

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Aqua     )  
Ohio, Inc. for Authority to Increase its     ) Case No. 09-560-WW-AIR  
Rates and Charges in the Masury     )  
Division.     )

ENTRY

The Commission finds:

- (1) With the filing of its July 2, 2009, notice of intent to file an application seeking Commission authority to increase its base rates in its Masury Division, Aqua Ohio, Inc. (Aqua) identified that its test period would begin January 1, 2008, and end December 31, 2008, and that the date certain would be June 1, 2008.
- (2) Pursuant to its Entry of July 29, 2009, the Commission accepted the aforementioned dates. In its entry, the Commission stated that the appropriate method of making any changes to the date certain or test period shall be the filing of a new notice of intent to file an application for an increase in rates and withdrawal of the pending application.
- (3) On December 10, 2009, Aqua filed a motion to correct the date certain and a request for an expedited ruling. Specifically, Aqua seeks to correct the date certain from June 1, 2008, to June 30, 2008. In support of its request, Aqua explains that the inclusion of the original date was a result of inadvertent error that was not discovered until recently. Notwithstanding this error, Aqua states that the work papers and all relevant calculations in the case are based upon the intended June 30, 2008, date certain. Therefore, Aqua opines that other parties in this proceeding will not be prejudiced by the requested correction. Finally, Aqua represents that counsel for the Commission staff and the office of the Ohio Consumers' Counsel (OCC) have both been notified of the current request. According to Aqua, while the Commission staff has no objection to the motion of December 10, 2009, OCC would take no position.

- (4) On December 17, 2009, OCC filed a memorandum contra Aqua's motion to correct the date certain. OCC states that its memorandum contra is not intended to function as a waiver of any jurisdictional defects or other issues that may be present due to Aqua's error. To the extent that Aqua's motion is granted, OCC requests that any expense incurred by Acqua that is associated with its pending motion be borne by the company, and not its customers.

Additionally, OCC requests that any unforeseen and prejudicial effect to other parties occurring as a result of the requested modification of the date certain should be ameliorated fully and expeditiously by Aqua.

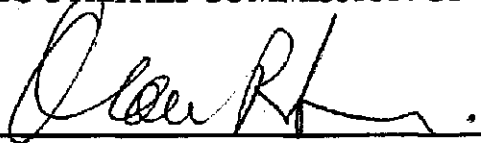
- (5) Aqua's motion to correct the date certain should be granted and the date certain shall now be corrected to reflect June 30, 2008. In reaching this decision, the Commission notes that the incorrect date occurred due to an oversight and that the work papers and all relevant calculations in the case are based upon the intended June 30, 2008, date certain. Therefore, the requested change should not adversely impact any party in this proceeding. Aqua should review all relevant discovery responses to ensure that they are consistent with the June 30, 2008, date certain.
- (6) The company should fully and expeditiously ameliorate any unforeseen or prejudicial effect to other parties resulting from the requested modification. Additionally, any expense incurred by the company that is associated with its motion or related to ameliorating the effects of its error should be borne by the company, and not its customers.

It is, therefore,


ORDERED, That the motion to correct the date certain is granted in accordance with Findings (5) and (6). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

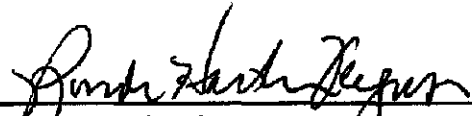
THE PUBLIC UTILITIES COMMISSION OF OHIO



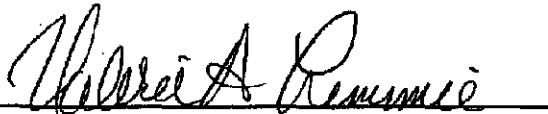
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

JSA/dah

Entered in the Journal

JAN 07 2010



Renee J. Jenkins  
Secretary