

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
MARK KELLEY,**

COMPLAINANT,

CASE NO. 16-1789-WW-CSS

v.

AQUA OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on December 21, 2016

I. SUMMARY

{¶ 1} The Commission grants the parties' joint motion to dismiss with prejudice, as the matter has been settled resolving all issues in the complaint.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} Aqua Ohio, Inc. (Aqua or Respondent) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On August 24, 2016, Mark Kelley, Complainant, filed a complaint alleging that Aqua installed his water service line improperly, resulting in a leak that caused him to incur costs associated with both higher water usage and also with repairing the line.

{¶ 5} On September 7, 2016, Aqua filed its answer in which Aqua admits some and denies others of the allegations of the complaint and asserts several affirmative defenses.

{¶ 6} A settlement teleconference was held on October 19, 2016. A tentative settlement was achieved at that time.

{¶ 7} On November 16, 2016, the parties filed a joint motion to dismiss this proceeding, with prejudice, as a settled case. The motion indicates that the matter has been settled, and that the parties have executed a settlement agreement resolving all issues in the complaint.

{¶ 8} The Commission finds that the parties' joint motion to dismiss with prejudice is reasonable and should be granted.

III. ORDER

{¶ 9} It is, therefore,

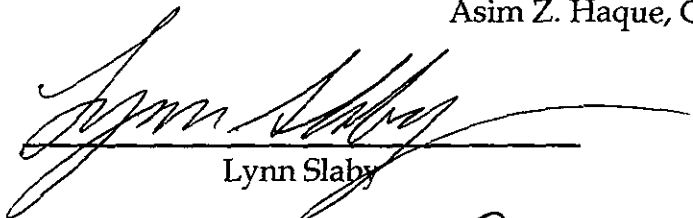
{¶ 10} ORDERED, That the parties' joint motion to dismiss the complaint with prejudice be granted. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



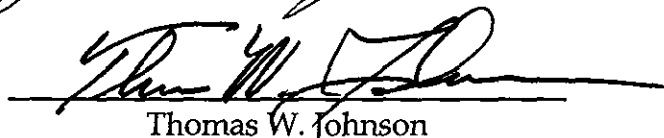
Asim Z. Haque, Chairman



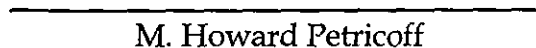
Lynn Slaby



M. Beth Trombold



Thomas W. Johnson

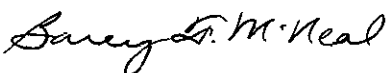


M. Howard Petricoff

DEF/dah

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DEC 21 2016



Barcy F. McNeal
Secretary