

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 125

In the Matter of Willamette Water)
Company's Application For a General) ORDER
Rate Increase.)

DISPOSITION: STIPULATION ADOPTED

I. INTRODUCTION

Willamette Water Company (Willamette or the Company) filed its application on December 19, 2007, requesting an increase in its annual revenues from water rates from \$177,678 to \$214,944, an increase of about 21 percent. Willamette is located in Goshen, Oregon, near Eugene. It serves about 100 residential customers, 54 commercial customers, 9 industrial customers, 8 private fire protection customers, and 1 public fire protection customers. It purchases all of its water from the Eugene Water & Electric Board (EWEB).

Willamette is an affiliated company of Frontier Resources LLC (Frontier). Frontier provides various services to Willamette, including Financial Management, Management, Administration and Operations, and Facilities (office space with utilities included, equipment, transportation, and cell phones). An affiliated interest contract between Willamette and Frontier was approved by the Commission on October 11, 2007, in Order No. 07-436.

According to Willamette, three principal factors drive the rate increase. First, its rates have not been increased for five years. Meanwhile, its costs of operating the system have increased – in particular EWEB has dramatically increased its charges for water provided to Willamette, with a further increase pending.

Second, a major customer, representing 20 percent of Willamette's sales by volume, cut back its production and its water use by nearly 90 percent. Willamette's operating costs must be spread across the lower sales volume.

Third, Willamette has performed "much needed system maintenance such as line and meter repairs, and leak detection identification and mitigation." The Company believes that its maintenance program reduces the amount of water it must buy from EWEB.

Willamette requested an interim rate increase of 12 percent for its commodity and base rates. On January 22, 2008, the Commission approved an interim monthly rate increase of 12 percent with a February 1, 2008, effective date, and suspended the Company's proposed tariff sheets for six months.

A prehearing conference was held in Eugene on February 7, 2008. Parties appearing at the prehearing conference were Jeff Demers on behalf of Willamette, Jason Jones on behalf of the Commission Staff (Staff), Cecil Saxon on behalf of the Goshen Neighborhood Association, Dick Hediger on behalf of himself as a customer, and David Wolting on behalf of the Goshen Fire Protection District (Goshen Fire).

On May 5, 2008, Willamette, Staff, and Goshen Fire submitted a stipulation, settling all issues between them. In supporting testimony Staff explains and defends the stipulation and states that no other parties participated in the settlement negotiations.

A copy of the stipulation is attached as Appendix A.

II. THE STIPULATION

A. Revenue Requirement

The stipulating parties (Parties) stipulate to Staff's analysis of the Company's filing. The stipulated revenue requirement is \$209,047, a 17.7 percent increase in total revenues.¹ The Parties calculated revenue deductions of \$200,271, resulting in net income of \$8,772. They agree to a 9.5 percent rate of return on a rate base of \$92,332.²

The proposed revenue requirement does not include EWEB's May 1, 2008, increase in purchased water rates. The Parties agree that Willamette should file a tariff with the Commission requesting an automatic adjustment clause to incorporate EWEB's 2008 rate increase into its rates. The automatic adjustment clause also is intended to capture subsequent EWEB increases until the next general rate case.

In its testimony Staff explains why Willamette's operating expenses are higher than for comparable customers. First is the increase in purchased water expense charged by EWEB. Staff notes that EWEB's rates are structured to Willamette's disadvantage, as the Company is required to pay a higher "Water Service Outside the City Limits of Eugene" rate to transport the water to its system.

¹ The 17.7 percent increase includes the 12 percent interim increase authorized on January 22, 2008.

² A table that displays the derivation of the revenue requirement is included in the stipulation as Attachment A.

Staff observes that the Company has a high proportion of industrial and commercial customers so that its system is “extensive (and aging) with large main lines that are required to supply customers with larger meters.” Consequently, Staff found that the Company’s operating maintenance and repair costs are higher.

Regarding the Company’s affiliated interest contract with Frontier, in Order No. 07-436 the Commission approved an annual cost level of \$86,313. Because the new owner has taken an aggressive stance to improve the operations, maintenance, and financial integrity of the Company, the Parties agree that the amount approved in the order should be incorporated into rates. However, because of concerns about rate impacts, they stipulate that the Company would forego cost escalations to labor included in the order.

According to Staff, Willamette has experienced high rate case amortization expenses. For several reasons, consultant and legal costs ran higher than would be expected in a water rate case. To offset the effect of these costs, the Company agrees to amortize the expenses over a seven-year period, compared to the typical two- or three-year amortization.

B. Rate Design

The Parties agree to spread the revenue requirement as follows: \$206,017 to residential, commercial, and industrial customers; \$2,786 to Private Fire Protection customers; and \$242 to Temporary Hydrant users. The Parties agree to a 57/43 split between base and variable costs.³

In its testimony Staff explains its method for allocating base rates by meter size in this case. Staff modified American Water Works Association (AWWA) allocation factors to avoid rate shock for some customers. To soften the base rate increases, Staff applied modified factors to meters larger than 5/8 inch and 3/4 inch. Staff’s method resulted in lower increases for the larger size meters. The Parties agree that Staff’s modified factors do take into account that larger meters place a greater potential demand on the water system and customers with larger meters should pay higher base rates. In its testimony Staff included tables that show that, while the stipulated average rates for the 5/8-inch and 3/4-inch meters are lower than the Company’s proposed rates, the stipulated average rates for larger meters are higher than the Company’s proposed rates. The Parties agree that the base rates for the same sized meters would be the same for residential, commercial, and industrial customers.

