluntarily discontinued and a request to restore service has not been made within 20 days; or
- D. There is a change in the identity of a customer, the type of use to which the water is put, or the number of premises served.

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Rule 5: Deposit for Service (OAR 860-036-0040)

In accordance with the Commission's rules for credit establishment and deposit waiver, an applicant or a customer may be required to make a deposit to secure payment of bills for service. The deposit shall not exceed one-sixth (1/6) the amount of reasonable estimated billings for one year's use of service at the premises during the prior year or upon the type and size of the customer's equipment that will use the service. (OAR 860-036-0040)

The utility shall pay interest on deposits at the rate established by the Commission. After the customer has paid bills for service for 12 consecutive months without having had service discontinued for nonpayment, or more than two occasions in which a shut-off notice was issued, and the customer is not then delinquent in the payment of bills, the utility shall promptly and automatically refund the deposit plus accrued interest by (check one):

- 1) issuing the customer a refund check
- 2) crediting the customer's account; however, a customer is entitled to a refund upon request pursuant to OAR 860-036-0055.

Rule 6: Customer Service Line

The customer shall own and maintain the customer service line and promptly repair all breaks and leaks. The utility shall not be responsible for any damage or poor service due to inadequacy of the customer line or any portion of the customer's plumbing. All leaks in the customer line, faucets, and all other parts of the plumbing owned or controlled by the customer shall be promptly repaired so as not to waste water.

Rule 7: Separate Control of Service

All premises supplied with water will be served through service lines so placed as to enable the utility to control the supply to each individual premise using a valve placed within and near the line of the street, the utility right-of-way, or at the meter.

Rule 8: Service Connections (OAR 860-036-0060)

The utility shall furnish and install at its own expense all necessary trenching, pipe, valves, and fittings between its main line and the customer's service line. Such installation shall be designated as the service connection. The utility shall own, operate, maintain, and replace the service connection when

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necessary and promptly repair all breaks and leaks. The customer shall not be responsible for any damage or poor service due to inadequacy of the service lines or any portion of the utility's plumbing.

Rule 9: Service Connection Charge

An applicant requesting permanent water service to premises not previously supplied with permanent water service by the utility shall be required to pay the service connection charge listed in the utility's Miscellaneous Service Charges Schedule.

Rule 10: Main Line Extension Policy (OAR 860-036-0065)

The utility shall specify the size, character, and location of pipes and appurtenances in any main line extension. Main line extensions shall normally be along streets, roads, highways, or other satisfactory rights-of-way. All construction work shall conform to all applicable rules, regulations, codes, and industry standards. Each main line extension shall normally extend along applicant's property line to the point the applicant's service line would be at a 90-degree angle to the street or main line.

Rule 11: Main Line Advances and Refunds Policy

Each new customer requesting a main line extension shall advance the utility the cost-base amount necessary to extend the main line to provide service.

For a period of N/A years after construction of the requested main line extension, the utility shall also collect from any additional applicants whose service connections or service lines shall connect to said main line extension an amount per foot equal to the new applicant's proportionate share of the main line extension cost for that portion used. The utility will then refund the share differential amount to those customers who previously shared the cost of said main line extension. Refunds shall not exceed the amount originally advanced.

No part of the distribution system installed prior to the request for a main line extension shall be used to calculate any customer advance or refund.

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Rule 12: Types of Use

Water service may be supplied for residential, commercial, irrigation, temporary construction, special contracts, fire prevention, and other uses. The utility shall file separate rate schedules for each type of use and basis of supply.

Rule 13: Multiple Residences

An apartment building, mobile home park, motel, trailer camp, duplex, townhouse, or any other property consisting of more than one residential unit, if served through one service line, shall be considered to be equivalent to the number of dwelling units when determining the customer count.

Rule 14: Utility Access to Private Property (OAR 860-036-0120(3)(b) and OAR 860-036-0205(3))

Customers shall provide access during reasonable hours to utility-owned service lines that extend onto the premises of the customer for the purposes of reading meters, maintenance, inspections, or removal of utility property at the time service is to be discontinued. Where the customer does not cooperate in providing reasonable access to the meter or to the premises, as required by law or to determine if a health or safety hazard exists, it is grounds for disconnection.

