

ORDER NO. 24-168

ENTERED May 31 2024

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UW 189

In the Matter of

ASPEN LAKES UTILITY
COMPANY, LLC,

Request for a General Rate Revision.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on May 28, 2024, 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.

ITEM NO. CA10

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 28, 2024**

REGULAR **CONSENT** **EFFECTIVE DATE** May 29, 2024

DATE: May 6, 2024

TO: Public Utility Commission

FROM: Steph Yamada

THROUGH: Bryan Conway and Russ Beitzel **SIGNED**

SUBJECT: ASPEN LAKES UTILITY COMPANY LLC:
(Docket Nos. ADV 1606 and UW 189/Advice No. 24-1)
Increases the annual Cross Connection Control Program rate, corrects the Golf Course Irrigation schedule, and provides tariffs in compliance with Order No. 22-282.

STAFF RECOMMENDATION:

Staff recommends that the Oregon Public Utility Commission (the Commission) approve Aspen Lakes Utility Company LLC's (Aspen Lakes or Company) filed tariff sheets increasing the annual Cross Connection Control Program rate and correcting the Golf Course Irrigation schedule to become effective for service rendered on and after May 29, 2024, and accept the remaining sheets filed in compliance with Order No. 22-282, which became effective on August 1, 2022.

DISCUSSION:

Issue

Whether the Commission should allow the Company's filed tariff sheets to become effective.

Applicable Rule or Law

Under ORS 757.205(1) and (2), a rate-regulated water utility must file schedules showing all rates, tolls, and charges for any service performed by it within the state and all rules and regulations that in any manner affect its rates.

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Pursuant to ORS 757.210, the Commission may approve tariff changes if they are deemed to be fair, just, and reasonable. Tariff revisions may be made by filing revised sheets with the information required under the Commission's administrative rules, including OAR 860-036-2010.

Pursuant to ORS 757.220, filings that propose any change in rates, tolls, charges, rules, or regulations must be filed with the Commission at least 30 days before the effective date of the change.

Analysis

Background

Aspen Lakes is a rate- and service-regulated water and wastewater utility, serving 93 residential customers, 89 irrigation customers, and two commercial customers in the vicinity of Sisters, Oregon. With this filing, Aspen Lakes proposes to increase the annual rate for the Cross Connection Control Program from \$50 to \$63, as shown in Schedule No. 6 of its tariff. The Company also proposes corrections to its Schedule No. 3 Golf Course Irrigation rates. Finally, the Company files tariff sheets in compliance with Order No. 22-282 in Docket No. UW 189.

Analysis

Docket No. UW 189, opened November 1, 2021, is the Company's most recent rate case. In Order No. 22-282 of UW 189, the Commission adopted an uncontested stipulation between all Parties in that docket and directed the Company to file compliance tariff sheets with an effective date of August 1, 2022. While the Company began charging the newly approved rates on that date, it did not file compliance tariff sheets until now. Staff has reviewed the filed tariff sheets and finds that, other than the changes to Schedule Nos. 3 and 6 as described in this memo, they comply with Order No. 22-282.

Shortly after the issuance of Order No. 22-282, the UW 189 Parties became aware that the rate design attributable to Schedule No. 3 of Aspen Lakes' tariff (Golf Course Irrigation) was calculated using an incorrect meter size associated with the golf course customer. Specifically, while the rates approved with Order No. 22-282 included a monthly base rate of \$3,258.30 attributable to an eight-inch meter, this rate should have been associated with a two-inch meter. Consequently, the Company proposes to restate the Schedule No. 3 base rates for all meter sizes to reflect this change. Only one customer is served pursuant to this rate schedule, and this change does not affect the actual rate charged to that customer. Aspen Lakes has charged that customer the UW 189 Parties' intended monthly base rate of \$3,258.30 since August 1, 2022.

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Finally, the present filing increases the annual rate associated with the Cross Connection Control Program, under which Aspen Lakes offers backflow prevention device/Double Check Valve Assembly testing, maintenance, and repair services. OAR 333-061-0070 requires backflow prevention assemblies to be tested annually by a State-certified tester. With its filing, Aspen Lakes submitted documentation from the Company's backflow testing provider, Deschutes Backflow Testing, showing that the testing cost has increased by \$13 since UW 189, from \$30 per test in 2021 to \$43 per test as of April 18, 2024 (the documentation provided by the Company shows that the 2024 tests are to be completed between September 9, 2024, and September 15, 2024). Consequently, the Company proposes to increase the Schedule No. 6 Cross Connection Control Program rate by \$13, from the \$50 annual rate approved with Order No. 22-282 to \$63.

Conclusion

Staff reviewed the Company's proposed tariff changes as well as the provided cost documentation. Staff finds that the Company's proposed increase to the Cross Connection Control Program rate accurately reflects the increased cost assessed by the testing provider. Additionally, the proposed changes to the Golf Course Irrigation schedule align the stated base rates with the actual meter size applicable to the single golf course customer and do not affect any customer's actual assessed rates. Furthermore, the remainder of the filed tariff sheets match those approved with Order No. 22-282. Consequently, Staff finds that the Company's filed tariff sheets should be allowed to become effective.

The Company has reviewed this memo and agrees with its contents.

PROPOSED COMMISSION MOTION:

Approve Aspen Lakes' revised Sheet 5 and Sheet 8 to become effective for service rendered on and after May 29, 2024, and accept the remaining sheets filed in compliance with Order No. 22-282.

Aspen Lakes ADV 1606 PM Memo