

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Aqua)	
Ohio, Inc., for Authority to Assess a System)	
Improvement Charge in the Lake / Masury /)	19-567-WW-SIC
Prior American / Prior Mohawk / Prior)	
Tomahawk Properties)	

**AQUA OHIO, INC.'S MEMORANDUM CONTRA
STAFF MOTION FOR EXTENSION TO FILE COMMENTS**

I. INTRODUCTION

On May 22, 2019, Commission Staff filed a motion for an extension of the deadline to file comments in this proceeding, originally set for May 24, until July 15 (Staff Mot. at 1.) In accordance with Ohio Adm. Code 4901-1-12 and the May 22 Attorney Examiner Entry, Aqua Ohio, Inc. (Aqua) files this memorandum contra Staff's request. If the Commission grants any extension, the comment deadline should not be set beyond June 21, 2019.

II. ARGUMENT

Staff has not set forth good cause to extend the deadline for comments. It asserts only that "the application is still under review" and that "more time is needed for Staff to perform a thorough plant in-service investigation review." (*Id.*) But Staff gives no reason why it needs an additional *two months* of review, or the cause for the delay in completing its investigation by the original comment date. Aqua has complied with all data requests received by Staff thus far, and until this week, a few days before its investigation was previously ordered to be completed, Staff has given no indication that it was in need of more time.

Aqua would be greatly prejudiced by Staff's proposed extension to July 15. The deadline for comments and for Staff's investigation is only the first phase of this proceeding. After the initial comments, Aqua will likely need to respond to comments from both Staff and the Ohio

Consumers' Counsel; then there will need to be an evidentiary hearing and a briefing schedule. By delaying the end of this initial phase for an additional two months, the Commission would force Aqua to accept a delay of each of the following phases, and then finally the issuance of a Commission Order. This delay prevents Aqua from being able to receive recovery for the infrastructure costs it has already incurred, possibly until late 2019 or even 2020. This delay also undermines the purpose of the SIC proceeding: to lessen the regulatory lag in recovering the infrastructure costs for replacement plant and lessen the need to file a base rate case.

Aqua does not believe that that Staff has set forth good cause for an extension. But if the Commission sees fit to grant one, it should not go beyond June 21. This time period would correspond with the comment period granted in Aqua's last SIC case, Case No. 18-337-WW-SIC, and would allow Staff further time to complete its investigation while mitigating the prejudice against Aqua.

III. CONCLUSION

Aqua opposes Staff's request for a two-month extension of the deadline to file comments. If the Commission grants any extension, it should not go beyond June 21, 2019.

Dated: May 23, 2019

Respectfully submitted,

/s/ Christopher T. Kennedy
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ATTORNEYS FOR AQUA OHIO, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum Contra was served by electronic mail this 23rd day of May, 2019, to the following:

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/s/ Rebekah J. Glover

One of the Attorneys for Aqua Ohio, Inc.

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Summary: Memorandum Contra Staff's Motion for Extension to File Comments electronically filed by Ms. Rebekah J. Glover on behalf of Aqua Ohio, Inc.