In its application Willamette had proposed to increase the private fire protection rates by 217 percent. Staff proposed to set the private fire protection rates based on the cost of service. To calculate the cost of service, Staff identified dedicated plant and devised a two-factor allocation formula that was applied to common costs.

³ The rates stipulated to by the Parties are contained in Attachment B to the stipulation.

Staff's two factors were "Dedicated Plant" and "Billing Units." Staff used 30 percent and 70 percent weighting for the Dedicated Plant and Billing Units, stating that the prime driver for Company personnel, management, and contract labor time was billing units. The revenue requirement was apportioned to private fire protection based on the proportion of private hydrants to total hydrants (public and private).

The resulting private fire protection rate increase is greater (in percentage terms) than the increases for potable water. However, the proposed rates accurately reflect the cost of service and are considerably less than the rates proposed by the Company.

Regarding public fire protection rates, the Company proposed to increase rates by 217 percent. Staff proposed that the public fire protection rate be discontinued for the following reasons:

1. No other investor-owned utility under the Commission's financial regulation maintains a public fire protection rate.
2. State Fire Marshall Office representatives are not aware of any fire districts in the state that pay a public fire protection charge for use of hydrants.
3. Only 47 of the 101 hydrants used by the Goshen Fire District are in Willamette's service territory. The District does not pay a public fire protection charge for any of these other hydrants.
4. The District does most of its training at Lane Community College, which provides EWEB water at no cost to the District. The District is allowed to draw water from the Willamette River to fill its tanker and engines. Consequently, the water taken by the District from the Company's hydrants would be most likely used for fire protection in the Company's service territory.
5. The hydrants are used by the District for the purpose of protecting the lives and property of homes and businesses in the Company's service territory. Although there are homes in the service territory that have private wells, the public fire protection is a benefit to the Company's customers.

The Parties agree to discontinue the public fire protection rate. However, the Goshen District will pay the consumption rate for any water used (except for hydrant flushing). According to Staff, all parties agree that the District should pay for such water use, because EWEB bills the Company for such use of water.

In its testimony Staff notes that the effect of discontinuing the public fire protection rate is to increase the rates for residential, commercial, and industrial customers. Staff believes that it mitigated that effect for about 72 percent of the

customers by adjusting the allocation factor, as discussed above.⁴ Staff notes that all classes of customers benefit from the hydrants.

C. Automatic Adjustment Clause

As noted above, the proposed rates do not include the 17 percent increase in water costs announced by EWEB, effective May 1, 2008. EWEB plans “smaller, single digit increases for most of the next nine years.”⁵

Because purchased water represents about 34 percent of Willamette’s operating expenses, the Parties agree to work together to develop an automatic adjustment clause (AAC) that would allow the Company to pass through the higher water costs. Willamette plans to file for an AAC within the next month to recover the May 1, 2008, increase.

In its testimony Staff states that it is not concerned with the AAC itself, but is concerned that the AAC might delay the movement of the rate spread toward the rates designed using the AWWA allocation factors. To address Staff’s concern, the Parties agree that, if the Company has not made a general rate filing by January 1, 2014, Staff may request the Company to file rates, to be effective with the effective date of the next automatic tariff change, that move one-third toward full AWWA-factor based rates. The Company agrees to comply with such Staff request.

E. Water Supply

The high (and rising) cost of water supplied by EWEB requires that Willamette look at other possible sources of water. Staff reports that the Company has expended considerable resources assessing how it might best use its permit to take water from the McKenzie River. However, there is no feasible way for Willamette to change the permitted point of diversion.

Groundwater or other surface sources are not practical because of low flows and turbidity issues on the Willamette River and because of contaminants in groundwater wells in the area of the Company.

Staff reports that Willamette has begun active discussions with EWEB on ways to reduce purchased water costs, including, possibly, EWEB wheeling water for the Company.

⁴ Customers who receive service through 5/8- and 3/4-inch meters.

⁵ Because of compounding, “single digit” increases in later years might be “double digit” increases in 2008 terms.

F. Miscellaneous Charges

In its application Willamette proposed some charges that Staff found would be considerably higher than those of other investor-owned water companies. The Parties agree to Staff's proposal to lower the fees to amounts closer to those of other companies.

G. Refunds

As noted above, Willamette was allowed to increase rates by 12 percent, effective February 1, 2008. That interim increase was subject to refund if the Commission ultimately adopted a lesser increase. The increases for all but one class of customer, as proposed in the stipulation, are greater than 12 percent. That one exception is public fire protection, where the Parties agreed to discontinue the rate.

In its testimony Staff notes that it was the party that proposed to eliminate the rate for public fire protection, and that its recommendation was unknown to the Parties or the Commission at the time the Commission approved the interim rate increase. As part of the stipulation, and in view of the elimination of the public fire protection rate, Goshen Fire agrees that it should not receive a refund of the interim increase.

