

ITEM NO. CA10

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: May 5, 2009**

REGULAR  CONSENT  EFFECTIVE DATE May 6, 2009

DATE: April 22, 2009

TO: Public Utility Commission

FROM: Renee Sloan

THROUGH: Lee Sparling, Marc Hellman, and Michael Dougherty

SUBJECT: AVION WATER COMPANY INC: (Advice No. 09-13) Makes housekeeping changes to Schedule No. 3, Miscellaneous Services Charges.

**STAFF RECOMMENDATION:**

Pursuant to ORS 757.205 and ORS 757.225, Staff recommends the Commission approve the proposed tariff changes submitted by Avion Water Company Inc (Avion or Company) in Advice 09-13. In addition, Staff recommends nunc pro tunc approval of the tariff in Advice No. 08-20, which the Commission approved at the February 26, 2008, public meeting.

**DISCUSSION:**

On April 21, 2009, Avion filed Advice No. 09-13 to revise Schedule 3, Miscellaneous Service Charges. The filing is housekeeping in nature. The purpose of this filing is to add back the \$25 Returned-Check / Nonsufficient Funds Charge approved by the Commission on February 26, 2008, but inadvertently omitted from Advice No. 08-46 filed on December 10, 2008.

History

At the February 26, 2008, public meeting, the Commission approved Advice No. 08-20 in which Avion's Schedule No. 3 was revised to increase the Returned-Check Charge amount from \$20 to \$25 and a reference was added regarding nonsufficient funds that occur through electronic transactions, such as automatic withdrawals and online payments.

On November 28, 2008, the Commission issued Order No. 08-558 adopting new monthly late-payment interest rates that utilities may charge on overdue accounts.

In addition, the order adopted a new rate that utilities must pay on customer deposits. The new rates became effective January 1, 2009.

In a December 2, 2008, letter, Staff notified all rate-regulated water utilities in writing of the new interest rates and requested they file revised tariff sheets containing the new rates by December 31, 2008. Staff included copies of revised tariff sheets with the letter.

On December 10, 2008, Avion filed Advice No. 08-46, Sixth Revised Sheet No. 5, Schedule No. 3, Miscellaneous Service Charges, containing the new interest rates adopted in Order No. 08-558.

On April 13, 2009, Avion notified Staff that the tariff sheet filed in Advice No. 08-46 inadvertently omitted the changes approved in Advice No. 08-20. Staff recommended that the Company make a housekeeping filing to correct the tariff.

Subsequently, on April 21, 2009, Avion filed Advice No. 09-13 to add back the language unintentionally omitted in Advice No. 08-46. Because Avion's requested effective date of May 6, 2009, is less than 30 days from the tariff filing date, the Company also filed the required LSN Form.

Because a clerical error inadvertently omitted changes approved in Advice No. 08-20, Staff recommends the Commission approve the \$25 Returned-Check / Nonsufficient Funds Charge nunc pro tunc for the previous filing (Advice No. 08-20) and approve this advice filing that reinstates the correct language.

**PROPOSED COMMISSION MOTION:**

Pursuant to ORS 757.205 and ORS 757.225, Advice No. 09-13 be approved with an effective date of May 6, 2009, and the \$25 Returned-Check Charge / Nonsufficient Funds Charge be restored and approved nunc pro tunc in Advice No. 08-20, dated February 26, 2008.