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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UA 84

In the Matter of the Application of the City)
of Milton-Freewater for Approval of)
Transfer Rights to Allocated Service)
Territory.)

ORDER

DISPOSITION: APPLICATION APPROVED

On February 28, 2000, the City of Milton-Freewater (City) filed an application for approval of the transfer of exclusively allocated service territory from PacifiCorp. The area proposed to be transferred is described on Appendix A of this order. The area is a City-owned farm that uses treated water from the City for irrigation. The City operates a small substation on the property that is fed by a Bonneville Power Association 69 kv line for the purpose of powering irrigation pumps and related equipment. The area lies a few miles west of the City's regular service boundary and is surrounded on all sides by the PacifiCorp service area. The City serves no other customers in the area.

On March 3, 2000, the Commission published notice of the application pursuant to ORS 758.420. On March 29, 2000, PacifiCorp filed a petition to intervene in this proceeding. PacifiCorp is the provider of electric service to retail customers in territory immediately adjacent to the territory that is the subject of the application. It requested a hearing to ensure that the territory requested by the City conforms to the territory PacifiCorp intends to transfer and does not otherwise encroach on the boundaries of PacifiCorp's allocated territory.

On April 20, 2000, the Commission issued a notice of prehearing conference in this matter. On April 25, 2000, prior to the scheduled conference, PacifiCorp filed a supplemental answer to the application indicating that it verified the boundaries of the territory that is the subject of the City's application. PacifiCorp is satisfied that the legal description of the area described in the application is accurate and conforms with PacifiCorp's records of the service territory in that area. Based on that determination, PacifiCorp indicates that it does not object to the proposed transfer of service territory.

PacifiCorp observes that it has entered into an agreement with the City dated August 13, 1987, which allows the City to serve the area that is the subject of the application, with the proviso that PacifiCorp shall have the option to service the City's pumps in the area if the City ceases to own, operate or serve such pumps. PacifiCorp requests that its option to serve the territory at issue be reflected in the order granting the City's application.

On May 8, 2000, the PUC Staff filed a report with the Commission indicating that Staff has no objection to the proposed transfer of service territory.

The Commission has reviewed the application and finds that the proposed transfer of service territory is not contrary to the public interest.

ORDER

IT IS ORDERED that the application filed by the City of Milton-Freewater is approved, subject to the proviso set forth in the August 13, 1987, agreement providing PacifiCorp with an option to serve the subject territory should the City cease to do so. The service territory described in Appendix A is transferred to the City of Milton-Freewater effective immediately.

Made, entered, and effective _____.

Ron Eachus
Chairman

Roger Hamilton
Commissioner

Joan H. Smith
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 to a court pursuant to ORS 756.580.