H. Conditions

The Parties agree that Goshen Fire will continue to provide hydrant maintenance on an annual basis, as follows:

1. Remove weeds around hydrants;
2. Exercise hydrants (flush and check flow);
3. Check and service hydrant cap seals and valve stems; and
4. Notify Willamette with respect to needed repairs.

I. Sufficiency of Rates

The Parties believe that the stipulated revenue requirement is reasonable and that the resulting rates are just and reasonable. The stipulated rates will provide adequate revenue to cover the Company's costs and allow the Company the opportunity to earn a reasonable return on its investment.

III. DISCUSSION

The stipulation is supported by all active parties. On May 8, 2008, the Administrative Law Judge issued a ruling shortening time for parties to file objections to the stipulation or request a hearing. No other party responded.

In this case the stipulation is supported by all active parties and by Staff's testimony. Staff's testimony is thorough and fully explains the resolution of all contested issues.

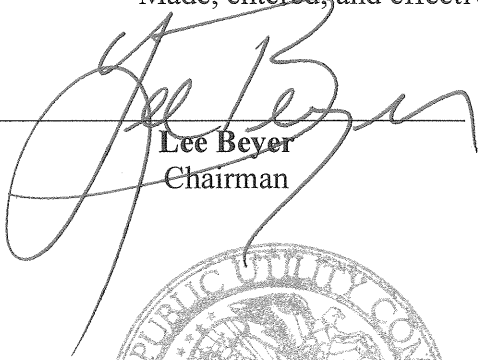
The EWEB charges are a source of concern, obviously for Willamette and its customers, but also for the Commission. The automatic adjustment clause is a reasonable vehicle for passing through necessary increases in water costs. In approving an automatic adjustment clause for the Company, we will not relieve the Company from its obligation to pursue lower cost water supplies.

ORDER


IT IS ORDERED that:

1. Advice No. 07-35 filed by Willamette Water Company is permanently suspended.
2. The stipulation is approved.
3. The revised tariff sheets attached as Appendix A, shall become effective May 19, 2008.


Made, entered, and effective MAY 15 2008 .



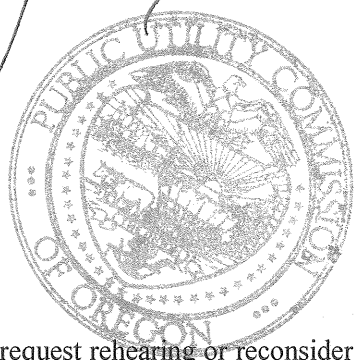
Lee Beyer
 Chairman



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.

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UW 125

In the Matter of WILLAMETTE)	
WATER COMPANY'S Application)	STIPULATION
For a General Rate Increase.)	

Willamette Water Company (WWC or the Company), appearing by and through its attorney, Lisa Rackner; the Goshen Fire District (Intervenor), appearing by and through Chief David A. Wolting; and the Public Utility Commission Staff (Staff) appearing by and through its attorney, Jason W. Jones, Assistant Attorney General, (Parties) enter into this agreement in settlement of all issues between them.

1.

The Parties agree to a total Revenue Requirement of \$209,047 and concur that the allocation of such revenue requirement among the customer classes is as follows: \$60,077 from Residential customers; \$145,940 from Commercial and Industrial customers; \$2,786 from Private Fire Protection customers; and \$242 from Temporary Hydrant customers. (Any difference in totals is due to rounding.)

2.

The stipulated Revenue Requirement is contained in Attachment A. The rates stipulated to by the Parties are contained in Attachment B.

1 3.

2 The Parties agree to total Revenue Deductions of \$200,271, and a Net
3 Operating Income of \$8,772. In addition, the Parties agree that, given the revenue
4 requirement, rate base, and expenses, the Company will have a reasonable
5 opportunity to earn a 9.5 percent rate of return on a total Rate Base of \$92,332.

6 4.

7 The Parties agree and support the Company charging Residential Metered
8 rates according to Schedule No. 1 as set forth in the tariff sheets designated PUC
9 Oregon No. 2, Original Sheet No. 3 and Original Sheet No. 4.

10 5.

11 The Parties agree and support the Company charging Commercial and
12 Industrial Metered rates according to Schedule No. 2 as set forth in the tariff sheets
13 designated PUC Oregon No. 2, Original Sheet No. 5 and Original Sheet No. 6.

14 6.

15 The Parties agree and support the Company charging Private Fire Protection
16 Service rates according to Schedule No. 3 as set forth in the tariff sheet designated
17 PUC Oregon No. 2, Original Sheet No. 7.

18 7.

19 The Parties agree and support the Company charging the consumption rate to
20 Public Fire Protection Service customers according to Schedule No. 4 as set forth in
21 the tariff sheet designated PUC Oregon No. 2, Original Sheet No. 8.

1 8.

2 The Parties agree and support the Company charging the Temporary Hydrant
3 Meter rates according to Schedule No. 5 as set forth in the tariff sheet designated
4 PUC Oregon No. 2, Original Sheet No. 9.

