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PUCO

**Public Utilities Commission  
of Ohio**

**Application of Aqua Ohio**

**Case No: 09-1044-WW-AIR**

**Date Taken: July 13, 2010**

**Date Printed: July 23, 2010**

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

Case No. 09-1044-WW-AIR

July 13, 2010

~ ~ ~ ~ ~

In the Matter of the Application of Aqua  
Ohio, Inc. for Authority to Increase its Rates  
and Charges in its Lake Erie Division.

On Behalf of the PUCO:  
Jim Lynn & Doug Jennings

On Behalf of the Company Aqua Ohio:  
Mark S. Yurick, Esq.

On Behalf of the Ohio Consumers' Counsel:  
Kyle Verrett, Esq.

1 MR. LYNN: Let's go on the record  
2 please. The Public Utilities Commission  
3 of Ohio is assigned for a public hearing  
4 at this time and place, Case No.  
5 09-1044-WW-AIR, in the Matter of the  
6 Application of Aqua Ohio Incorporated  
7 for Authority to Increase its Rates and  
8 Charges, in the Lake Erie Division.

9 My name is Jim Lynn. I'm an  
10 attorney examiner with the PUCO. On my  
11 right side here is Doug Jennings,  
12 another attorney examiner of the PUCO.  
13 We're also here with other Commission  
14 personnel; Pamela who is in the back  
15 there who might have signed you in when  
16 you came in, hopefully. And you also  
17 have some representatives from Aqua Ohio  
18 here as well, and perhaps some members  
19 from OCC. I don't know if they're here  
20 yet -- they are here. Oh, I'm sorry.  
21 My apologies. And let's see.

22 At this point in time, then, I would  
23 like to take the appearances of the  
24 parties. So if they could go first,  
25 please.

1 MS. VERRETT: Thank you, Your  
2 Honor. On behalf of the residential  
3 rate payers of Aqua and the Ohio  
4 Consumers' Counsel, Janine Migden-  
5 Ostrander, I'm Kyle Verrett, Assistant  
6 Consumers' Counsel. And the address of  
7 our office is 10 West Broad Street,  
8 Suite 1800, Columbus, Ohio, 43215.

9 If you should have any questions  
10 this evening, I have a few of my  
11 colleagues with me. Mr. Mike Idzkowski,  
12 Assistant Consumers' Counsel, also Jim  
13 Williams, Senior Consumer Protection  
14 Research Analyst. And finally, if you  
15 should have any questions after the  
16 hearing today, please feel free to call  
17 our office at 1-877-PICK-OCC. Thank  
18 you.

19 MR. LYNN: Okay. Thank you. And  
20 for Aqua Ohio?

21 MR. YURICK: Thank you, Your Honor.  
22 On behalf of Aqua Ohio, my name is Mark,  
23 middle initial S, Yurick, Y-U-R-I-C-K.  
24 I'm with the law firm of Chester, Wilcox  
25 and Saxbe. That's at 65 East State

1 Street, Columbus, Ohio, Suite 1000.

2 On behalf of the company who is  
3 represented here, I would like to  
4 introduce Mr. Lou Kreider from the  
5 Mentor Division of Aqua Ohio, and allow  
6 Lou to introduce other representatives  
7 of the company that we have here  
8 available in case anybody has questions  
9 about their own personal circumstance or  
10 bill.

11 If you're having a billing issue, if  
12 you think your meter reading is wrong,  
13 whatever, we can actually look -- we  
14 have a computer. We can look up your  
15 customer account and provide service to  
16 you.

17 Lou.

18 MR. KREIDER: Thank you. I'm Lou  
19 Kreider. I live this territory. I'm  
20 Vice President of Operations for Aqua  
21 Ohio, and I have our management team  
22 with us this evening. Our customer  
23 service manager, Georgiana Hearts, is  
24 with us, so if anybody, after the  
25 meeting, has any questions on their

1 water bill or service orders, please  
2 check with Georgiana.

3 Keith Nutter is our distribution  
4 manager in charge of all our water  
5 lines, pump stations, tanks. Keith is a  
6 professional engineer. If you have any  
7 questions relating to that, he'll be  
8 happy.

