

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Aqua)	
Ohio, Inc. to Amend Certificate of Public)	Case No. 20-0393-WW-AAC
Convenience and Necessity No. 35.)	

APPLICATION

The Commission, in its December 18, 2019 Finding and Order (the 2019 Order) in Case Nos. 19-1610-WS-UNC, 19-1611-WS-AAC, and 19-1612-WS-ATA (the 2019 Case), directed Aqua Ohio, Inc. (Aqua Ohio or the Company) to file an application to amend its certificate to update the metes and bounds description of its Struthers Division. In accordance with the 2019 Order, R.C. 4933.25, and Ohio Adm.Code 4901:1-15-07, Aqua Ohio hereby requests that the Commission approve the amendment of Aqua’s Certificate of Public Convenience and Necessity No. 35 to reflect an updated metes and bounds description of the Company’s Struthers Division.

For the reasons identified herein, Aqua Ohio believes that it is not necessary for the Commission to hold a public hearing under R.C. 4933.25. Aqua Ohio also requests a waiver of the public and legal notice requirements set forth in Ohio Adm.Code 4901:1-15-04(C), Ohio Adm.Code 4901:1-15-05(21), and Ohio Adm.Code 4901:1-15-07(B). Aqua respectfully requests that the Commission issue an order approving this Application by no later than April 30, 2020.

In support of this Application, Aqua states as follows:

1. Aqua Ohio is a “public utility” and a “waterworks company” as defined in R.C. 4905.02(A) and 4905.03(G). As such, Aqua Ohio is subject to the Commission’s jurisdiction in accordance with R.C. 4905.04, R.C. 4905.05, and R.C. 4905.06.

2. Aqua Ohio is currently authorized to provide water and sewage-disposal service to customers in various counties in Ohio in accordance with several existing certificates of public convenience and necessity. Many of these customers are served under the terms and conditions of Aqua Ohio's P.U.C.O. Master Tariff No. 2 for its Struthers Division (the Tariff).

APPLICATION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

3. In the 2019 Case, Staff identified discrepancies between the metes and bounds description of the Struthers Division service area and the map of the Struthers Division provided by Aqua Ohio in response to data requests. 2019 Order at 5-6.

4. The Commission, in the 2019 Order, directed Aqua Ohio to file "an application to amend its certificate depicting an accurate metes and bounds description of the entire Struthers Division and a map consistent with the metes and bounds description that conforms to the requirements of Ohio Adm.Code 4901:1-15-05(D)(6)." *Id.* at 7.

5. The Commission directed Aqua Ohio to file such application no later than 60 days after the issuance of the 2019 Order.

6. In accordance with R.C. 4933.25, and Ohio Adm.Code 4901:1-15-07(A), Aqua Ohio requests the amendment of Certificate of Public Convenience and Necessity No. 35, which authorizes service to the Struthers Division, to accurately reflect the current metes and bounds description for Aqua Ohio's Struthers Division, which has been submitted with this Application.

7. In accordance with Ohio Adm.Code 4901:1-15-07(B)(1), Aqua Ohio states that the revisions to the metes and bounds description of the Struthers Division are not associated with any proposed expansion area for Aqua Ohio's service territory, but are technical corrections to the metes and bounds description of the Struthers Division. Therefore, there is no additional construction that will be necessary to initiate service in connection with this Application.

8. Ohio Adm.Code 4901:1-15-07(B) also requires the applicant to update information required by Ohio Adm.Code 4901:1-15-05, “[i]f the event requiring the certificate to be amended [] results in a change in the information.”

9. Ohio Adm.Code 4901:1-15-05(D)(6) requires a metes and bounds description be filed with the Application describing the area in which service is to be rendered pursuant to the authority sought. Ohio Adm.Code 4901:1-15-05(D)(6) also requires that the Application include a map based upon the metes and bounds description. Attachment A to the Application is the prepared metes and bounds description of the area in which service is to be rendered in accordance with the authority sought, which reflects minor changes to address the discrepancies that Staff identified in the 2019 Case. A true-to-scale map based upon the metes and bounds description that meets the requirements of Ohio Adm.Code 4901:1-15-05(D)(6) is being provided in electronic form to Staff in conjunction with this Application. The map also reflects minor changes to reflect the corrected metes and bounds description. For purposes of the public filing, Aqua Ohio has also included a scaled-down version of the same map as Attachment B.