5 9.

6 The Parties agree and support the Company charging Miscellaneous Services
7 Charges according to Schedule No. 6 as set forth in the tariff sheet designated
8 PUC Oregon No. 2, Original Sheet No. 10.

9 10.

10 As a condition of this stipulation, Goshen Fire District agrees to continue to
11 provide hydrant maintenance on an annual basis as follows:

- 12 1. Remove weeds around hydrants;
- 13 2. Exercise hydrants (flush and check flow);
- 14 3. Check and service hydrant cap seals and valve stems; and
- 15 4. Notify WWC with respect to needed repairs.

16 11.

17 The Company agrees that it will promptly file an automatic adjustment clause
18 tariff with the Commission to account for annual expected increases in purchased
19 water from EWEB. The Parties agree to support the concept of an automatic
20 adjustment clause to recover the expected increases in costs of purchased water
21 from EWEB.

1 12.

2 Given that the agreed to rates do not fully transition to AWWA factors by size
3 of connection, Staff is concerned that an automatic adjustment clause may delay
4 future movements to rates based on AWWA factors. Therefore, in the event the
5 Company has not made a general rate filing by January 1, 2014, Staff may
6 subsequently request the Company to file rates, to be effective with the effective
7 date of the next automatic adjustment tariff change, that move one-third towards
8 full AWWA-factor based rates. The Company agrees to comply with such a Staff
9 request.

10 13.

11 By entering into this Stipulation, no Party shall be deemed to have approved,
12 accepted, or consented to the facts, principles methods, or theories employed by
13 any other Party in arriving at the agreed revenue requirement, rate spread, and
14 design.

15 14.

16 The Parties recommend that the Commission adopt this stipulation in its
17 entirety. The Parties have negotiated this stipulation as an integrated document.
18 Accordingly, if the Commission rejects all or any material portion of this stipulation,
19 each Party reserves the right, upon written notice to the Commission and all Parties
20 to this proceeding within 15 days of the date of the Commission's order, to withdraw
21 from the stipulation and request an opportunity for the presentation of additional
22 evidence and argument.

ORDER NO. 08-256

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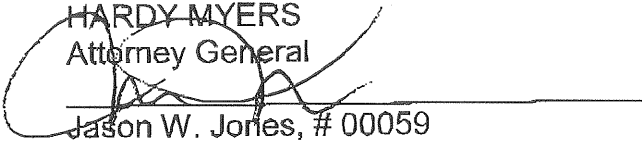
15.

The Parties understand that this stipulation is not binding on the Commission in ruling on this application and does not foreclose the Commission from addressing other issues.

DATED this 5th day of May 2008.

Respectfully submitted,

HARDY MYERS
Attorney General



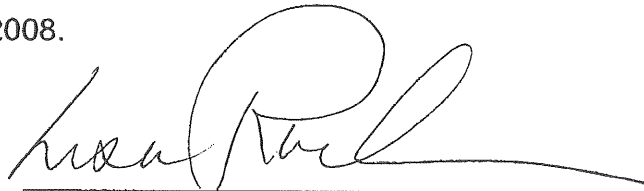
Jason W. Jones, # 00059
Assistant Attorney General
Of Attorneys for PUC Staff

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15.

The Parties understand that this stipulation is not binding on the Commission in ruling on this application and does not foreclose the Commission from addressing other issues.

DATED this 2 day of May 2008.



Lisa F. Rackner #873844
Attorney for
Willamette Water Company

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15.

The Parties understand that this stipulation is not binding on the Commission in ruling on this application and does not foreclose the Commission from addressing other issues.

DATED this 5th day of May 2008.



