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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

WA 19

In the Matter of the Application by)
Little Jack Falls Water System for)
Allocation of Exclusive Territory to)
Provide Water Service, Pursuant to)
ORS 758.300 Through ORS 758.320.)

ORDER

DISPOSITION: APPLICATION GRANTED

On January 3, 2000, Little Jack Falls Water System (applicant) filed under Oregon Administrative Rule 860-036-0900 an application with the Public Utility Commission (Commission) for an allocation of exclusive territory for the provision of water service. Applicant is requesting allocation of the service territory it adequately and exclusively served on October 23, 1999. See ORS 758.300 and Section 2 to 4 Chapter 695, Oregon Laws 1999. The territory sought is described in Appendix A. The Commission gave notice of the application on March 28, 2000, as required by Chapter 695, Oregon Laws 1999, Section 2(2). No requests for hearing were filed.

Applicant is a corporation that provides water service to approximately six customers in homes near Little Jack Falls, along the Old Columbia River Highway, Rainier, Oregon.

Based on its investigation, the Commission finds that the applicant was adequately and exclusively serving the territory described in Appendix A and covered by the current service territory application on October 23, 1999.

FINDING OF FACTS

Merits of the Application

Staff's analysis of the company's application indicates that the company has met the criteria required to demonstrate that the company adequately and exclusively provided water service to its current service territory as required in OAR 860-036-0900 through OAR 860-036-0930.

The criteria are:

1) Service Quality

A Commission survey was sent to the six customers listed as current customers by the utility to determine the level of service quality being provided. Five responses were received with no system-wide service quality problems indicated. The customer responses listed service quality ratings ranging from average to excellent. The Commission Consumer Services section had no record of complaints on Little Jack Falls Water System.

2) Water Quality

The Oregon Health Division reports that with the exception of a minor late reporting violation, no other problems were noted recently.

3) Water Capacity

The water source is an unmetered spring. An approved water right permit number 42754 was submitted that allows the corporation to draw water sufficient for "domestic use for 8 families, including the irrigation of lawn and garden not to exceed ½ acre in area for each family." The aforementioned survey did not show any customer complaints on water capacity. Given the best available information, the system appears to have adequate capacity to serve the proposed territory.

4) Technical Ability

The Oregon Health Division does not require operator certification for a system of this size. No information on technical ability was furnished in the application and, as confirmed through a telephone conversation, no certifications are held by any of the people maintaining Little Jack Falls Water System. This group of operators has provided service since buying the system in 1975.

5) Exclusive Service

Little Jack Falls Water System submitted photocopies of a bill of sale for all of the dams, water intakes and pipelines making up the water system; and the associated

perpetual easement. Both documents were executed on February 12, 1976. The utility appears to have the authority necessary to serve the territory exclusively.

6) Reasonable Rates

The \$5.00 monthly rate is below the level for Commission regulation. No challenge is made to the reasonableness of this charge.

OPINION

Jurisdiction

ORS 757.005 defines a public utility as “ any corporation, company, individual, association of individuals, or its lessees, trustees, or receivers that own, operates, manages or controls all or a part of any plant or equipment in this state for the production, transmission, delivery or furnishing of . . . water . . . directly or indirectly to or for the public.”

Applicable Law

The 1999 Oregon Legislature enacted ORS 758.300 through 758.320, which provide that all public water utilities must file an application with the Commission seeking an order designating the service territory that the utility served adequately and exclusively on October 23, 1999, as exclusive service territory.

On April 11, 2000, the Commission adopted rules (AR 370) governing the allocation of exclusive service territory to water utilities. Oregon Administrative Rules 860-036-0900 through OAR 860-036-0930 specify the service territory application requirements and processes necessary to meet the requirements of ORS 758.300 through ORS 758.320.

Disposition

Applicant has met the service territory requirements and processes set out in OAR 860-038-0900 through OAR 860-036-0930 and is entitled to the exclusive territory described in Appendix A.

CONCLUSIONS

1. The Company is a public utility subject to the service territory jurisdiction of the Public Utility Commission.

2. The utility meets the requirements set out in OAR 860-036-0900 through OAR 860-036-0930.
3. The Company meets the requirements of ORS 758.300 through ORS 758.320.
4. The Application should be granted.

ORDER

IT IS ORDERED that the application of Little Jack Falls Water System for exclusive service territory as allocated to the applicant and set forth in Appendix A is granted.

Made, entered, and effective _____.

Phil Nyegaard
Acting Director
Utility Program

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 of 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. A party to a hearing may appeal this order to a court pursuant to 756.580.

APPENDIX A

Description of Little Jack Falls Water System's exclusive service territory:

Application No. 40003, Permit No. 29797, T7N. R.2W W.M.