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FILE

## BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

Case No. 09-644-WW-UNC

IN RE:      Application to Cancel Certificate of  
             Public Convenience and Necessity of  
             Copley Square Water Co.  
             and Substitute Service

PUCO

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**APPLICATION TO CANCEL CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
AND SUBSTITUTE SERVICE**

THIS APPLICATION TO CANCEL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND SUBSTITUTE SERVICE (the "Application"), is submitted by COPLEY SQUARE WATER CO., an Ohio corporation ("Copley Square"), by and through its counsel, Singerman, Mills, Desberg & Kauntz Co., L.P.A.

**A. Background:**

Copley Square respectfully states that:

1. Copley Square is a water supply company servicing a customer base of approximately 735 customers within the area (the "Service Area") shown on the Service Area Map, attached hereto as Exhibit A and made a part hereof, and located in Copley Township, Summit County, Ohio.
2. Copley Square is the present holder of a Certificate of Public Convenience and Necessity for a waterworks company issued by The Public Utilities Commission of Ohio (the "PUCO"), on or about July 20, 1989, and designated as Certificate Number 9 (the "Certificate").
3. The Ohio Environmental Protection Agency has requested that Copley Square transfer all of its customer accounts and servicing to another water service supplier.
4. To satisfy the request of the Ohio Environmental Protection Agency, Copley Square has made arrangements to transfer certain assets and all of its customer accounts and servicing to the City of Akron, Ohio (the "City"), an Ohio municipal corporation, which corporation is not a regulated entity under the jurisdiction of the PUCO, and such transfer is anticipated to be consummated on or about August 31, 2009.

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5. In connection with the consummation of such transfer, (i) Copley Square must cancel the Certificate, and (ii) the City shall be substituted for Copley Square as the water service provider for the Service Area.

6. Since the transfer contemplates the substitution of the water service provider for the customers of the Service Area (and not the abandoning water service), the water service to the customers of the Service Area shall be maintained and not diminished by the proposed transfer to the City. Further, the transfer will be completed in a manner to enable the continuous, uninterrupted supply of water service to the customers of the Service Area on the transfer date.

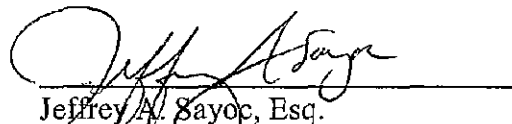
**B. Actions Which Copley Square is Requesting:**

Pursuant to Section 4906.20 and 4905.21 of the Ohio Revised Code, Copley Square respectfully requests that, subject to the consummation of the transfer of certain of Copley Square's assets and all of its customer accounts and servicing to the City, the PUCO take the following actions:

1. That the PUCO grant this Application in its entirety for (i) the cancellation of the Certificate and (ii) the substitution of the water service provider for the Service Area from Copley Square to the City; and