Rule 15: Restriction on Entering a Customer Residence (OAR 860-036-0085)

No water utility employee shall enter the residence of its customers without proper authorization except in an emergency when life or property is endangered.

REFUSAL OF SERVICE

Rule 16: Refusal of Service Due to Customer Accounts (OAR 860-036-0080(1-3))

The utility may refuse to serve an applicant until receipt of full payment of overdue amounts, or other obligations related to a prior account of the applicant with the utility, when the following circumstances exist:

- A. An overdue amount remains outstanding by a customer at the service address;

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- B. The applicant resided at the service address indicated in (A) during the time the overdue charges were incurred; and
- C. The person indicated in (A) will reside at the location to be served under the new application. (OAR 860-036-0080)

Service shall not be refused for matters not related to water service. Residential service shall not be refused due to obligations connected with nonresidential service.

If service is refused under this rule, the utility shall inform the applicant or customer of the reasons for the refusal and of the Commission's dispute resolution process.

Rule 17: Refusal of Service Due to Utility Facilities (OAR 860-036-0080(7))

The utility shall not accept an application for service or materially change service to a customer if the utility does not have adequate facilities or water resources to render the service applied for, or if the desired service is of a character that is likely to unfavorably affect reasonable service to other customers.

For refusal of service under this rule, the utility shall provide a written letter of refusal to the applicant informing applicant that the details upon which the utility's decision was based may be requested. A copy of such notice will be sent to the Commission. The details will include, but not be limited to:

- A. Current capacity and load measured in gallons or cubic feet per minute;
- B. Current capacity and load measured in pounds per square inch;
- C. Cost to the utility for additional capacity in order to provide the additional service; and
- D. Information regarding the appeal process of the utility's refusal to provide service is available through the Commission's dispute resolution process pursuant to OAR 860-036-0025.

Rule 18: Refusal of Service Due to Customer Facilities (OAR 860-036-0080(4-6))

The utility shall refuse service to an applicant or customer whose facilities do not comply with applicable plumbing codes or, if in the best judgment of the utility, are of such a character that safe and satisfactory service cannot be given.

If service is refused under this rule, the utility will provide written notification to the customer within 10 working days stating the reason(s) for refusal and providing information regarding the Commission's complaint process. A copy of the notification will also be sent to the Commission.

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METERS

Rule 19: Utility Meters (OAR 860-036-0105)

The utility shall own, maintain, and operate all meters. Meters placed in service shall be adequate in size and design for the type of service, set at convenient locations, accessible to the utility, subject to the utility's control, and placed in a meter box or vault between the street curb and property line. Each meter box or vault shall be provided with a suitable cover.

Where additional meters are furnished by the utility or relocated for the convenience of the customer, a reasonable charge may be made in accordance with a schedule approved by the Commission.

The water utility shall have the right to set meters or other devices for the detection and prevention of fraud or waste without notice to the customer.

Each customer shall provide the utility with regular access to the meter on the customer's property. Failure to permit access at reasonable times and after reasonable notice by the utility requesting access is grounds for disconnection. (OAR 860-036-0120) Should damage result to the meter from molesting, tampering, or willful neglect on the part of the customer, the utility shall repair or replace the meter and may bill the customer for the reasonable cost. (OAR 860-036-0105(6))

Rule 20: Meter Testing (OAR 860-036-0110)

The meter shall be tested prior to or within 30 (thirty) days of installation to determine it is accurate to register not more than 2 percent error. No meter shall be allowed to remain in service if it registers an error in excess of 2 percent under normal operating conditions. The utility shall maintain a record of all meter tests and results. Meter test result records shall include:

- A. Information necessary to identify the meter;
- B. Reason for making the test;
- C. Date of test;
- D. Method of testing;
- E. Meter readings;
- F. Test results; and
- G. Any other information required to permit convenient checking of methods employed.