9 Bill Bowers. Bill is our plant  
10 manager. He runs our water treatment  
11 plant where the water comes from. It's  
12 in Mentor-on-the-Lake. And Bill holds  
13 the highest EPA license in the state, a  
14 Class 4. He's in charge of our  
15 laboratory also.

16 Then Harry Fuscko. We have a main  
17 replacement program and other  
18 construction that takes place throughout  
19 our service territory, and Harry manages  
20 that. So we'll be around all evening  
21 and afterwards, if you have any  
22 questions. Thank you.

23 MR. YURICK: And on behalf of the  
24 company, we would like to thank  
25 everybody for coming out. We're

1 interested to hear your comments.  
2 Nobody likes to hear that there's going  
3 to be a rate increase, and we don't  
4 necessarily like to do it either. But  
5 we are looking forward to your  
6 comments. And thank you for coming  
7 out.

8 MR. LYNN: All right. Thank you.

9 Some background about the cause.  
10 Aqua Ohio filed an application with the  
11 PUCO to increase its rates for water  
12 service on December 11th of 2009. As  
13 part of the rate case proceedings, the  
14 staff of the PUCO inspected portions of  
15 the company's plan and equipment,  
16 interviewed company personnel and  
17 government officials, reviewed company  
18 records and performed analysis of data,  
19 including financial information  
20 collected from the company. Staff then  
21 prepared and filed a staff report on May  
22 21st, 2010.

23 The staff report summarizes the  
24 staff's findings regarding the company's  
25 financial situation and service

1 performance and sets forth the staff's  
2 recommendations in the case.

3 Now, for those of you folks who  
4 signed in when you arrived here, you  
5 should have received an information  
6 sheet from our staff entitled "The Aqua  
7 Ohio Incorporated Rate Case." The fact  
8 sheet provides an overview of the  
9 recommendations of the staff report, as  
10 well as an overview of the procedures of  
11 the case.

12 The two public hearings scheduled in  
13 this case are only one aspect of the  
14 rate case process. We'll also have an  
15 evidentiary hearing in the case in  
16 Columbus at the Commission Offices.  
17 That's scheduled for July 22, 2010. The  
18 purposes of that hearing is to allow  
19 Aqua Ohio staff and interveners to  
20 present witnesses and evidence in  
21 support of their positions in the case.

22 The purpose of tonight's public  
23 hearing is to receive comments from the  
24 public regarding Aqua Ohio's proposed  
25 rates.



1           We will not be hearing from the  
2           company or staff or interveners  
3           tonight. This is your opportunity for  
4           those of you folks who live in Aqua  
5           Ohio's territory to let the Commission  
6           know what you think about the company's  
7           request to increase its rates.

8           As far as the process of what we'll  
9           be doing tonight, when you arrived you  
10          were offered the opportunity to sign up  
11          and testify. If you missed that  
12          opportunity, you still have that  
13          opportunity available. I'll take the  
14          witnesses in the order that they've  
15          signed up on our sign-up sheet. And if  
16          you signed the list and don't want to  
17          testify, when I call your name, you can  
18          just pass.

19          Before you present your testimony  
20          you will be required to take an oath  
21          stating what you are about to say is  
22          true. And as you begin your statement,  
23          I'll ask you your name and address. And  
24          once you've finished, the attorneys for  
25          the company or other parties will be

1 allowed to ask you questions about your  
2 statement while you're still under  
3 oath.

4 Your testimony will be considered  
5 part of the official record of the case,  
6 and that will be reviewed by the  
7 Commissioners of the PUCO before they  
8 make their final decision. Once you  
9 finished testifying or if you're just in  
10 attendance to observe what goes on in  
11 the hearing, you can leave at any time.

12 You'll notice that we have the  
13 hearing being transcribed by a court  
14 reporter. And basically that means the  
15 court reporter is recording, in type  
16 written fashion, all the statements that  
17 are made here today. So if you plan to  
18 testify, please speak clearly and  
19 plainly so the reporter can accurately  
20 reflect what you said on the record.  
21 And if you happen to have a written  
22 statement, it's helpful to provide a  
23 copy of that to the court reporter as  
24 well.