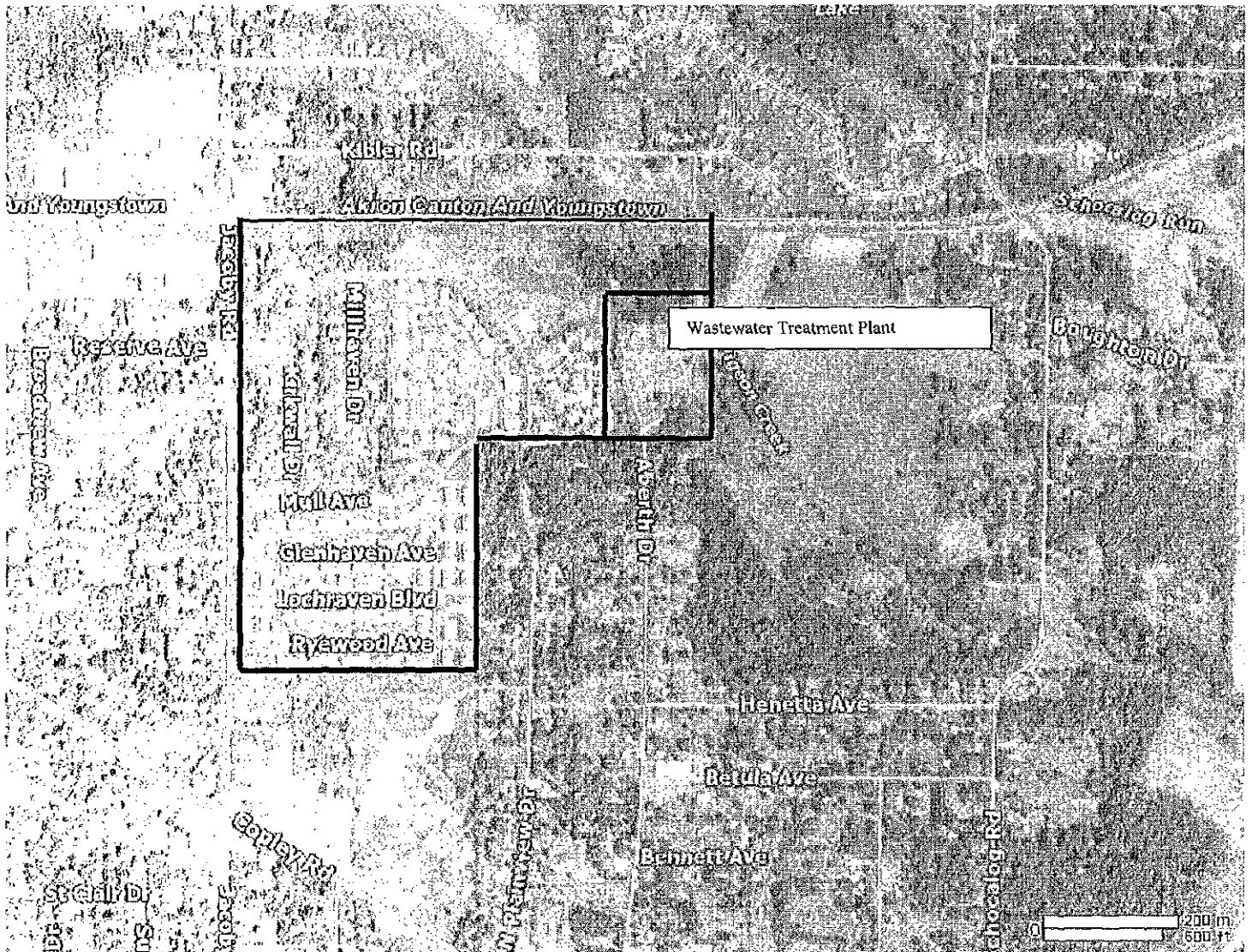
2. That the PUCO grant (i) Copley Square "Relief from Jurisdiction", (ii) that Copley Square be removed from the rolls of the PUCO regarding all of the customers in the Service Area, and (iii) any and all further relief to which Copley Square may be entitled.

Respectfully submitted,



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EXHIBIT A  
SERVICE AREA MAP

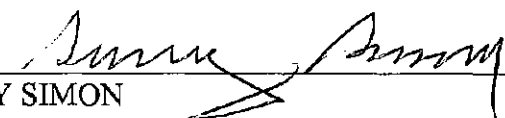


COPLEY SQUARE WATER CO.

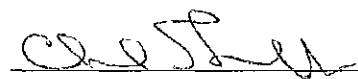
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STATE OF OHIO                    )  
  ) SS:  
COUNTY OF CUYAHOGA )

Sidney Simon, being first duly sworn under oath, states that he is the President of Copley Square Water Co., that the information and statements contained in the Application to Cancel Certificate of Public Necessity and Substitute Service are true to the best of his knowledge and belief, and that the statements are adopted by Copley Square Water Co.

  
\_\_\_\_\_  
SIDNEY SIMON

Sworn to before me and subscribed in my presence by Sidney Simon this 16th day of July, 2009.

  
\_\_\_\_\_  
Notary Public  
Charles Goodnight  
Notary Public, STATE OF OHIO  
My Commission Expires 3/26/2011  
Recorded in Summit County