

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UW 176**

In the Matter of	)	
	)	
ASPEN LAKES UTILITY COMPANY,	)	<b>ASPEN LAKES ESTATES OWNERS,</b>
	)	<b>INC.’S RESPONSE TO SECOND</b>
Request for a General Rate Revision.	)	<b>MOTION FOR 60 DAY EXTENSION TO</b>
	)	<b>FILE GENERAL RATE REVISION</b>
_____	)	

**INTRODUCTION**

On October 5, 2021, Aspen Lakes Utility Company (“ALU”) filed its Second Motion for 60 Day Extension to File General Rate Revision (“Motion”). As noted in the Motion, Aspen Lakes Estates Owners, Inc. (“Aspen Lakes HOA”) objects to the Motion.

As part of Order 20-108, the Public Utility Commission of Oregon (“Commission”) ordered ALU to file a request for a general rate revision no later than June 30, 2021. This rate filing requirement was also an express part of ALU’s obligations pursuant to the Stipulation on which Order 20-108 was based. The Stipulation was an agreement between ALU, Aspen Lakes HOA, and Commission Staff.

On June 30, 2021, the deadline for the rate filing, ALU sought a 60-day extension of the filing deadline. Aspen Lakes HOA did not object to that request at the time because the motion seeking that extension asserted ALU was diligently working on the filing. The Commission granted ALU’s request and, through Order 21-220, established August 31, 2021, as the new deadline for ALU to file a general rate case.

## **RESPONSE**

Despite the fact that ALU specifically requested August 31<sup>st</sup> as the new deadline for filing a rate case, ALU failed to make the required filing by that deadline. Now, more than one month after that deadline has passed, ALU seeks once again to delay the filing. The Commission should deny ALU's Motion.

First, ALU has not adequately explained why another two-month delay in the filing is necessary. According to the Motion, ALU "has had difficulty obtaining third-party insurance quotations to complete the filing." ALU has not, however, explained why an insurance quote is necessary for the filing. Indeed, as the Motion acknowledges, the rate case is to be based on a 2020 test year, which ended more than nine months ago on December 31, 2020. Any costs the company has incurred relating to insurance are already known. Additional insurance quotes may serve to inform a future rate case, but they serve no purpose for the required filing.

Second, although ALU continues to assert that it is "diligently working" on the rate filing, ALU has not attempted to explain what other steps are necessary to complete its filing. Pursuant to the Stipulation in Order 20-108, ALU was required to begin keeping "adequate records regarding all components necessary to establish rates in a General Rate Revision" as of January 1, 2020. Moreover, ALU was required to report, and did report, those numbers to the Commission on a quarterly basis. ALU also submitted a Results of Operations to the Commission for the 2020 year. The information required for a rate case has therefore already been developed and there is no reason to delay a new rate proceeding that will be based on that information.

Third, ALU waited more than a month beyond its own self-imposed deadline before even requesting another extension. If ALU was having difficulty assembling materials necessary for a rate case, it knew of that difficulty on or before August 31, 2021, when the rate filing was due. The Motion does not explain why the extension was not requested earlier. As noted in a letter Aspen Lakes HOA submitted to the docket last week, ALU knew at least by September 13, 2021, that it was planning to request an extension. It was not until Aspen Lakes HOA submitted that letter (seeking a conference with the ALJ), that ALU conferred with Aspen Lakes HOA to request a second extension.

Finally, it should be noted that while the Commission granted an earlier extension to the filing deadline through Order 21-220, Aspen Lakes HOA consented to that extension, but the Stipulation itself has not been amended. ALU therefore remains contractually obligated to Aspen Lakes HOA and to Commission Staff to file the general rate case as agreed to in the Stipulation. The Commission should not grant an extension of the filing deadline if all parties to the Stipulation have not agreed to such a change.

### **CONCLUSION**

Based on the foregoing, the Commission should deny the Motion and Aspen Lakes Utility should be ordered to immediately file a general rate case as required by the Stipulation and Order 21-220.

DATED: October 5, 2021



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