25 Thank you for coming to the

1 hearing. If you want to make a  
2 statement, please keep it brief,  
3 although, given the turnout tonight,  
4 maybe that won't be a problem.

5 Are there any questions to be asked  
6 before we start?

7 Okay. Ma'am?

8 MS. MAHONING: I signed that sheet,  
9 but I'm not sure how much of a statement  
10 I have to make. I had questions that I  
11 wanted to ask, a make some comments.  
12 But no testimony.

13 MR. LYNN: Whatever you have to say,  
14 we'll take that into account.

15 MS. MAHONING: Okay.

16 MR. LYNN: Anyway, we'll go in the  
17 order your names were signed. Are you  
18 Marie Mahoning?

19 MS. MAHONING: Yes.

20 MR. LYNN: Then please come up.

21 - - - - -

22 MARIE MAHONING

23 After having been first duly sworn, as  
24 hereinafter certified, was examined and testified  
25 as follows:

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MR. LYNN: Thank you. What comments would you have about the proposed rate increase?

MS. MAHONING: Well, basically I don't think at this time, as far as our -- what the economy is and the situation that the average person is going through right now -- I'm on Social Security. I did not receive an increase this year. And a lot -- a lot of -- I'm not the only one. I mean, there's thousands -- hundreds of older people who did not receive an increase this year. And I think it's very poor at this point for this company who had an increase last year, or a year ago, has put an \$8 charge for customer service, which I don't know what that is, on our bill, and you know, it's just -- it's just poor timing.

They have shareholders. I would like to know what the return is to their shareholders. What's their percentage going to their shareholders? What kind

1 of profit do they make? I mean, you  
2 know, I don't see this laid out  
3 anywhere. So basically, yes, I'm  
4 against it. I can't afford to pay  
5 more. I might put in a well, go back to  
6 water well, which would, in the long  
7 run, probably pay off.

8 MR. LYNN: Thank you for your  
9 comments. Before we continued, I  
10 neglected to ask you to indicate what  
11 your address is, please. You can  
12 indicate your address.

13 MS. MAHONING: It's No. 5, Prentice,  
14 P-R-E-N-T-I-C-E, Road, and that's in  
15 Painsville Township.

16 MR. LYNN: Okay. Thank you.

17 MS. MAHONING: You're welcome.

18 MR. LYNN: Any questions for  
19 Ms. Mahoning or any comments?

20 All right. Thank you very much.

21 Next on our list is Robert Kissing.  
22 Mr. Kissing, if you'll raise you right  
23 hand, please.

24 - - - - -

25 ROBERT KISSING,

1           After having been first duly sworn, as  
2           hereinafter certified, was examined and testified  
3           as follows:

4                           - - - - -

5                   MR. LYNN: Thank you. Please  
6                   continue.

7                   MR. KISSING: Okay. I, too, am on  
8                   Social Security and I have two meager  
9                   little pensions that I get from the two  
10                  companies I worked for. Just like the  
11                  lady said, you know, we didn't get any  
12                  increase on your Social Security. Our  
13                  utilities are all going up. Our sewer  
14                  rates have gone up. Our water rates are  
15                  going to go up. Dominion East Ohio  
16                  raises their rates. The Illuminating  
17                  Company, I don't think they can raise  
18                  them much more than what they are right  
19                  now. So, I mean, that's pretty high.

20                  You know, right now my bill is  
21                  \$33.56. So if you add another \$6, that  
22                  will be, like, what \$39. So that's like  
23                  39, \$40 a quarter. So that's what? A  
24                  \$120 a quarter for water. I think  
25                  that's just a little ridiculous. To me

1 19 percent, I don't think, is  
2 warranted.

3 And I do have one question. I don't  
4 know if I can ask this or not, or if it  
5 can be answer. On this customer charge,  
6 it's an \$8 charge per month. Now, is  
7 that levied to all their customers that  
8 they serve?

9 MR. KREIDER: Yes -- if I may.

10 MR. LYNN: Yes, please go ahead.

11 MR. KREIDER: Yes. Yes, it is.

12 MR. KISSING: 30,000 residential  
13 customers?

14 MR. KREIDER: Yeah, approximately --  
15 well --

16 MR. KISSING: Well, it says,  
17 "approximately 30,000 residential  
18 customers." So each one of those 30,000  
19 customers has an \$8 customer charge?