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Rule 21: Customer-Requested Meter Test (OAR 860-036-0115)

A customer may request that the utility test the service meter; such test shall be made within 20 working days of the receipt of such request at no cost to the customer. The customer has the right to be present during said test, which is to be scheduled at a mutually agreeable time. A written report shall be provided to the customer stating:

- A. Customer's name;
- B. Date of the customer's request;
- C. Address at which the meter has been installed;
- D. Meter identification number;
- E. Date of actual test; and
- F. Test results.

If a customer requests a meter test more often than once in any 12-month period, the deposit listed on the Miscellaneous Service Charges Schedule may be required to recover the cost of the test. If the meter is found to register more than 2 percent fast under conditions of normal operation, the utility shall refund the deposit to the customer.

BILLING

Rule 22: Billing Information/Late-Payment Charge (OAR 860-036-0120, OAR 860-036-0125 and OAR 860-036-0130)

Bills are due and payable when rendered by deposit in the mail or other reasonable means of delivery. As near as practical, bills shall be metered on the corresponding day of each month. (OAR 860-036-0120(3) requires water utilities to bill at monthly intervals. **THE CUSTOMERS ARE BILLED AT A FLAT RATE.**

The late-payment charge determined by the Commission and listed on the Miscellaneous Service Charges Schedule shall be applied to all overdue balances at the time of preparing the subsequent months' bill or balances owing that are 30 days old.

All bills become delinquent if not paid within 25 days of the date of transmittal of the bill. (OAR 860-036-0125 requires a minimum of 15 days.) If permitted to become delinquent, water service may be terminated after proper notice as provided in Rule 28, Disconnection of Water Service for Cause.

All water service bills shall show:

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- A. Beginning and ending meter readings for the billing period;
- B. Beginning and ending dates of the period of service to which the bill applies;
- C. For all metered bills, beginning and ending meter readings for the period for which the bill is rendered;
- D. Number of units of service supplied stated in gallons or cubic feet;
- E. Schedule number under which the bill was computed;
- F. Delinquent date of the bill;
- G. Total amount due; and
- H. Any other information necessary for the computation of the bill.

Rule 23: Returned-Check Charge

The returned-check charge listed on the Miscellaneous Service Charges Schedule shall be billed for each occasion a customer submits a check for payment that is not honored, for any reason, by a bank or other financial institution.

Rule 24: Prorating of Bills

Initial and final bills will be prorated according to the number of days service was rendered and on the basis of a 31-day month. For metered services, the meter will be read upon opening and closing a customer's account. Consumption will be charged at scheduled rates. Any minimum monthly charge will be prorated.

Rule 25: Adjustment of Bills (860-036-0135)

When an underbilling or overbilling occurs, the utility shall provide written notice to the customer detailing the circumstances, period of time, and the amount of the adjustment. If it can be shown that the error was due to an identifiable cause, the date of which can be fixed, the overcharge or undercharge shall be computed back to such date. If no date can be fixed, the utility shall refund the overcharge or rebill the undercharge for no more than six months' usage. In no event shall an overbilling or underbilling be for more than three years' usage. No billing adjustment shall be required if a meter registers less than 2 percent error under conditions of normal operation.

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When a customer is required to repay an underbilling, the customer shall be entitled to enter into a time-payment agreement without regard to whether the customer already participates in such an agreement. If the customer and the utility cannot agree upon payment terms, the Commission shall establish terms and conditions to govern the repayment obligation. The utility shall provide written notice advising the customer of the opportunity to enter into a time-payment agreement and of the Commission's complaint process.

DISCONNECTION OF WATER SERVICE

Rule 26: Voluntary Discontinuance (OAR 860-036-0210)

Except for emergencies, customers who (for any reason) wish to have service discontinued shall provide the utility with at least five days' advance notice of the requested date of discontinuance of service. Until the utility receives such notice, the customer shall be held responsible for all service rendered. Should the customer wish to recommence service within 12 months at the same premises, the customer will be required to pay the customary minimum monthly charge as if service had been continuous. The reconnection charge listed on the Miscellaneous Service Charges Schedule will be applicable at the time of reconnection.

