

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 153

In the Matter of

OLD SHEEP RANCH WATER
ASSOCIATION,

Request for a General Rate Revision.

ORDER

DISPOSITION: REQUEST TO AMEND ORDER NO. 13-492 GRANTED; MOTION FOR LEAVE TO RESPOND GRANTED; ORDER NO. 13-492 AMENDED; UTILITY NOT REQUIRED TO FILE GENERAL RATE CASE

I. SUMMARY

In this order, we grant the motion filed by the Staff of the Public Utility Commission of Oregon (Staff) for leave to respond and further grant, as a motion, the request filed by Old Sheep Ranch Water Association (Association) to amend Order No. 13-492 by deleting the requirement set forth in Ordering Paragraph No. 5 that the Association file a general rate case on or before January 1, 2017.

II. BACKGROUND AND PROCEDURAL HISTORY

The Association, located in Langlois, Oregon, is a nonprofit, mutual benefit corporation providing domestic water service to its approximately 37 residential member customers. The Association came under Commission jurisdiction by member petition on January 27, 2008 in docket WJ 17, approved by Commission Order No. 08-111 and rates were established in 2008 in docket UW 129 by Order No. 08-514.

On May 1, 2013, the Association filed a request for a general rate revision, Advice No. 13-6, requesting an effective date of June 5, 2013. In Order No. 13-192, the Commission found good and sufficient cause to investigate the tariffs under ORS 757.210 and 757.215, and the tariffs were suspended for a nine-month period.

Pursuant to a stipulation entered into between the Association and Staff, which was adopted by the Commission in Order No. 13-492, entered December 30, 2013, the Association filed tariff sheets setting residential customer base rates, single tier commodity rates and other changes.

In our order adopting the stipulation, we included the following requirement in the ordering paragraphs:

5. Old Sheep Ranch Water Association shall file a general rate case with the Public Utility Commission on or before January 1, 2017.

III. DISCUSSION

A. Positions of the Parties

On September 27, 2018, the Association filed a request with the Commission acknowledging the requirement in our order, but stated “* * * after working with PUC staff, we do not believe that a change in rates is necessary at this time. Therefore, we are requesting that the Commission revisit the order to change the requirement that a general rate case be filed.”

On January 8, 2019, Staff filed a status report asking that we treat the Association’s request as a motion to amend Order No. 13-492, and on January 29, 2019, Staff filed a motion for leave to respond to the Association’s motion to amend, along with a declaration of Joan Grindeland.

Staff first seeks permission for leave to respond out of time to the Association’s motion, asserting that good cause exists for doing so and that the Association has not been prejudiced by the delay. Staff further asserts that the delay was necessary to investigate the request and develop the necessary evidentiary record, which is attached to its motion.¹

Based on its analysis, Staff concluded that if the Association were to file a general rate case, the rates currently in effect would continue to be sufficient for the Association to provide safe and reliable service at reasonable rates. Furthermore, rates which Staff might recommend in a general rate case would be substantially similar to those rates currently in effect. Consequently, the time and expense of a general rate case would serve neither the Association nor its customers at this time.²

¹ Staff Motion at 1 (Jan 29, 2019).

² *Id.* at 2-3.

B. Discussion and Resolution

1. *Staff Motion for Leave to Respond Out of Time*

The Staff motion for leave to respond out of time is granted and the accompanying declaration is admitted into the record.

Oregon Administrative Rule (OAR) 860-001-0420(4) provides that responses to substantive motions must be filed with the Commission within fifteen days of the filing of the substantive motion itself. OAR 860-001-0000(2) provides that the Commission or an administrative law judge may waive any of the rules of this section for good cause shown.

We find that the Staff's use of the intervening period to conduct and prepare a thorough analysis of the circumstances surrounding the Association's motion to amend, demonstrates good cause for granting its waiver request. In so doing, we also include the declaration of Joan Grindeland into the record as substantive evidence in support of Staff's position that the Association's motion should be adopted.

2. *Old Sheep Ranch Water Association Request to Amend Order No. 13-492*

The Association's request that we amend Order No. 13-492 by deleting the fifth ordering paragraph is granted. For the reasons set forth by Staff above, we find that the Association's request should be treated as a substantive motion pursuant to OAR 860-001-0420(1). We further find that the declaration of Staff witness Joan Grindeland provides sufficient evidence to demonstrate that granting the Association's request will result in rates that are just and reasonable while providing customers with safe and reliable service.

IV. ORDER

IT IS ORDERED that:

1. Staff's Motion for Leave to Respond to Old Sheep Ranch Water Association's Motion to Amend Order No. 13-492 and Staff Response is granted.
2. The Declaration of Joan Grindeland in Support of Amending OPUC Order No. 13-492 and attachments thereto are admitted into the record.

3. Old Sheep Ranch Water Association's request to amend Order No. 13-492 is granted.
4. Order No. 13-492 is amended by deleting Ordering Paragraph No. 5.
5. The remainder of Order No. 13-492 is unchanged.
6. This docket is closed.

Made, entered, and effective Apr 03 2019.



Megan W. Decker
Chair



Stephen M. Bloom
Commissioner



Letha Tawney
Commissioner



A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.