

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of Certain :
Rules of the Ohio Administrative Code to : Case No. 11-4910-AU-ORD
Implement Section 4911.021, Revised Code. :

MOTION FOR WAIVER
OF
WATER AND SEWER LLC

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Water and Sewer LLC ("W&S"), pursuant to Rules 4901-1-12 and 4901:1-15-02(B)(3), Ohio Administrative Code ("OAC"), hereby moves for a waiver of the requirement set forth in the Commission's February 23, 2012 entry in this docket that jurisdictional public utilities file revised bill formats reflecting the prescribed changes in the content of the contact information for the Office of the Ohio Consumers' Counsel within thirty days of the date of the entry. For those reasons more fully described in the accompanying memorandum, W&S requests permission to defer filing its revised bill format until it files its compliance tariff sheets pursuant to the Commission's order in its pending rate increase application in Case No. 11-4509-ST-AIR.

WHEREFORE, W&S respectfully requests that its motion be granted.



Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3927
614 228-0704 – Phone
614 228-0201 – Fax
BarthRoyer@aol.com – Email

Attorney for Water and Sewer LLC

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In the Matter of the Amendment of Certain :
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MEMORANDUM IN SUPPORT
OF
MOTION FOR WAIVER
OF
WATER AND SEWER LLC

By its finding and order in this docket of November 29, 2011, the Commission amended certain of its rules containing references to the Office of the Ohio Consumers' Counsel ("OCC") to implement Section 4911.021, Revised Code, which now prohibits OCC from operating a telephone call center for consumer complaints. Among the rules affected were the various bill format rules applicable to the various types of regulated utilities, including Rule 4901:1-15-23(A)(13), OAC, which governs the bill formats of waterworks and sewage disposal companies. In addition to revising the content of the bill message containing the OCC contact information, the amendment to 4901:1-15-23(A)(13), OAC, also made certain stylistic changes, as well as changing the Commission contact information for hearing or speech impaired customers to reflect the widespread adoption of the 7-1-1 dialing code to access the Telecommunications Relay Service.

As explained in its February 23, 2012 entry, the Commission concluded that, due to the minimal changes involved, utilities should be permitted to file their new bill formats in the rulemaking docket rather than by initiating separate, company-specific proceedings through the filing of individual bill format applications. The entry required that the revised bill formats be

filed within thirty days of the date of the entry. The thirtieth day falls on a Saturday. Thus, under Rule 4901-1-07(A), OAC, the due date for filing the revised bill formats is March 26, 2012.

W&S is a Commission-regulated sewage disposal company that provides sewer service to some 77 customers in and around the village of Richfield, Ohio. As such, W&S is subject to the requirement of the February 23, 2012 entry that it file its revised bill format by March 26, 2012. By the foregoing motion, W&S seeks a waiver of this requirement, and requests that it be permitted to defer filing its revised bill format until it files its compliance tariff sheets pursuant to the Commission's opinion and order in its pending rate increase application in Case No. 11-4509-ST-AIR. W&S submits that the following grounds constitute good cause for granting its motion.

First, as noted in the Staff Report of Investigation ("Staff Report") issued in Case No. 11-4509-EL-AIR on February 22, 2012, W&S's rate increase application predated the Commission's November 29, 2011 finding and order in this docket. *See* Staff Report, 9-10. Thus, W&S did not propose to amend its current bill format, which appears as Appendix C to its current tariff, as a part of its rate increase application. However, the Staff Report contains a recommendation relating to W&S's current rate structure, which, if adopted by the Commission, could require a change to W&S's bill format. *See* Staff Report, 15. In addition, W&S's current bill format contains a message referring to the specific tariff sheet containing its authorized rates. That reference will necessarily have to be changed as a result of the rate case so as to reflect the substitution of the tariff sheet containing the new rates for the tariff sheet containing the current rates. Thus, the interests of efficiency and economy would be best served by permitting W&S to defer the filing of the revised bill format until the compliance tariff sheets are filed pursuant to

the opinion and order in the rate case, at which point the new bill format would replace the existing bill format in the appendix to the tariff. This approach is consistent with that recommended in the Staff Report for addressing changes to the Notification of Customer Rights (“NCR”) in Appendix A of the tariff to reflect similar revisions to references to OCC in that document required as a result of the rule amendments approved in this case. *See* Staff Report, 10; *see also* Staff Report, 11 (recommending that W&S revise its bill format “(c)onsistent with a similar recommendation concerning the NCR.”)

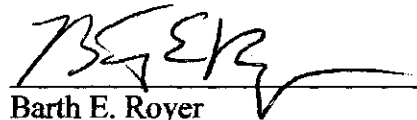
Second, W&S uses a postcard bill, which means that the space for including bill messages such as the Commission and OCC contact information is very limited. Rule 4901:1-15-(A)(13), OAC, excepts companies with fewer than 15,000 customers from the requirement that the exact language specified therein appear on the bill, and provides that such companies “shall work with staff” to develop an appropriate message containing the Commission and OCC contact information. The language containing the Commission and OCC contact information in W&S’s current bill format was developed pursuant to this provision and, due to space limitations, is more abbreviated than the specific language set forth in the rule. W&S believes that this is a matter that could best be addressed in the context of settlement discussions in the rate case, so that any stipulation reached in the rate case could include the bill message agreed to by staff and W&S. This would permit the Commission to approve the agreed language as a part of its opinion and order in the rate case, and would eliminate the need for any additional filings or separate orders with respect to this matter.

Finally, W&S assumes that, as in past cases where small utilities have been required to modify their existing bill formats, the Commission will permit W&S to exhaust its current bill stock before ordering new bill stock reflecting the revisions required by the amended rules.

W&S, which bills bi-monthly, has more than sufficient bill stock on hand to carry it well past the likely effective date of the new tariff sheets that will be filed pursuant to the Commission's opinion and order in the rate case. Thus, as a practical matter, filing a revised bill format by the March 26, 2012 due date established by the February 23, 2012 entry will not advance the date the revised bill message will actually appear on customers' bills. More importantly, W&S certainly does not want to order new bill stock before it knows what changes in the bill format will be required as a result of the rate case.

WHEREFORE, W&S respectfully requests that the Commission issue an entry finding that (1) good cause exists for granting W&S's motion for waiver, (2) that the motion for waiver should be granted, and (3) that W&S should be permitted to defer filing its revised bill format until the filing of its compliance tariff sheets in response to the Commission's opinion and order in its pending rate case.

Respectfully submitted,



Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3927
614 228-0704 – Phone
614 228-0201 – Fax
BarthRoyer@aol.com – Email

Attorney for Water and Sewer LLC