Rule 27: Emergency Disconnection (OAR 860-036-0215)

The utility may terminate service in emergencies when life or property is endangered without following the procedures set forth in OAR 860-036-0245. Immediately thereafter, the utility will notify the customer and the Commission. When the emergency termination was through no fault of the customer, there shall be no charge made for restoration of service.

Rule 28: Disconnection of Water Service for Cause (OAR 860-036-0205 and 0245)

When a customer fails to comply with the utility's rules and regulations, or permits a bill or charge for regulated services to become delinquent (except for nonpayment of a time-payment agreement*), the utility shall give at least five days' written notice before water may be shut off. The notice shall state:

- A. The reason(s) for the proposed disconnection;
- B. The earliest date for disconnection;

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- C. The amount to be paid to avoid disconnection;
- D. An explanation of the time-payment provision of OAR 860-036-0125;
- E. Information regarding the Commission's dispute resolution process; and
- F. The Commission's Consumer Services toll-free number, 1-800-522-2404.

Prior to disconnection on the day that the water utility expects to disconnect service, the utility must make a good-faith effort to physically contact the customer to be disconnected or an adult at the customer's premise to be disconnected to advise the customer or adult of the proposed disconnection. If contact is not made, the utility shall leave a notice in a conspicuous place at the customer's premise informing the customer that service has been or is about to be disconnected. The utility shall document its efforts to provide notice and make that documentation available to the customer upon request.

Service shall not be shut off for nonemergencies on a weekend, or a state recognized holiday. Service shall not be disconnected for non-emergencies on a Friday or the day of a state recognized holiday or the day prior to such holiday. (OAR 860-036-0220)

The utility shall not disconnect residential service due to the failure to pay or meet obligations associated with nonresidential service. (OAR 860-036-0225)

A water utility may not disconnect residential service for nonpayment if a customer enters into a written time-payment plan. The utility will offer such customers a choice of payment agreements between a levelized-payment plan and an equal-pay arrearage plan or some other mutually agreeable alternate payment arrangement agreed to in writing. (OAR 860-036-0125)

*When a customer fails to comply with the terms of a written time-payment agreement between the customer, and/or the utility permits a time-payment agreement charge to become delinquent, the utility shall give at least 15 days' written notice before the water may be shut off.

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Rule 29: Reconnection Charge and Disconnection Visit Charge (OAR 860-036-0080 and 0245(7))

Service shall not be restored until the utility's rules and regulations are complied with and/or payment is made in the amount overdue and any additional disconnection, reconnection, or disconnection visit charges incurred as listed on the Miscellaneous Service Charges Schedule are paid.

Rule 30: Unauthorized Restoration of Service

After the water has been disconnected or shut off at the curb stop or at the meter, if any person not authorized by the utility should turn it on, the water service line may be disconnected without notice. Service shall not be reconnected until all arrearages, all cost-of-service disconnection and reconnection, and the reconnection charge listed on the Miscellaneous Service Charges Schedule are paid in full.

Rule 31: Unauthorized Use

No person shall be allowed to make connection to the utility mains, or to make any alteration to service connections, or to turn a curb stop off or on to any premises, without written permission of the utility. Meter tampering, diverting service, or any other unauthorized use of service will automatically cause a disconnection of the water service and meter removal. All fees, costs of disconnection and reconnection, past-due billings, and service charges listed on the Miscellaneous Service Charges Schedule must be paid in full before any service is restored. An advance deposit for restoration of service may be required.

Rule 32: Interruption of Service (OAR 860-036-0075)

The utility shall have the right to shut off the water supply temporarily for repairs and other necessary purposes. The utility shall use all reasonable and practicable measures to notify affected customers in advance of such discontinuance of service except in the case of emergency repairs. The utility shall not be liable for any inconvenience suffered by the customer or damage to the customer's property arising from such discontinuance of service.