20 MR. KREIDER: Yes, that's correct.

21 MR. KISSING: That's a lot of  
22 money. A lot of money. In addition to  
23 the \$.98 SI is, whatever the SI is? I  
24 don't know what SI is. It was some kind  
25 of a SIC charge

1 MR. KREIDER: The SI is -- it's an  
2 infrastructure surcharge. When we  
3 replace aging water mains, we're able,  
4 through Commission Rules, to have up to  
5 a 3 percent surcharge annually to help  
6 support capital investments. And that's  
7 what that SIC is. It should be about 3  
8 percent, sir.

9 MR. KISSING: And the customer  
10 charge was? Doing business?

11 MR. KREIDER: That's a charge -- we  
12 do what's called a cost of service, and  
13 we look at all our costs and how to  
14 allocate IT among our customer classes;  
15 residential, commercial, industrial, and  
16 so forth. And the customer charge is  
17 related to the investment in the water  
18 meter, service line, the cost of reading  
19 the meter each month, and rendering a  
20 bill.

21 MR. LYNN: And for the record, the  
22 person answering for Aqua was  
23 Mr. Kreider.

24 MR. KREIDER: Yes.

25 MR. KISSING: Well, my bottom line



1 is, I'm against the increase of 19  
2 percent.

3 MR. LYNN: All right. Thank you for  
4 your comments.

5 MR. KISSING: Okay. Thank you very  
6 much.

7 MR. LYNN: Okay. Next we have Julie  
8 Coe, if you have any comments. Thank  
9 you. If you'd raise your right hand,  
10 please.

11 - - - - -

12 JULIE COE,

13 After having been first duly sworn, as  
14 hereinafter certified, was examined and testified  
15 as follows:

16 - - - - -

17 MR. LYNN: Thank you, Ms. Coe.

18 MS. COE: I was going to pass, but  
19 I'm on Social Security as most of them  
20 are too, and it's -- we just moved to  
21 Mentor. And our water rates in  
22 Willowick were much lower. They  
23 included our sewers and everything all  
24 in one bill, and we got a bill every  
25 three months. Our water here is --

1 well, I think three times what we were  
2 paying in Willowick. So I wonder how  
3 one place can do -- you know, I know the  
4 water is different -- how they can  
5 supply water to Willowick or the suburbs  
6 before Mentor with less money than  
7 Mentor can.

8 And the other thing is, I think  
9 there would be much better turnout if  
10 this opportunity was publicized more. I  
11 came about it because I got a letter  
12 from the Consumer Counsel. And none of  
13 my neighbors knew about it, and by the  
14 time they found out, they were too busy  
15 to come. Thank you.

16 MR. LYNN: Thank you.

17 MR. LYNN: We also have Kenneth Coe,  
18 if you would you like to speak, Mr. Coe.

19 Okay. He'll pass.

20 Is there anyone else who would like  
21 to testify? Okay. If we could go off  
22 the record for a minute.

23 - - - - -

24 (Discussion had off the record.)

25 - - - - -

1 MR. LYNN: We'll hold on.

2 I'll note for the record,  
3 Mr. Kissing, your address is 6018  
4 Harrison Street?

5 MR. KISSING: Correct.

6 MR. LYNN: And are you in Mentor?

7 MR. KISSING: Yes.

8 MR. LYNN: And for Julie Coe, you're  
9 6241 Carolyn Drive, and you're in Mentor  
10 as well, correct?

11 MS. COE: Yes, we are.

12 MR. LYNN: Additionally, we have  
13 one other person signed up to testify.  
14 Bryant Fugate. Are you Mr. Fugate?

15 MR. FUGATE: Well, she said, "If you  
16 want to ask a question you have to sign  
17 that." I didn't realize I was going to  
18 testify.

19 MR. LYNN: You don't have to testify  
20 if you don't want to.

21 MR. FUGATE: The only thing I would  
22 say up front is, I'm against the rate  
23 increase.

24 MR. LYNN: If you would like to come  
25 up, you can make the statement, it's a

1 sworn statement.