10. Ohio Adm.Code 4901:1-15-05(D)(5) requires a tariff be filed with the Application setting forth all of applicant's proposed rates, charges, and rules and regulations. Aqua Ohio intends to continue to provide service to the territory within the Struthers Division under the terms and conditions of the existing Tariff. The amendment of Certificate of Public Convenience and Necessity No. 35 requires no changes to the existing Tariff. With respect to the map of the service area, an accurate scaled-down map of the Struthers Division is already contained within the Tariff (Section 5, Sheet No. 5).

11. R.C. 4933.25 states that “[b]efore the commission issues a certificate of public convenience and necessity, it may hold a public hearing concerning the issuance of the

certificate.” This Application seeks to amend Certificate of Public Convenience and Necessity No. 35 only to make a minor revision to the description of the Struthers Division and associated map. This Application was also discussed in the Staff Report and the Commission’s Finding and Order in Case Nos. 19-1610-WS-UNC, 19-1611-WS-AAC, and 19-1612-WS-ATA. In addition, the proposed amendment to Certificate of Public Convenience and Necessity No. 35 does not seek to change any rate, charge, requirement, or condition for the service being provided to existing customers in the Struthers Division. For these reasons, Aqua Ohio believes that it is not necessary for the Commission to hold a public hearing under R.C. 4933.25.

12. For similar reasons as identified in Paragraph 11, Aqua Ohio requests a waiver of the public and legal notice requirements set forth in Ohio Adm.Code 4901:1-15-04(C), Ohio Adm.Code 4901:1-15-05(D)(21), and Ohio Adm.Code 4901:1-15-07(B). Granting the requested waiver of public and legal notice requirements under the Commission’s rules will minimize the cost and expense of preparing and processing this Application and will not hinder the Commission’s review of the Application. Conversely, the costs of notice by publication would provide no apparent benefit to Aqua’s customers in the Struthers Division and are unwarranted.

13. In addition, Aqua Ohio requests that the Commission accept the appended verification in lieu of the affidavits required by Ohio Adm.Code 4901:1-15-05(D)(22).

14. The event requiring Aqua Ohio to amend Certificate of Public Convenience and Necessity No. 35 does not result in a change of any other information required by Ohio Adm.Code 4901:1-15-05(D).

ATTACHMENTS

15. In support of the Application, Aqua Ohio submits the following attachments:

Attachment A: Metes and bounds description

Attachment B: Map of Struthers Division (a true-to-scale map will be provided electronically)

WHEREFORE, Aqua Ohio respectfully requests that the Commission issue a Finding and Order on or before April 30, 2020, approving this Application as submitted and granting all other necessary and proper relief.

Dated: February 13, 2020

Respectfully submitted,

/s/ Christopher T. Kennedy

Mark A. Whitt (0067996)

Christopher T. Kennedy (0075228)

Lucas A. Fykes (0098471)

WHITT STURTEVANT LLP

The KeyBank Building, Suite 1590

88 East Broad Street

Columbus, Ohio 43215

Telephone: (614) 224-3912

Facsimile: (614) 675-9448

whitt@whitt-sturtevant.com

kennedy@whitt-sturtevant.com

fykes@whitt-sturtevant.com


(All counsel are willing to accept service by email)

ATTORNEYS FOR AQUA OHIO, INC.

VERIFICATION

STATE OF OHIO)
) SS
COUNTY OF MAHONING)

Before me, a Notary Public for the State of Ohio, personally appeared Edmund P. Kolodziej, Jr., who first having been sworn, deposed and said that he is the President of Aqua Ohio, Inc., that he has read the foregoing application, and that the statements set forth therein are true and accurate to the best of his knowledge and belief.

By: 
Edmund P. Kolodziej, Jr.
President, Aqua Ohio, Inc. and Aqua Ohio
Wastewater, Inc.

Subscribed and sworn before me, a notary public, this 13 day of Feb, 2020.


Notary Public



CHRISTINE SNAREY
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
May 11, 2024

ATTACHMENT A

AQUA OHIO, INC.
STRUTHERS DIVISION
DESCRIPTION OF SERVICE AREA
TO BE THE CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY

Beginning at a point made by the centerline of the Mahoning River and the boundary line separating the States of Ohio and Pennsylvania;

Thence in a northerly direction along said boundary line to a point 400 feet northerly of the centerline of McCartney Road (U.S. 422);

Thence westerly and parallel to the centerline of U.S. 422 and 400 feet northerly therefrom, across Lowellville-Hubbard Road (C.H. 219) and Galluppi Drive to a point in the Allen-Raseta Plat No. 1 as recorded in Volume 35, Page 65 of the Mahoning County Record of Plats, said point being 400 feet east of the centerline of Struthers-Hubbard Road (S.R. 616);