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The utility shall keep a record of all service interruptions affecting its whole system or a major section thereof, including the time and date of interruption, duration, and cause or purpose of interruption.

Rule 33: Water Supply/Usage Restrictions (OAR 860-036-0325)

The utility shall exercise due diligence to furnish a continuous and adequate supply of water to its customers. If water restrictions are necessary to equitably apportion its available water supply among its customers with due regard to public health and safety, the utility shall provide written notification to its customers and the Commission including:

- A. Reason for the restriction;
- B. Nature and extent of the restriction;
- C. Effective date of the restriction; and
- D. Probable date of termination of such restriction.

Rule 34: Damages/Tampering

Should damage result to any of the utility's property from molesting or willful neglect by the customer to a meter or meter box located in the customer's building, the utility will repair or replace such equipment and will bill the customer for the costs incurred.

SERVICE QUALITY

Rule 35: System Maintenance (OAR 860-036-0305)

The utility shall have and maintain its entire plant, distribution system, and hydrants in such condition that it will furnish safe, adequate, and reasonable continuous service. The utility shall inspect its facilities in such manner and with such frequency as may be necessary to ensure a reasonably complete knowledge of its condition and adequacy at all times.

The utility shall keep such records of all routine maintenance as considered necessary for the proper maintenance of its system, including regular flushing schedules, exercising of valves, and valve inspections.

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Rule 36: Trouble Call

The trouble-call charge listed on the Miscellaneous Service Charges Schedule may be billed whenever a customer requests that the utility visit the customer's premises to remedy a service problem and the problem is due to the customer's facilities.

Rule 37: Water Purity (OAR 860-036-0310)

The utility shall deliver water for domestic purposes free from bodily injurious physical elements and disease-producing bacteria and shall cause such tests to be made and precautions taken as will ensure the constant purity of its supply.

The utility shall keep a record of all water quality testings, results, monitoring, and reports.

The utility shall deliver domestic water that is reasonably free from elements that cause physical damage to customer property such as pipes, valves, appliances, and personal property. A water supply that causes such damage will be remedied until the conditions are such as to not reasonably justify the necessary investment.

Rule 38: Water Pressure (OAR 860-036-0315)

Each water utility shall maintain pressure at a minimum of 20 pounds per square inch (psi) for health reasons to each customer at all times. The 20 psi is not presumed to be adequate service and do not restrict the authority of the Commission to require improvements where water pressure or flow is inadequate.

In general, 40 psi of water pressure in the water mains is usually adequate for the purposes of this rule. Adequate pressure may vary depending on each individual water system and its customers' circumstances. In the case of a dispute, the Commission will determine the appropriate water pressure for the water utility.

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Rule 39: Pressure Surveys (OAR 860-036-0320)

The utility shall have a permanently placed pressure gauge located on a main that is representative of the system's pressure. A portable gauge in good working condition shall be available for checking pressure conditions in any part of the distribution area.

Rule 40: Customer-Requested Pressure Test (OAR 860-036-0320)

Upon customer request, the utility will perform a water pressure test within 20 working days of the request at no cost to the customer. If the customer requests more than one pressure test within any 12-month period, a deposit to recover the reasonable cost of the additional test may be required of the customer. The deposit shall be returned if the pressure test indicates less than 20 psi. The customer or designated representative has the right to be present at the pressure test, and said test shall be conducted at a mutually agreeable time.

For metered service, the pressure will be tested at a point adjacent to the meter on the customer's service line. For nonmetered service, the pressure will be tested at the customer's service line or hose bibb or other reasonable point likely to best reflect the actual service pressure.

Rule 41: Maps/Records (OAR 860-036-0335)

The utility shall keep on file current maps and records of the entire plant showing size, location, character, and date of installation of major plant items, including shut-off valves.

Rule 42: Utility Line Location (One Call Program) (OAR 860-036-0345)

The utility and its customers will comply with the requirements of OAR 952-001-0010 through and including OAR 952-001-0090 (One Call Program) regarding identification and notification of underground facilities.

Rule 43: Cross Connection/Backflow Prevention Program

N/A

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