

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 176

In the Matter of

ASPEN LAKES UTILITY COMPANY,

Request for a General Rate Revision.

ORDER

DISPOSITION: TIME LINE SPECIFIED IN ORDER NO. 20-108 AMENDED

On April 7, 2021, the Commission issued Order No. 20-108, which adopted a stipulation to set rates for Aspen Lakes Utility Company (Aspen Lakes) and required the company to begin appropriate record keeping and tracking of its costs. The order also required the company to file a general rate revision based on this collected information:

No later than June 30, 2021, Aspen Lakes will submit a general rate revision filing based on the information collected and reported during the 2020 test year period.¹

On June 30, 2021, Aspen Lakes filed a motion requesting a 60-day extension to file its general rate revision due to limited staff resources. The company provided assurances it was diligently working on the filing.² The Chief ALJ amended the original order deadline to “no later than August 30, 2021.”³ Aspen Lakes submitted no general rate revision information - or any other information - on August 30, 2021.

On October 1, 2021, Aspen Lakes Estates Owners, Inc. (ALEO) filed a letter requesting the ALJ to schedule a conference. ALEO noted the absence of any Aspen Lakes filing on or after the deadline. According to the letter, the company, upon inquiry from ALEO on September 13, stated that it planned to seek another extension and would confer with ALEO before doing so. Aspen Lakes responded to a second, subsequent inquiry, this

¹ Order No. 20-108 at Section IV, page 3 (Apr 7, 2020).

² Aspen Lakes Utility Company, Motion for 60 Day Extension to File General Rate Revision at 1 (Jun 30, 2021).

³ Order No. 21-220 at 2 (Jul 12, 2021).

time from Staff, and stated that it would file a motion for extension by the morning of October 1, 2021.

ALEO submitted the letter after no motion was filed by Aspen Lakes on October 1. ALEO requested a conference in order for the parties to discuss the status of the company's filing and to understand the reason for Aspen Lakes non-compliance with the order.

On October 5, 2021, Aspen Lakes submitted a motion for a 60-day extension to file its General Rate Revision.⁴ Aspen Lakes states that it continues to work on the filing, but irrigation system repairs in July and August, coupled with issues obtaining insurance quotes have prohibited the company from meeting the previous extension deadline. Aspen Lakes requested that the new, extended deadline be November 1, 2021.

ALEO objected to Aspen Lakes' motion for a second extension. According to ALEO, the company has not adequately explained why another extension is necessary. ALEO states that Aspen Lakes did not explain the reason insurance quotes are necessary for the filing. ALEO insists that, because the company turned in quarterly reports as directed by the Commission with the appropriate information to establish a general rate revision, there is no reason for further delay. ALEO complains that Aspen Lakes waited more than a month after the first extension deadline to file anything with the Commission attempting to explain the delay, and only did so when ALEO filed the letter on October 1, 2021.

Order No. 20-108 incorporated the stipulation the motion seeks to amend. Accordingly, to effectively change the deadline for the filing of the general rate case, the order itself must be amended. Staff does not oppose Aspen Lake's request based on the understanding that this is the final request for an extension.

⁴ Aspen Lakes requested a 60-day period from August 31, 2021 to November 1, 2021. However, the amended deadline in Order No. 21-220 was August 30, 2021. The 60-day period from Aug 30, 2021 extends to Friday, October 29, 2021.

The Chief Administrative Law Judge has been delegated the authority to modify time lines specified in a Commission order.⁵ Exercising that authority, I find good cause to amend Order No. 20-108 a second time. Aspen Lakes engaged in significant equipment repair and is gathering information needed for its general rate revision. Revised ordering paragraph number 4, which requires Aspen Lakes to file a request for a general rate revision “no later than August 30, 2021” is amended a second time to state the revised requirement of “no later than November 1, 2021.”

Made, entered, and effective Oct 11, 2021.



Nolan Moser
Chief Administrative Law Judge
Administrative Hearings Division

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.

⁵ See *In the Matter of Public Utility Commission of Oregon, The Delegation of Certain Duties and Powers of the Public Utility Commission of Oregon*, Docket No. CD 24, Order No. 19-032, Appendix E (Jan 31, 2019).