David A. Wolting, Chief
Goshen Fire District

WILLAMETTE WATER COMPANY
UW 125
Test Year: 2006
REVENUE REQUIREMENT

Company Case Staff
 21% 17.7%
 Water sales

Acct. No.		A	B	C	D	E	F	G
		Balance Per Application Test Year: 2006	Proposed Company Adjustments	Adjusted Results (A+B=C)	Proposed Staff Adjustments	Adjusted Results (A+F=G)	Staff Proposed Rev Changes	Proposed Results (G+H+I)
REVENUES								
1	461.1	Residential Water Sales	49,654	13,432	63,086	0	49,654	60,077
2	461.2	Commercial/Industrial Water Sales	120,620	6,084	126,704	0	120,620	145,940
3	462.1	Fire Protection Sales - Public/Private	6,840	13,876	20,716	(6,840)	0	0
4	462.2	Fire Protection Sales - Private	564	3,674	4,238	1,739	2,303	2,786
5	470	Other Revenues	15,048	(15,048)	0	(15,048)	0	0
6		Temporary Hydrant Revenue	1,455	(1,255)	200	(1,255)	200	242
7		TOTAL REVENUE	194,181	20,763	214,944	(21,404)	172,777	209,047
8				214,944	(21,404)	172,777		209,045
9		OPERATING EXPENSES						
10	601	Salaries and Wages - Employees	62,038	(62,038)	0	(62,038)	0	0
11	603	Salaries and Wages - Officers	0	0	0	0	0	0
12	604	Employee Pension & Benefits	6,195	(6,195)	0	(6,195)	0	0
13	610	Purchased Water	66,536	(1,884)	64,652	(1,204)	65,332	65,332
14	611	Telephone/Communications	2,648	(1,048)	1,600	(1,048)	1,600	1,600
15	615	Purchased Power	0	0	0	0	0	0
16	618	Chemical / Treatment Expense	0	0	0	0	0	0
17	619	Office Supplies	385	21	406	12	397	397
18	619.1	Postage	919	81	1,000	63	982	982
19	620	O&M Materials/Supplies	1,160	0	1,160	(437)	723	723
20	621	Repairs to Water Plant	1,554	2,446	4,000	4,862	6,416	6,416
21	631	Contract Svcs - Engineering	18	1,482	1,500	482	500	500
22	632	Contract Svcs - Accounting	7,955	(6,005)	1,950	(6,005)	1,950	1,950
23	633	Contract Svcs - Legal	12,091	(1,091)	11,000	(8,179)	3,913	3,913
24	634	Contract Svcs - Management Fees	18,555	67,758	86,313	67,758	86,313	86,313
25	635	Contract Svcs - Testing	825	(315)	510	(186)	639	639
26	636	Contract Svcs - Labor	4,208	10,792	15,000	10,792	15,000	15,000
27	637	Contract Svcs - Billing/Collection	0	630	630	263	263	263
28	638	Contract Svcs - Meter Reading	5,000	(5,000)	0	(5,000)	0	0
29	639	Contract Svcs - Other	0	0	0	0	0	0
30	641	Rental of Building/Real Property	4,625	(4,625)	0	(4,625)	0	0
31	642	Rental of Equipment	0	400	400	0	0	0
32	643	Small Tools	0	38	38	38	38	38
33	648	Computer/Electronic Expenses	495	0	495	0	495	495
34	650	Transportation	1,395	(1,395)	0	(1,395)	0	0
35	656	Vehicle Insurance	0	0	0	0	0	0
36	657	General Liability Insurance	2,236	(241)	1,995	(241)	1,995	1,995
37	658	Workers' Comp Insurance	636	(636)	0	(636)	0	0
38	659	Insurance - Other	0	0	0	0	0	0
39	660	Public Relations/Advertising	0	0	0	0	0	0
40	666	Amortz. of Rate Case	520	3,870	4,390	3,969	4,489	4,489
41	667	Gross Revenue Fee (PUC)	437	28	465	(5)	432	955
42	668	Water Resource Conservation	0	0	0	0	0	0
43	670	Bad Debt Expense	80	710	790	0	80	80
44	671	Cross Connection Control Program	75	0	75	0	75	75
45	672	System Capacity Dev Program	0	0	0	0	0	0
46	673	Training and Certification	300	248	548	(140)	160	160
47	674	Consumer Confidence Report	0	250	250	250	250	250
48	675	General Expense	531	50	582	101	632	632
49		TOTAL OPERATING EXPENSE	201,417	(1,668)	199,749	(8,744)	192,673	193,195
				199,749	(8,744)	192,673		193,195
		OTHER REVENUE DEDUCTIONS						
50	403	Depreciation Expense	2,523	0	2,523	940	3,463	3,463
51	407	Amortization Expense	0	0	0	0	0	0
52	408.11	Property Tax	1,383	35	1,418	85	1,468	1,468
53	408.12	Payroll Tax	0	0	0	0	0	0
54	408.13	Other	50	0	50	(50)	0	0
55	409.11	Oregon Income Tax	0	753	753	(1,634)	(1,634)	2,353
56	409.10	Federal Income Tax	0	1,598	1,598	(3,241)	(3,241)	4,667
57		TOTAL REVENUE DEDUCTIONS	205,373	718	206,091	(12,645)	192,728	200,271
58		NET OPERATING INCOME	(11,192)	20,045	8,853	(8,759)	(19,951)	8,772
59	101	Utility Plant in Service	125,014	12,101	137,115	25,313	150,327	150,327
60		Less:						
61	108.1	Depreciation Reserve	63,195	0	63,195	10,856	74,051	74,051
62	271	Contributions in Aid of Const	0	0	0	0	0	0
63	272	Amortization of CIAC	0	0	0	0	0	0
64	281	Accumulated Deferred Income Tax	0	0	0	0	0	0
65		Net Utility Plant	61,819	12,101	73,920	14,457	76,276	76,276
66		Plus: (working capital)			73,920		76,276	76,276
67	151	Materials and Supplies Inventory	0	0	0	0	0	0
68		Working Cash (Total Op Exp /12)	15,899	0	15,899	157	16,056	16,056
69		TOTAL RATE BASE	77,718	12,101	89,819	14,614	92,332	92,332
70		Rate of Return	-14.40%		9.86%		-21.61%	9.50%

Company Staff
 number of customers 171 171
 op/exp/cust/year \$1,161 \$1,120
 Cash Flow 11,376 12,235

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

NAMING RATES FOR

Willamette Water Company, Inc.