Thence southerly and parallel to the centerline of Struthers-Hubbard Road and 400 feet easterly therefrom to a point, said point being an approximate distance of 100 feet north of the centerline of Upland Avenue (S.R. 616) extended;

Thence westerly and parallel to Upland Avenue to a point in the centerline of Struthers-Liberty Road (C.H. 185);

Thence southerly and along the centerlines of Struthers-Liberty Road and Bridge Street (S.R. 616) to a point on the City of Struthers Corporation Line;

Thence following the City of Struthers Corporation Line westerly to a point, said point being the intersection of Midlothian Avenue and Youngstown-Poland Road (S.R. 170);

Thence southerly along the centerline of said Youngstown-Poland Road to a point, said point being the intersection of S.R. 170 and Country Club Avenue;

Thence westerly along the centerline of Country Club Avenue to a point 500 feet west of the westerly line of Sheridan Avenue;

Thence southerly by a line parallel to and 500 feet westerly from the westerly line of Sheridan Avenue to a point 350 feet north of the northernmost lot lines of Woodland avenue;

Thence westerly by a line parallel to and 350 feet north from said lot lines of Woodland avenue to a point on the westernmost lot line of parcel number 31-021-0-136.00-0 on Jeanne Lynn Street;

Thence continue from said point in a westerly direction approximately 400 feet to a point 950 feet east of the east line of South Avenue (C.H. 151);

Thence southerly and parallel to South Avenue approximately 525 feet to a point perpendicular to the southerly line of parcel number 29-020-0-004.00-0;

Thence westerly from said point to a point in the centerline of South Avenue;

Thence southerly along the centerline of South Avenue to the centerline of the Canfield-Poland Road (U.S. 224);

Thence westerly along the centerline of Canfield-Poland Road a distance of approximately 3,909 feet to a point, said point being the easterly boundary of Boardman Township Park;

Thence southerly along said boundary line a distance of approximately 1,766 feet to a point;

Thence westerly and across Southern Boulevard (C.H. 155) and approximate distance of 1,700 feet to a point;

Thence northerly and along the westerly right-of-way line of Southern Boulevard to a point approximately 100 feet south of the southerly line of York Avenue;

Thence westerly and parallel to York Avenue and 100 feet southerly therefrom a distance of approximately 632 feet to a point on the west line of California Avenue;

Thence southerly along the west line of California Avenue to a point, said point being the northernmost lot lines of Charles Avenue;

Thence westerly along said lot lines a distance of approximately 680 feet to a point, said point being the westerly line of Tod Avenue;

Thence northerly distance of approximately 321 feet to a point, said point being the northernmost lot lines of McArthur Drive;

Thence westerly and parallel along said lot lines of McArthur Drive a distance of approximately 991 feet to a point on the east line of Market Street (S.R. 7);

Thence northerly along the east line of Market Street an approximate distance of 945 feet to a point;

Thence westerly and across Market Street to a point, said point being 600 feet westerly from the centerline of Market Street;

Thence southerly and parallel to Market Street and 600 feet westerly therefrom an approximate distance of 1,050 feet to a point, said point being 2,610 feet south of south line of Canfield-Poland Road (U.S. 224);

Thence westerly and parallel to said Canfield-Poland Road and across Hitchcock Road (C.H. 133) to a point, said point being the southwest corner of Great Lot 21 in Boardman Township;

Thence northerly along the west line of said Great Lot 21 to a point 200 feet south of the south line of Canfield-Poland Road (U.S. 224);

Thence westerly and parallel to U.S. 224 and 200 feet south therefrom to a point, said point being in the westerly line of Mill Creek Park and easterly an approximate distance of 2,755 feet from the centerline of Tippecanoe Road (C.H. 117);

Thence southerly along the westerly line of Mill Creek Park a distance of 5,135.72 feet to a point in the northerly line of Great Lot 11 in Boardman Township;

Thence westerly along said northerly line a distance of 1,129.14 feet to a point in the northeasterly line of the Ohio Turnpike;

Thence in a northwesterly direction along said northeasterly line a distance of approximately 1,152 feet to a point, said point being the easterly extension of the northerly line of the Indian Creek Farm Acres Plat #2 as recorded in Volume 48, Page 299 of the Mahoning County Record of Plats;

Thence west along said northerly line to a point on the easterly line of Tippecanoe Road (C.H. 117);

Thence northerly along the said easterly line of Tippecanoe Road a distance of 387.12 feet to a point in the southerly line of a five acre parcel of land now or formerly owned by B.A. and A.B. Roller;

