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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
Aqua Ohio, Inc.	)	Case No. 09-0560-WW-AIR
for Authority to Increase its Rates	)	
And Charges in the Masury Division	)	

**MOTION FOR APPROVAL OF A WAIVER IN THE TIMING  
FOR FILING EXPERT TESTIMONY ON RATE OF RETURN**

Now comes Aqua Ohio, Inc., Masury Division ("Applicant") and respectfully requests the Public Utilities Commission of Ohio ("Commission") to grant, pursuant to Ohio Administrative Code ("O.A.C") Rule 4901-7-01, Appendix A, Chapter II, Paragraph A(6), a waiver with respect to filing testimony within fourteen days of the application, but only with respect to pre-filed testimony of a consultant on rate of return issues. A memorandum in support of this Motion is attached hereto.

Respectfully submitted,

  
\_\_\_\_\_  
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## **MEMORANDUM IN SUPPORT**

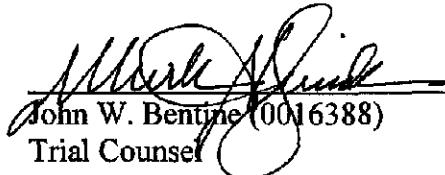
Applicant is seeking a waiver of the time requirement for filing expert testimony in support of its Rate of Return Schedules filed in the above-captioned case. The purpose of the waiver is to avoid the imposition of additional cost in preparing the rate case. Applicant believes and hopes that this rate increase application can be resolved by stipulation of the parties without the need to have a hearing. If in fact this rate application can be resolved without the need to conduct a hearing, then expense can be saved by not preparing and filing expert testimony pertaining to the Rate of Return Schedules. Therefore Applicant proposes not to file testimony of a consultant that supports the requested rate of return, but rather submit testimony of one of its officers, Robert A Kopas, which would set forth the rationale and background for the rate of return proposed by Applicant.

In the event that the rate of return issue is not stipulated, Applicant requests a wavier so that it may hire a consultant to prepare and file expert testimony on rate of return at a later stage in the proceedings if it becomes evident that this issue will not be settled. By proceeding in this manner, Applicant is likely to save the expense of a consultant, a rate case expense that would, in the normal course, be passed onto ratepayers.

This waiver request meets the standards set forth in O.A.C. Rule 4901-7-01, Appendix A, Chapter II, Paragraph A(4)(c). Applicant has given the specific reason in support of its request. Because Applicant will have provided rate of return testimony by an officer of the Applicant (not an outside consultant), the Commission staff will have the information that it needs to effectively and efficiently review the rate of return issue. Though the exact amount of cost savings from not having to file rate of return testimony is unknown, it is likely to be thousands of dollars based upon past experience.

WHEREFORE, Applicant respectfully moves the Commission to grant it a waiver from the requirement to file written expert testimony on the rate of return issue fourteen days after the application is filed. In the unlikely event that the parties do not reach agreement on this issue, Applicant asks that it be given the opportunity to late file consultant testimony on the rate of return issue.

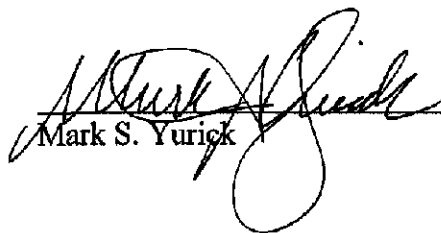
Respectfully submitted,

  
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**Attorneys for Aqua Ohio, Inc.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing Motion for Approval of a Waiver in the Timing of Filing Direct Testimony on Rate of Return was served by regular U.S. mail, postage prepaid, this 7th day of August, 2009 on the parties listed below.

  
Mark S. Yurick

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