**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Aqua Ohio, Inc. to Increase its Rates andCharges for Its Waterworks Service. | ))) | Case No. 21-595-WW-AIR |

**REPLY REGARDING AQUA’S OPPOSITION TO PUBLICLY FILING STATISTICS ABOUT ITS DISCONNECTIONS OF ITS WATER CONSUMERS**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

**I. INTRODUCTION**

To protect consumers, OCC asked that the PUCO require Aqua Ohio to publicly file (on a quarterly basis) information regarding its monthly shut-offs of residential consumers. That seems easy enough to do. But Aqua Ohio opposed OCC’s motion. The PUCO should reject Aqua Ohio’s arguments and grant OCC’s Motion.

Contrary to Aqua’s opposition to transparency, there is considerable value to having public access of up-to-date information regarding Aqua Ohio’s water shutoffs. Public awareness of Aqua’s disconnection data can help consumer advocates, social service agencies, elected and appointed officials, the public and others address needs for consumer protection, policy-making and other actions. ***People need water to live.***

This issue is especially important for the public, as another coronavirus surge develops in Ohio. The PUCO should use its authority under R.C. 4909.154, R.C. 4909.16 and its general powers to grant OCC’s Motion and require Aqua to publicly file its disconnection statistics. Aqua should file its historic disconnection information for the months beginning January 1, 2019, through the present, and then file going forward.

**II. RECOMMENDATIONS**

The PUCO should use its authority under R.C. 4909.154 (regarding a utility’s management policy), 4909.16 and its general powers in the law to grant OCC’s Motion.

Aqua Ohio argues that it should not have to publicly file information regarding water shutoffs because water utilities are not required to do so under the law.[[1]](#footnote-2)

 It is true that the reporting requirements set forth in R.C. 4933.123 (which applies to electric and gas utilities) do not apply to water utilities. But the law doesn’t prohibit the PUCO from requiring Aqua Ohio to publicly file disconnection information. Indeed, other law (as identified above) gives the PUCO authority to order Aqua’s public filing of the information.

Aqua Ohio’s argument that it would be burdensome or “expensive”[[2]](#footnote-3) to produce this information lacks merit. The PUCO’s rules[[3]](#footnote-4) already require Aqua Ohio to maintain the disconnection information sought through OCC’s Motion. Furthermore, Aqua Ohio already provides the PUCO Staff with disconnection information on a quarterly basis, which can be requested by OCC and the public.[[4]](#footnote-5) But for the sake of transparency and ease of access, as well as the current public health crisis, the information should be publicly filed, and posted in a conspicuous place on the PUCO’s website. If the PUCO is not inclined to regulate Aqua in this manner, then the PUCO should itself conspicuously post Aqua’s disconnection information on the PUCO’s website.

Aqua Ohio also claims that disconnection reporting issues are not appropriate for this proceeding, and instead should be considered in a separate rulemaking proceeding.[[5]](#footnote-6) But Aqua’s delay should be rejected. Consumers are suffering right now from the coronavirus pandemic and its financial impact. Aqua’s shut-offs of water services to consumers during this period of the pandemic is a policy and consumer protection issue that needs to be addressed now.

Sound public policy supports OCC’s Motion. Aqua is by definition a public utility just like any gas or electric utility in the state. And public reporting of water disconnection data (that Aqua is already filing quarterly with the PUCO Staff) serves the same public good as the reporting of gas and electric disconnection data. That public good is the open and transparent availability of usable data, for consumer protection. The data should show the circumstances of many Ohioans whose health and safety are placed at risk through disconnections.

Publicly filed reports enable a determination whether a societal goal of having Ohioans connected to water service is working and, if not, what should be done by government. Publicly filed reports allow for policy determinations where state and federal assistance and resources may be needed. Publicly filed reports also allow for an examination of utility credit and collection policies and an analysis of where changes may be necessary.

**III. CONCLUSION**

For these reasons of consumer protection, the PUCO should reject Aqua Ohio’s opposition to publicly filing its disconnection statistics. And it should order Aqua to publicly file the information, with the PUCO posting it in a conspicuous place on the PUCO’s website. Aqua should file its historic disconnection information for the months beginning January 1, 2019, through the present, and then file going forward. If the PUCO is not inclined to regulate Aqua for public protection in this manner, then the PUCO should itself conspicuously post Aqua’s disconnection information on its website. The PUCO should grant OCC’s Motion.

Respectfully submitted,

Bruce Weston (0016973)

 Ohio Consumers’ Counsel

*/s/ Amy Botschner O’Brien*

Amy Botschner O’Brien (0074423)

Counsel of Record

 Ambrosia E. Wilson (0096598)

Assistant Consumers’ Counsel

**Office of the Ohio Consumers’ Counsel**

65 East State Street, 7th Floor

Columbus, Ohio 43215-4213

Telephone: [O’Brien] (614) 466-9531

Telephone: [Wilson] (614) 466-1292

amy.botschner.obrien@occ.ohio.gov

ambrosia.wilson@occ.ohio.gov

(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Reply was served on the persons stated below via electronic transmission, this 9th day of August 2021.

 */s/ Amy Botschner O’Brien*

 Amy Botschner O’Brien

 Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

**SERVICE LIST**

|  |  |
| --- | --- |
| Robert.eubanks@ohioAGO.govChelsea.Fletcher@ohioAGO.govAttorney Examiners:Michael.williams@puco.ohio.govDavid.Hicks@puco.ohio.gov | Christopher.miller@icemiller.comNicole.woods@icemiller.com |

1. Memo Contra, at 2-3. [↑](#footnote-ref-2)
2. Memo Contra, at 4. [↑](#footnote-ref-3)
3. O.A.C. 4901:1-15-27 establishes the minimum consumer protection standards associated with disconnections for non-payment and the procedures to be followed by water and sewer service providers in Ohio. O.A.C. 4901:1-15-27(J) requires utilities such as Aqua to “maintain records…” related to disconnections. O.A.C. 4901:1-15-14 also requires water utilities to maintain records. [↑](#footnote-ref-4)
4. Memo Contra, at 4. [↑](#footnote-ref-5)
5. Memo Contra, at 2-3. [↑](#footnote-ref-6)