Thence easterly along said southerly line a distance of 454.89 feet to a point in the southwesterly line of the Ohio Turnpike;

Thence in a northwesterly direction along the southwesterly line of the Ohio Turnpike to a point on the northerly line of a five acre parcel of land now or formerly owned by B.A. and A.B. Roller;

Thence westerly along said northerly line a distance of 129.17 feet to the centerline of Tippecanoe Road;

Thence northerly along the centerline of Tippecanoe Road to a point, said point being 2,667.15 feet south of the original centerline of Canfield-Poland Road (U.S. 224);

Thence westerly a distance of 109.31 feet to a point on the northeasterly right-of-way line of the Ohio Turnpike;

Thence along said right-of-way line in a northwesterly direction a distance of 1,020.62 feet to a point on the said right-of-way line;

Thence in a southwesterly direction along said right-of-way line a distance of 75 feet to a point;

Thence continuing northwesterly along the southwesterly right-of-way line of the Ohio Turnpike to a point, said point being the intersection of said right-of-way and the east right-of-way line of State Route 11;

Thence continue in a south and easterly direction following the east right-of-way line of State Route 11 to a point, said point being the intersection of said right-of-way and a line parallel and offset approximately 4000' feet west of Tippecanoe Rd.;

Thence continue southerly along said parallel and offset line to a point, said point is located at the intersecting centerlines of Western Reserve Road (C.H. 32) and Detwiler Road (C.H. 115);

Thence continuing southerly and along the centerline of Detwiler Road an approximate distance of 2,800 feet south of the above described intersection;

Thence in a southeasterly direction and across Calla Road to a point located 200 feet south of said Calla Road (C.H. 30);

Thence easterly and parallel to Calla Road and 200 feet southerly therefrom to a point located 200 feet west of the Columbiana-New Buffalo Road (C.H. 125);

Thence in a southeasterly direction and parallel to the Columbiana-New Buffalo Road and 200 feet westerly therefrom to a point located 200 feet south of Lynn Road (C.H. 50);

Thence easterly and parallel to Lynn Road and 200 feet southerly therefrom to a point located 200 feet east of Bassinger Road (C.H. 127);

Thence northerly and parallel to (Bassinger Road if produced) to the southerly right-of-way line of the Ohio Turnpike;

Thence in a southeasterly direction and along the southerly right-of-way of the Ohio Turnpike to a point located approximately 2,200 feet north of Calla Road (C.H. 30), and 2,500 feet west of the centerline of Sharrott Road (C.H. 143);

Thence in a southerly direction and parallel to Sharrott Road approximately 18,435 feet to a point 200 feet west of State Route 164 and 200 feet south of the extension of Pine Lake Road (C.H. 20);

Thence easterly and parallel to West Pine Lake Road and 200 feet southerly therefrom to a point on the westerly line of Great Lot 26 in Beaver Township, said point being the centerline of Elton Road (C.H. 143);

Thence southerly along a line parallel to Elton Road. to a point, said point being the intersection of the centerlines of Elton Road and West Garfield Road in Beaver Township;

Thence continuing south along the boundary line of Beaver Township Quarter Sections 34 & 35 to a point, point being the intersection of said boundary line and the boundary line separating Mahoning County and Columbiana County;

Thence easterly along said boundary line to a point, said point being parallel and offset 500 feet east of Unity Road:

Thence continue easterly from said point along said boundary line separating Mahoning County and Columbiana County to a point, said point being located on the Ohio and Pennsylvania State lines;

Thence northerly along the Ohio and Pennsylvania State Line to a point, said point being 600 feet south of East South Range Road (T26);

Thence continuing north along said Ohio and Pennsylvania State Line to a point, said point being 600 feet north of Calla Road (S.R. 630);

Thence westerly and parallel to Calla Road to a point, said point being 600 feet east of Rapp Road (C.H. 211);

Thence northerly and parallel to said Rapp Road to a point 600 feet north of boundary line separating Poland and Springfield Townships;

Thence westerly and parallel to said boundary line a distance of approximately 1,200 feet to a point, said point being 600 feet east of the center of Kansas Road (C.H. 213);

Thence northerly and parallel to said Kansas Road to a point 600 feet north of the extension of Miller Road (C.H. 96);

Thence westerly and parallel to the centerline of said Miller Road to a point, said point being approximately 300 feet easterly of Moore Road (C.H. 215);

Thence northerly and parallel to Moore Road and 300 feet easterly therefrom to a point, said point located 1,322 feet south of the centerline of Center Road (U. S. 224);

