

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Diane M. Kavanagh,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 13-1512-WS-CSS
	)	
Aqua Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY ON REHEARING

The Commission finds:

- (1) On June 26, 2013, Diane M. Kavanagh (Complainant) filed a complaint against Aqua Ohio, Inc. (Aqua) to dispute unusual increases in her water bill. She challenged the accuracy of Aqua's water meter.
- (2) Aqua filed an answer to the complaint on July 16, 2013. Aqua asserted that its meter functioned properly and that its bills were accurate.
- (3) A hearing in this matter was held on October 29, 2013.
- (4) On January 29, 2014, the Commission issued an Opinion and Order in which it concluded that the complaint should be dismissed for failure of the Complainant to carry the burden of proof that Aqua overcharged her for water service.
- (5) On February 18, 2014, the Complainant filed an Application for Rehearing. In support of her Application for Rehearing, the Complainant states that, even though Aqua tested her water meter to ensure that it registered water volumes accurately, it is unfair that a utility be allowed to test its own meter.

Denying that leaks led to her high water bill, the Complainant states that Aqua's witness testified that he observed leaks in the Complainant's home in March and October 2010. The

Complainant disputes the witness' testimony, arguing that Aqua produced no bills as evidence of the leaks.

The Complainant rejects the notion that her water usage could return to normal from 23,010 cubic feet for the period March 5, 2013, to May 2, 2013. For comparison, the Complainant points out that between May 2, 2013, and May 16, 2013, her water usage was 70 cubic feet.

- (6) On March 3, 2014, Aqua filed a memorandum contra. Aqua argues that the Complainant failed to show that the Commission's Opinion and Order was unreasonable or unlawful. Responding to the Complainant's assertion that Aqua should not be allowed to test its own meters, Aqua states that the Commission's rules expressly require that Aqua test its own water meters. Aqua, as required by the rule, tested its meter and found it to be in compliance with industry standards. Aqua makes the point that the Complainant's argument is against the Commission's rules, not Aqua's compliance with the rules.

Aqua alleges that the Complainant's second argument is that Aqua failed to demonstrate that the Complainant had leaks in her home and that those leaks resulted in the disputed bills. Aqua argues that the Complainant's arguments misplace the burden of proof from the Complainant to Aqua. Aqua adds that it never sought to prove that leaks in the Complainant's home necessarily caused any particular bill. Aqua merely presented evidence of leaks, and it is reasonable to infer that the leaks may have contributed to her high bills. Aqua concludes that the Complainant failed to carry her burden of proof.

- (7) The Complainant's Application for Rehearing should be denied. The Complainant has raised no facts, issues, or arguments that have not been given full and fair consideration. Nor has the Complainant alleged any other facts or arguments that would be proper for consideration on rehearing. The Commission is aware of the uncharacteristic spikes in alleged water usage and that Aqua tested its own meter. Nevertheless, as stated in the Opinion and Order, the evidence of record led the Commission to conclude that the spikes in water usage were attributable to leaks from the Complainant's toilets and

plumbing fixtures. The Complainant failed to provide evidence to the contrary.

It is, therefore,

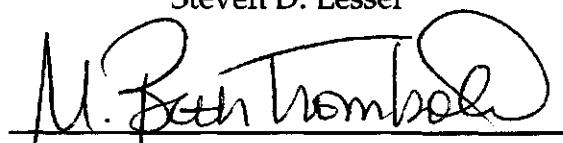
ORDERED, That, in accordance with finding (7), the Application for Rehearing be denied. It is, further,

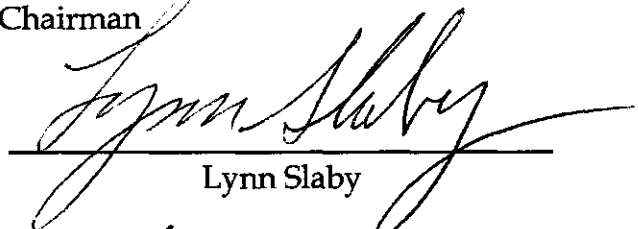
ORDERED, That a copy of this Entry on Rehearing be served upon all parties and interested persons of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Steven D. Lesser

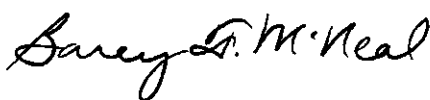
  
M. Beth Trombold

  
Lynn Slaby

  
Asim Z. Haque

LDJ/vrm

Entered in the Journal  
**MAR 19 2014**

  
Barcy F. McNeal

Barcy F. McNeal  
Secretary