(name of utility)

25275 Loten Way

(address)

Veneta OR 97487

(city, state, & zip code)

(541) 935-1050

(telephone numbers and type)

Serving water in the vicinity of

Goshen, Oregon

Issue Date		Effective Date	
Issued By	Willamette Water Company, Inc. <i>(at least 30 days after PUC receives filing)</i>		
Signature			
Name & Title	Jeff Demers, Secretary		

ADVICE NO. _____
(PUC USE ONLY)

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Issue Date		Effective Date	
Issued By	Willamette Water Company, Inc. <i>(at least 30 days after PUC receives filing)</i>		
Signature			
Name & Title	Jeff Demers, Secretary		

SCHEDULE NO. 1

RESIDENTIAL METERED RATES

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

Applicable: To residential customers with water meters.

Base Rate

Service Meter Size	Monthly Base Rate	Usage Allowance	Unit of Measure
5/8 or 3/4 inch	\$28.64	0	cubic feet
1 inch	\$54.25	0	cubic feet
1½ inches	\$82.48	0	cubic feet
DM1	\$28.64	0	cubic feet

Commodity Usage Rate

Commodity Rate		Number of Units	Unit of Measure	Base Usage Allowance		Unit of Measure
\$1.80	Per	100	cubic feet	Above	0	cubic feet

(Sample: \$1.00 per 100 gallons above 3000 gallons)

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.

Issue Date		Effective Date	
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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.
3. Whenever an existing water meter serves more than one use, the customer will be charged one base rate for the size water meter, plus the base rate for a 5/8 x 3/4 meter for each additional use. The customer will be charged the commodity rate for all usage. No new multiple uses on a single meter are permitted.
4. For multi-family residential usage - The multi-family residential customer is a dwelling premise consisting of more than one residential dwelling unit with multiple dwellings in a single building, e.g., duplex, triplex, apartment building. The water utility may charge the owner of the premise a base rate for the meter size installed on the premises for the first dwelling unit and a 5/8 x 3/4 inch base charge per dwelling unit for all of the other dwelling units and a commodity rate for the total water consumed through a master meter.
5. For mixed residential / commercial usage, the water utility will charge a base rate for the size water meter serving the commercial use (1-inch minimum) plus a 5/8 x 3/4 inch base rate for each residential use in the same building, plus the commodity rate for water used.

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SCHEDULE NO. 2

COMMERCIAL AND INDUSTRIAL METERED RATES

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

Applicable: To commercial and industrial customers with water meters.

Base Rate

Service Meter Size	Monthly Base Rate	Usage Allowance	Unit of Measure
5/8 or 3/4 inch	\$28.64	0	cubic feet
1 inch	\$54.25	0	cubic feet
1½ inches	\$82.48	0	cubic feet
2 inch	\$144.34	0	cubic feet
3 inch	\$312.34	0	cubic feet
4 inch	\$433.00	0	cubic feet
6 inch	\$687.31	0	cubic feet
8 inch	\$1,446.79	0	cubic feet
DM1	\$28.64	0	cubic feet
DM2	\$45.82	0	cubic feet
DM3	\$57.28	0	cubic feet

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Commodity Usage Rate

Commodity Rate		Number of Units	Unit of Measure	Base Usage Allowance		Unit of Measure
\$1.80	Per	100	cubic feet	Above	0	cubic feet

(Sample: \$1.00 per 100 gallons above 3000 gallons)

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 by the utility, and the charges shall be made at specified rates for the amounts so estimated, including monthly minimum meter rates.
3. Existing 5/8 and 3/4 inch meters will be allowed to continue in use at the Schedule 2 rates, however, the minimum size meter for all new commercial and industrial uses will be 1 inch.
4. The water utility will charge the owner of the commercial complex a base rate for each commercial unit receiving water service. This means that the individual unit has water plumbed to the unit for purposes other than fire protection. The utility will charge the commercial complex customer a base rate for each individual unit in the complex receiving water service and a commodity rate for the water consumed for non-fire purposes.
5. In the case of a commercial complex that has multi-buildings and multi-units in the buildings and the buildings have water service, but not all units have water service, the water utility will charge the commercial complex customer a base rate for the size meter installed for the first building or unit, plus a 1-inch base rate for each of the other individual buildings or units in the complex receiving water service, plus a commodity rate for water consumed.

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SCHEDULE NO. 3

PRIVATE FIRE PROTECTION SERVICE

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

Applicable: To customers with automatic sprinkler systems and fire hydrant service for private fire protection and located on the customer's premises.

Base Rate

Service Meter Size	Monthly Base Rate	Usage Allowance	Unit of Measure
4 inch	\$20.30	0	cubic feet
6 inch	\$43.56	0	cubic feet
6 inch	\$87.14	0	cubic feet

Commodity Usage Rate

Commodity Rate		Number of Units	Unit of Measure	Base Usage Allowance		Unit of Measure
\$1.80	Per	100	cubic feet	Above	0	cubic feet

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 taken under this schedule is to be used only to extinguish fires and for flushing necessary to maintain fire protection equipment. The consumption may be estimated or a meter may be installed at the customer's expense and with the utility's preauthorization and approval of the meter to be used. The water use shall be billed at regular metered rates.
3. The minimum size fire protection meter to be billed is 4 inches. At a minimum, the customer shall install a utility approved backflow device and detection meter that is located on the customer's property at the property line, and outside of any building.