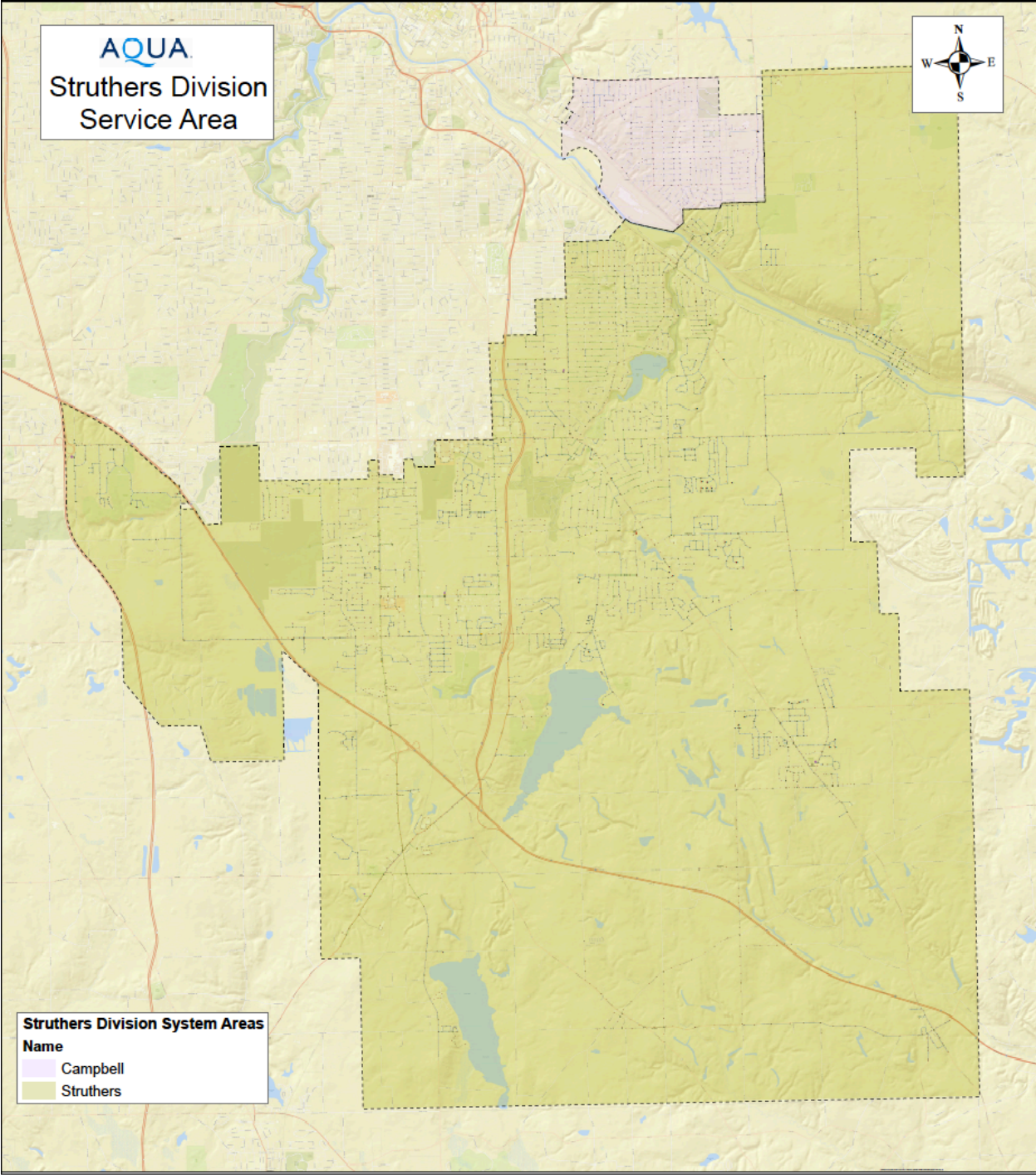
Thence easterly and parallel to Center Road a distance of 4,500 feet to the west boundary of Great Lot 63 in Poland Township;

Thence southerly along the west boundary of said Great Lot 63 extended a distance of 2,000 feet to a point;

Thence easterly along a line parallel to Center Road (U.S. 224) to a point on the boundary line separating Ohio and Pennsylvania;

Thence northerly along said state boundary line to the point of Beginning.

ATTACHMENT B



This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-0393-WW-AAC

Summary: Application Application of Aqua Ohio, Inc. to Amend Certificate of Public Convenience and Necessity No. 35 electronically filed by Mr. Christopher T Kennedy on behalf of Aqua Ohio, Inc.