2 MR. FUGATE: No. I'm just against  
3 the rate increase.

4 MR. LYNN: Okay. Okay. Mr Fugate  
5 is indicating he opposes the rate  
6 increase. His address is 7750 Manor  
7 Drive, Mentor-on-the-Lake.

8 Okay. Is there anyone else? Okay.  
9 Mr. Fugate --

10 MR. IDZKOWSKI: Your Honor, if I  
11 may.

12 MR. LYNN: Yes.

13 MR. IDZKOWSKI: Mike Idzkowski with  
14 the Ohio Consumers' Counsel. Can I ask  
15 Mr. Fugate why he's opposed?

16 MR FUGATE: Well, for one thing,  
17 they just indicated to me this is their  
18 first request for this increase.

19 MR. LYNN: Mr. Fugate, actually if  
20 you want your comments to officially be  
21 considered on the record, we can swear  
22 you in. It wouldn't take long.

23 MR. FUGATE: It's really not  
24 necessary to me. All I am doing is  
25 voicing my opposition to the rate

1 increase. One of the reasons why is,  
2 this is the first increase, and  
3 according to the letter I got, they're  
4 asking for what I think is an  
5 unjustified increase as far as the  
6 amount of the increase.

7 MR. LYNN: Any further questions?

8 MR.IDZKOWSKI: No, but thank you.

9 Thank you, Mr. Fugate.

10 MR. LYNN: Is there anyone else who  
11 would like to testify tonight?

12 I want to thank you all for coming.  
13 In that case, our hearing is adjourned.

14 - - - - -

15 (Hearing adjourned.)

16 - - - - -

1 The State of Ohio, )

) SS:

CERTIFICATE

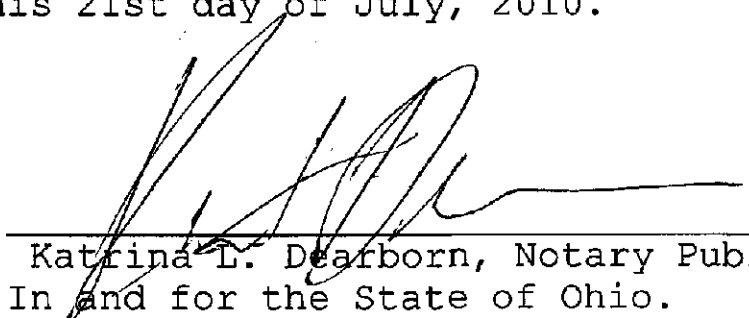
2 County of Cuyahoga. )

3 I, Katrina L. Dearborn, Notary Public within  
4 and for the State of Ohio, duly commissioned and  
5 qualified, do hereby certify that the within-  
6 named witnesses were first duly sworn to testify  
7 the truth, the whole truth, and nothing but the  
8 truth in the cause aforesaid; that the testimony  
9 then given by him/her was by me reduced to  
10 stenotypy in the presence of said witnesses,  
11 afterwards transcribed on a computer, and that  
12 the foregoing is a true and correct transcript of  
13 the testimony so given by him/her as aforesaid.

14 I do further certify that this hearing was  
15 taken at the time and place in the foregoing  
16 caption specified and was completed.

17 I do further certify that I am not a  
18 relative, employee of, or attorney for any of the  
19 parties in the above-captioned action; I am not a  
20 relative or employee of an attorney for any of  
21 the parties in the above-captioned action; I am  
22 not financially interested in the action; I am  
23 not, nor is the court reporting firm with which I  
24 am affiliated, under a contract as defined in  
25 Civil Rule 28(D); nor am I otherwise interested  
in the event of this action.

IN WITNESS WHEREOF I have hereunto set my  
hand and affixed my seal of office at Cleveland,  
Ohio on this 21st day of July, 2010.

  
Katrina L. Dearborn, Notary Public  
In and for the State of Ohio.  
My commission expires 11-02-10.

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Dearborn Reporting Services

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# Public Utilities Commission

## Public Hearing Witness Sign-in Sheet

COMPANY: \_\_\_\_\_

CASE NO.: 09-1044-WW-AIR

DATE: 7/13/10

LOCATION: Mentor

If you would like to provide testimony,  
please **PRINT** your name and address below.

[illegible]



LOCATION: mentor

[illegible]