

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Aqua)
Ohio, Inc. to Amend its Certificate of)
Convenience Necessity to Expand the Territory) Case No. 11-4674-WW-AAC
in which Aqua Ohio, Inc. Provides Water)
Service in the Stark Regional Division.)

FINDING AND ORDER

The Commission finds:

- (1) On August 9, 2011, Aqua Ohio Inc. (Aqua or Applicant) filed an application with the Commission requesting authority to amend its Certificate of Public Convenience and Necessity No 32 to expand the territory in which its Stark Regional Division provides water service.
- (2) By entry issued August 24, 2011, the Applicant was directed to cause legal notice to be published one time in a newspaper of general circulation in every county affected by this application and to submit proof of publication to the Commission by September 16, 2011. Both the August 24, 2011, entry and the legal notice indicated that, unless the Commission received a written statement, on or before September 16, 2011, detailing the reasons why the application should not be granted, the case would be decided on the basis of the information contained in the application and affidavits submitted by the Applicant.
- (3) Timely publication of appropriate legal notice has occurred in this case. No one petitioned to intervene or requested an oral hearing in this case.
- (4) The information contained in the Commission's file in this proceeding reveals the following:
 - (a) Aqua is an Ohio corporation authorized to provide water service in the Stark Regional Division pursuant to Certificate of Public Convenience and Necessity No. 32.

- (b) The application seeks Commission approval of an expansion into a contiguous area for its Stark Regional Division. The area is the City of New Franklin, Ohio. There is currently only one customer within New Franklin served by Aqua. The City of New Franklin has agreed to grant Aqua a right of first refusal to provide public water service and fire protection within the municipal boundaries of New Franklin.
 - (c) If the Commission grants the application, the Applicant's customers in the area of the service expansion will be charged the same rates as are in effect for customers in Aqua's existing Stark Regional Division.
- (5) Aqua is a public utility as defined in Section 4905.02, Revised Code, and a waterworks company as defined in Section 4905.03(A)(7), Revised Code. As such, Aqua is subject to the jurisdiction of the Commission under authority of Sections 4905.04 and 4905.05, Revised Code. Section 4933.25, Revised Code, requires waterworks companies to obtain a certificate of public convenience and necessity from this Commission before constructing, installing, or operating a waterworks facility. Rules 4901:1-15-05 and 4901:1-15-07, Ohio Administrative Code (O.A.C.), specify the form which applications to amend such certificates should take.
- (6) After reviewing all of the information filed in this case, the Commission concludes that Aqua's application to amend its Certificate of Public Convenience and Necessity No. 32, so as to expand Aqua's Stark Regional Division service area, should be granted. The Commission finds that, except for those requirements from which waiver was granted, the application is complete and comports with our rules governing applications to amend certificates of waterworks companies. It appears from the record that Aqua is a proper party to hold such amended certificate. Not only does Aqua appear to possess the technical expertise, but it also appears to have the financial ability to provide service in the proposed expanded service area.

- (7) The Applicant has submitted proposed revised tariff pages for approval by the Commission. The proposed tariff pages that have been submitted in this case are directional/map revision and the subject index, necessitated by the proposed expansion of Aqua's respective service area. Upon review, the Commission finds those revised tariff pages that have been submitted in this case are appropriate and should be approved. The revised tariff pages shall become effective upon the filing in final form, of four complete, printed copies of the revised tariff pages. Applicant shall file one copy in its TRF docket number 89-7028-WW-TRF (or may make such filing electronically as directed in Case No. 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department.

It is, therefore,

ORDERED, That, pursuant to Section 4933.25, Revised Code, and Rule 4901:1-15-04(C)(2)(e), O.A.C., a hearing shall not be held in this matter. It is, further,


ORDERED, That, the proposed revised tariff sheets submitted by the Applicant are approved and shall become effective upon the filing of four copies of the tariffs, in accordance with the directives set forth above in Finding (7). It is, further,

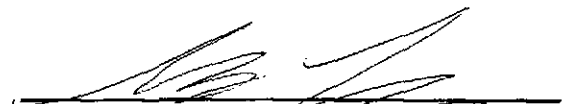
ORDERED, That, nothing in this Finding and Order shall be binding on the Commission in any subsequent investigation or proceeding involving the justness of reasonableness of any rate, charge, rule or regulation. It is, further,

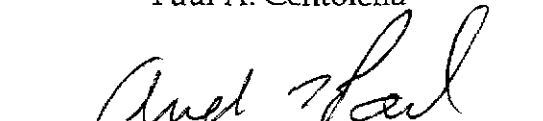
ORDERED, That, a copy of this Finding and Order be served upon Aqua, its counsel, and upon all other interested persons of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Steven D. Lesser

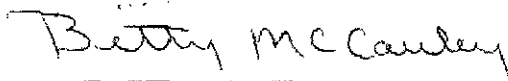

Andre T. Porter


Cheryl L. Roberto

SD:js

Entered in the Journal

OCT 12 2011



Betty McCauley
Secretary