

## **THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMMISSION'S  
INVESTIGATION INTO COLUMBIA MHC  
EAST, LLC DBA COLUMBIA PARK WATER  
AND SEWER SYSTEM.**

**CASE NO. 18-438-WS-COI**

### **ENTRY**

Entered in the Journal on March 14, 2018

#### **I. SUMMARY**

{¶ 1} The Commission initiates an investigation of Columbia MHC East, LLC dba Columbia Park Water and Sewer System and directs the Ohio Attorney General's office to take any appropriate steps to protect the customers of the company in the receivership proceeding pending in the Cuyahoga County Court of Common Pleas.

#### **II. DISCUSSION**

{¶ 2} Columbia MHC East, LLC dba Columbia Park Water and Sewer System (Columbia Park or Company) is a water and sewer company under R.C. 4905.03 and a public utility as defined in R.C. 4905.02, and, as such, are subject to the jurisdiction of this Commission.

{¶ 3} R.C. Chapter 4905 enumerates the general powers of this Commission over public utilities. Specifically, R.C. 4905.04 states, in relevant part:

The public utilities commission is hereby vested with the power and jurisdiction to supervise and regulate public utilities and railroads [and] to require all public utilities to furnish their products and render all services exacted by the commission or by law \* \* \*.

Additionally, R.C. 4905.06 grants the Commission general supervision over all public utilities within its statutory jurisdiction. This supervisory power encompasses the ability to examine a public utility and keep informed as to its general condition, capitalization, operation, and

management with respect to the adequacy of its service and compliance with all laws and orders of the Commission.

{¶ 4} R.C. Chapter 4905 also sets forth certain statutory obligations of public utilities within the state. R.C. 4905.22, in pertinent part, provides:

Every public utility shall furnish necessary and adequate service and facilities, and every public utility shall furnish and provide with respect to its business such instrumentalities and facilities, as are adequate and in all respects just and reasonable.

{¶ 5} On March 1, 2018, in Case No. CV-17-887110, the Cuyahoga County Court of Common Pleas issued an Order Appointing a Receiver in a proceeding filed by U.S. Bank, National Association, as Trustee for the Registered Holders of Merrill Lynch Mortgage Trust 2007-C1, Commercial Pass-Through Certificates, Series 2007-C1, to appoint a receiver, M. Shapiro Real Estate Group Ohio, LLC, over all property, both real and personal, owned by Columbia Park East MHP LLC and Columbia Far West, LLC (collectively, Defendants). Under the terms of the Court's order, the appointed receiver is authorized, and directed to take and have complete and exclusive possession, control, and custody of the receivership property, to prevent waste, and to preserve, manage, secure, and safeguard the receivership property.

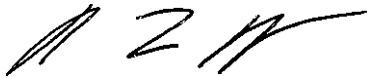
{¶ 6} In light of the appointment of the receiver by the Cuyahoga County Court of Common Pleas, the Commission finds it necessary to take steps to ensure that the interests of the Company's customers are fully protected and that such customers receive necessary and adequate service during the pendency of the court proceeding. Appropriate legal measures should be taken to ensure that the Company's operations are properly continued under the receivership and that there is continued service to the Company's customers. The Commission, therefore, directs the Ohio Attorney General's office to take any appropriate steps in the pending court proceeding and to seek any appropriate legal and equitable remedies, including injunctive relief, to maintain operations of the water and sewer systems and ensure that service to the customers is not interrupted or terminated.

**III. ORDER**

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the Ohio Attorney General's office seek any appropriate civil remedies for the protection of the Company's customers. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

Asim Z. Haque, Chairman

M. Beth Trombold

Thomas W. Johnson

Lawrence K. Friedeman

Daniel R. Conway

JRJ/sc

Entered in the Journal

MAR 14 2018



Barcy F. McNeal  
Secretary