

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Aqua)
Ohio, Inc. for Authority to Increase its) Case No. 09-1044-WW-AIR
Rates and Charges in its Lake Erie Division.)

ENTRY

The Commission finds:

- (1) Aqua Ohio, Inc. (Aqua) is a waterworks company as defined by Section 4905.03(A)(8) and (14), Revised Code, and a public utility as defined by Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission pursuant to Sections 4905.04, 4905.05, and 4905.06, Revised Code.
- (2) On November 3, 2009, Aqua filed a notice of intent to file an application for an increase in rates pursuant to Section 4909.43(B), Revised Code, and in compliance with amended Chapter I of the Commission's Standard Filing Requirements, Sections A and B, Ohio Administrative Code (O.A.C.).
- (3) By Entry issued December 2, 2009, the Commission approved the test year and date certain and granted waiver of the filing of certain of the Standard Filing Requirements.
- (4) On December 11, 2009, Aqua filed its application to increase rates.
- (5) Aqua's application meets the requirements of Section 4909.18, Revised Code, and this Commission's Standard Filing Requirements. As such, the application will be accepted as of its filing date of December 11, 2009.
- (6) Aqua's proposed notice for publication, set forth in Schedule S-3 of its application, complies with the requirements of Section 4909.18(E), Revised Code, and should be approved, with the following minor modification. The Commission's Docketing Division is now located on the 11th floor of the Commission's offices and Aqua's newspaper notice should be changed to reflect that. Aqua shall begin publication of the newspaper

notice, pursuant to Section 4909.19, Revised Code, within thirty days of the date of this Entry and such notice shall not appear in the legal notices section of the newspaper.

- (7) Rule 4901-7-01, Appendix A, Chapter II, paragraph (A)(6)(a), O.A.C., requires Aqua to file pre-filed testimony in support of its application within fourteen days of the filing of the application for an increase in rates.
- (8) On December 21, 2009, Aqua, on the day it filed the testimony of Robert Kopas, requested a waiver of Rule 4901-7-01, Appendix A, Chapter II, paragraph (A)(6)(a), O.A.C., to the extent that it requires the filing of testimony prepared by an expert consultant in support of its rate-of-return schedules. Aqua states that the purpose of the waiver request is to avoid the imposition of additional costs in preparing its base rate case. Aqua believes that this rate case can be resolved by stipulation of the parties without the need to have a hearing. Aqua proposes, therefore, to submit testimony of one of its officers, rather than that of a consultant, which will contain the rationale and background for the rate of return proposed by Aqua. According to Aqua, a rate-of-return consultant will be hired in the event this issue is not stipulated.
- (9) The Commission is mindful of reducing unnecessary rate case expenses. However, unlike previous requests for a waiver of Rule 4901-7-01, O.A.C., this request was not filed with the Notice of Intent to File an Application for an Increase in Rates. To make such a request at the time of filing testimony creates due process concerns for all parties in the case. Therefore, Aqua's request for a waiver from Rule 4901-7-01, O.A.C., is hereby denied.

As to the general matter of requests for waivers, the Commission reminds applicants that any waivers sought must be for good cause shown. As such, sufficient supporting information must be set forth within the waiver request for the Commission to make an informed decision as to whether supplying the required information is outweighed by the cost of compiling the information. Therefore, any waiver requests will be reviewed on a case-by-case basis and applicants should allot sufficient time so that they may BRING themselves into compliance should their request for waiver be denied.

It is, therefore,

ORDERED, That the application of Aqua Ohio, Inc. is accepted for filing as of December 11, 2009. It is, further,

ORDERED, That the proposed newspaper notice submitted by Aqua Ohio, Inc. be approved for publication with the modification as stated in Finding No. 6. It is, further,

ORDERED, That the request for waiver made by the Applicant is denied as set forth in Finding No. 9. 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

HW/sm

Entered in the Journal

JAN 20 2010



Renee J. Jenkins
Secretary