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SCHEDULE NO. 4

PUBLIC FIRE PROTECTION SERVICE

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

Applicable: To fire hydrant service for public fire protection only.

Commodity Usage Rate

Commodity Rate		Number of Units	Unit of Measure	Base Usage Allowance		Unit of Measure
\$1.80	Per	100	cubic feet	Above	0	cubic feet

Special Provisions:

1. Water taken under this schedule is to be used only for fire protection and training exercises. The consumption may be estimated or a meter may be installed at the customer's expense and with the utility's preauthorization and approval of the meter to be used. The water use shall be billed at the rates specified in this schedule.
2. There will be no charge for water used as part of a typical hydrant exercising procedure performed during annual maintenance.

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SCHEDULE NO. 5

TEMPORARY HYDRANT METER

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

Applicable: To customers wishing to draw water temporarily from a fire hydrant for such uses as construction.

Flat Rate

Service Meter Size	Monthly Base Rate	Usage Allowance	Unit of Measure
4" or 6" Hydrant	\$100.00	0	cubic feet

Commodity Usage Rate

Commodity Rate		Number of Units	Unit of Measure	Base Usage Allowance		Unit of Measure
\$1.80	Per	100	cubic feet	Above	0	cubic feet

Special Provisions:

1. Temporary service from a fire hydrant shall be permitted only from fire hydrants approved by the utility and only when service shall not interfere with the normal operation of the water system (such as during periods of hot dry weather with high water usage and high fire danger). Temporary service from a fire hydrant shall not be permitted in cases where it substitutes for a permanent service.
2. After an appropriate hydrant and meter configuration for the type of use permitted is determined, the Utility shall issue a hydrant permit for temporary service, not to exceed 30 days from the date of approval. Anyone using a hydrant without a permit shall be billed a Tampering Charge based on the above base rate and commodity usage rate with a minimum charge of two hours.
3. If damage occurs to the hydrant resulting from its being used as a temporary service, the person responsible for said damage will be billed the cost of repair.

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ADVICE NO. _____
 (PUC USE ONLY)

SCHEDULE NO. 6

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.

Connection Charge for New Service (Rule No. 9)

Standard 3/4-inch service	At cost
Nonstandard 3/4 inch service	At cost
Larger than 3/4-inch	At cost

Meter Test (Rule No. 21)

First test within 12-month period	N/C
Second test within 12-month period	\$40

Pressure Test (Rule No. 40)

First test within 12-month period	N/C
Second test within 12-month period	\$40

Late-Payment Charge (Rule No. 22)

Charged on amounts more than 30 days past due	Pursuant to OAR 860-036-0130 (as of 1/1/08 – 1.7%)
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Deposit for Service (Rule No. 5)

Pursuant to OAR 860-036-0040(2)	Pursuant to OAR 860-036-0050 (as of 1/1/08 – 4%)
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Returned-Check Charge (Rule No. 23)

\$25 each occurrence

Trouble-Call Charge (Rule No. 36)

During normal office hours	\$40 per hour
After normal office hours on special request	\$60 per hour

Disconnect Charge (Rule No. 28)

During normal office hours	\$30
After normal office hours on special request	\$45

Reconnect Charge (Rule No. 26, 28 & 29)

During normal office hours	\$40
After normal office hours on special request	\$60

Unauthorized Restoration of Service (Rule No. 30)

Reconnection charge plus costs

Damage/Tampering Charge (Rule No. 34)

At cost

Field Visit Charge (Rule No. 29)

\$30

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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

- A. "Utility" shall mean **Willamette Water Company**.
- 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.

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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.

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. The customer may install a shut-off valve on customer side of meter to allow for repairs to customer service line or interior plumbing. If the customer calls the utility to request water service shut off to allow for repairs on customer side of meter, customer shall be billed for a trouble call charge.

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. Each single family residence shall have its own service connection to the utility's water line.

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MULTI-FAMILY RESIDENTIAL CUSTOMER

The multi-family residential customer is a dwelling premise consisting of more than one residential dwelling unit with multiple dwellings in a single building, e.g., duplex, triplex, apartment building. The water utility may charge the owner of the premise a base rate for the meter size installed on the premises for the first dwelling unit and a 5/8 x 3/4 inch base charge per dwelling unit for all of the other dwelling units and a commodity rate for the total water consumed through a master meter.

MULTI-UNIT COMMERCIAL CUSTOMER

The water utility will charge the owner of the commercial complex a base rate for each commercial unit receiving water service. This means that the individual unit has water plumbed to the unit for purposes other than fire protection. The utility will charge the commercial complex customer a base rate for each individual unit in the complex receiving water service and a commodity rate for the water consumed for non-fire purposes.

If the unit has only fire protection (including sprinklers), but no other water service, the water utility will charge a fire protection fee. The commercial complex owner would not be charged a base rate for commercial units without water (other than fire protection) plumbed directly to the unit.

