

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2297

In the Matter of

SUN COUNTRY WATER, INC.,

Staff Report on Status of Systems Previously
Operated by Dean Rogers, as Directed in
Condition No. 3 of Commission Order
No. 22-276

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on September 5, 2023, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



Nolan Moser

Chief Administrative Law Judge

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 Circuit Court for Marion County in compliance with ORS 183.484.

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 5, 2023**

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____ **N/A**

DATE: August 28, 2023

TO: Public Utility Commission

FROM: Scott Shearer

THROUGH: Bryan Conway and Marc Hellman **SIGNED**

SUBJECT: SUN COUNTRY WATER, INC:
(Docket No. UM 2297)
Staff Report on Status of Systems Previously Operated by Dean Rogers,
as Directed in Condition No. 3 of Commission Order No. 22-276.

STAFF RECOMMENDATION:

Accept this report as meeting Condition No. 3 listed in Order No. 22-276.

DISCUSSION:

Issue

In its Order No. 22-76, the Commission stated:

Staff shall identify all water companies owned or operated by Mr. Rogers that are subject to Commission rate or service regulation, review the operations and management of those companies, and present Staff's findings at a public meeting after it has had a chance to thoroughly review and investigate.¹

Applicable Rule or Law

Under ORS 756.515(1), the Commission may on motion summarily investigate inadequate utility service or any matter relating to any public utility, with or without notice.

¹ Appendix A, Page 1, of Staff's recommendation memo.

Analysis

Staff worked with the Oregon Health Authority's Drinking Water Services (DWS) Staff and database to confirm systems shown as operated by Dean Rogers or Victoria Coffman. There are five systems that are connected to Dean Rogers. None are listed as operated by Victoria Coffman.

The five systems operated by Mr. Rogers are:

- Deer Park (Association),
- Ridge at Indian Ford (Association),
- Seventh Mountain Resort Golf Village,
- Tumalo West Water (Association), and
- Sun Country Water.

Staff reviewed the regulatory status of each system and determined that three systems, Deer Park, Ridge and Indian Ford, and Tumalo West are not currently regulated by the Commission in any form. Staff notes that DWS is in contact with these systems to ensure that they are brought into companies with water operator certification.

The remaining two are Sun Country Water and Seventh Mountain Resort Golf Village (SMGV).

Sun Country Water certification is being addressed through the regency designation, with the pending appointment of a regent.

Staff of both the Commission and DWS contacted SMGV's owner as soon as the issue with the certified operator was identified. The situation was explained, and Staff provided help for resources to replace his operator. Due to the size and number of connections, SMVG requires a level 2 certification.²

On August 18, 2023, Staff was notified by SMVG that they have entered into a contract with Eric Chamberlain who holds a current level 2 certification.

Conclusion

Staff has determined that all Commission-regulated systems, except Sun Country Water, have the appropriate level of certification for operating a water system.

² See OAR 333-061-0220 and -0235.

PROPOSED COMMISSION MOTION:

Accept this report as meeting Condition No. 3 listed in Order No. 22-276.

UM 2297 – Condition 3 Report