In the case of a commercial complex that has multi-buildings and multi-units in the buildings and the buildings have water service, but not all units have water service, the water utility will charge the commercial complex customer a base rate for the size meter installed for the first building or unit, plus a 1-inch base rate for each of the other individual buildings or units in the complex receiving water service, plus a commodity rate for water consumed.

MIXED RESIDENTIAL-COMMERCIAL USE CUSTOMER

The water utility will charge a base rate for the size water meter serving the commercial use (1-inch minimum) plus a 5/8 x 3/4 inch base rate for each residential use in the same building, plus the commodity rate for water used.

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

The utility shall furnish and install 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 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 (OAR 860-036-0060)

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. The minimum meter size for commercial or industrial use is 1 inch.

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. The minimum mainline extension charge shall be for 100 feet.

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.

The utility may require advance payment for expenses to prepare design and cost estimates for property development plans, speculative main extension inquiries, or for additional design and cost estimates requested by the developer/customer. Upon completion of the design and cost estimates, if the total engineering expenses are less than charged, the overcharge shall be refunded. If the total engineering expenses are more than charged, the customer shall pay the undercharge.

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The design and cost estimates shall be based on the complete and approved property development plans submitted by the developer/customer. Plans submitted shall include grade information, streets and sidewalk areas, sewer, landscaping, any available locations of other utility services, and an estimate of water service requirements, including fire flow requirements. If the developer-customer changes any plans and constructs the development in a manner other than originally stated, the developer/customer may be billed for any additional cost incurred by the utility.

The utility shall specify size, character, and location of pipes and appurtenances and all construction work shall conform to recognized standards of the water utility industry.

For a period of 5 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.

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

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or to determine if a health or safety hazard exists, it is grounds for disconnection. The utility may inspect all adjoining property and improvements that the customer or property owner or their associates has an interest in. This inspection will be permitted to allow the utility to determine if there is an unauthorized use of water, or if a cross connection exists.

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;
- 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)

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

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.

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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.

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. The meter cost shall be included in the service connection fee listed in the utility's Miscellaneous Service Charges Schedule.

Where additional meters are furnished by the utility or relocated for the convenience of the customer, the customer will be charged the cost of the meter / meter installation.

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.

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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 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.

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.

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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, meters shall be read at monthly intervals on the corresponding day of each meter reading or billing period. The bill shall be rendered immediately thereafter. OAR 860-036-0120(3) requires water utilities to bill at monthly intervals. A utility may request upon application special authority by the Commission to bill at intervals other than monthly.

The utility shall make reasonable efforts to prepare opening and closing bills from actual meter readings. When there is good reason for doing so, estimated bills may be submitted. Any estimated billings shall be clearly designated as such.

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 15 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 29, Reconnection Charge/Disconnection Visit Charge.

All water service bills shall show:

- 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.

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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 30-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 re-bill the undercharge for no more than 6 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.

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 5 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

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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.

If the service has been voluntarily disconnected for a period of 15 months or more, the utility may choose to remove the meter service. Before meter service is removed, the customer shall be notified that the customer may choose to recommence service or have the meter removed. If the meter is removed, a new meter installation charge must be paid to have the meter re-installed and service recommenced.

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 Charge 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;
- 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.

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Service shall not be shut off for non-emergencies on a Friday or the day of a state- or utility-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 non-payment 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.

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

The utility may charge a fee in an amount approved by the Commission, and identified in the utility's tariff, whenever the utility is required to visit a residential service address in order to serve a disconnection notice. (OAR 860-036-0245(8))

When a water utility service is disconnected pursuant to OAR 860-036-0245 or 860-036-0250, the utility may charge the reconnection fee in its tariff or in its statement of rates. (OAR 860-036-0240)

Service shall not be restored until the customer complies with the utility's rules and regulations and/or payment is made of any overdue obligation of an Oregon tariffed charge and any additional disconnection, reconnection, or field 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.

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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.

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.

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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.

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 tests, 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)

The utility shall maintain pressure at a minimum of 20 pounds per square inch (psi) for health reasons to each customer at all times and not exceed a maximum of 125 psi. The 20 psi and 125 psi standards are 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.

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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.

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 or more than 125 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 non-metered 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.

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Rule 43: Cross Connection / Backflow Prevention Program

The utility will keep on file its current cross connection control program as required by the Oregon Health Division Drinking Water Section. The utility is responsible to determine what constitutes a cross connection hazard and what type of backflow prevention assembly is required to remedy that hazard. The utility shall apply this standard to all customers nondiscriminatory. To require a customer to install and test a backflow prevention assembly, the utility must first notify the customer in writing, identifying the cross connection hazard and the type of backflow prevention assembly required. The utility shall inform the customer that he/she is entitled to choose any qualified person to install and/or test the backflow prevention assembly and must provide the customer with a current list of certified backflow prevention assembly testers in the general area. The utility (if certified) may offer its own installation and testing services to the customer; however, the utility shall inform the customer that he/she is not obligated in any way to use the utility's services. When a backflow prevention assembly is required by the utility, the customer is responsible for its installation annual testing by a certified tester. Failure to install and/or test a required backflow prevention assembly is grounds for disconnection. The utility shall keep a record of all backflow prevention assembly installations and tests.

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