**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| --- | --- | --- |
| In the Matter of the Application of  Aqua Ohio, Inc., to Increase its  Rates and Charges for its Waterworks Service.  In the Matter of the Application of  Aqua Ohio Wastewater, Inc. to  Increase its Rates and Charges for  its Wastewater Service. | )  )  )  )  )  )  ) | Case No. 22-1094-WW-AIR  Case No. 22-1096-ST-AIR |

**MOTION TO SCHEDULE A VIRTUAL PUBLIC HEARING FOR CONSUMERS TO TESTIFY VIRTUALLY REGARDING AQUA OHIO’S**

**PROPOSED RATE INCREASES**

**AND**

**REQUEST FOR EXPEDITED RULING**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

Aqua Ohio is seeking to increase the rates it charges consumers for water and wastewater services by over 12%.[[1]](#footnote-2) These increases would be *in addition* to the rate increases the PUCO approved for Aqua Ohio less than a year ago.[[2]](#footnote-3)

It is important that the public have their voices heard by the PUCO regarding Aqua Ohio’s proposal to increase rates yet again. As required by R.C. 4903.083, consumers are to be invited to participate in the PUCO’s rate increase process by having local public hearings. In-person local public hearings have already been scheduled by the

PUCO.[[3]](#footnote-4) Consumers should also have the opportunity to participate in a virtual public hearing as well.

Some consumers have difficulties (due to illness or disabilities, childcare issues, transportation limitations, etc.) attending in-person local public hearings. Consumers who cannot attend a local public hearing in person should be given the opportunity to provide oral testimony remotely. The PUCO has conducted numerous evidentiary hearings remotely, including public hearings in rate cases.[[4]](#footnote-5) The PUCO has also permitted consumers to testify remotely where “financial hardship, work-related scheduling conflicts, and physical restrictions” prevented them from traveling to appear in person before the PUCO.[[5]](#footnote-6) Consumers wishing to safely appear at local public hearings deserve the same consideration.

In addition to the in-person public hearings, OCC requests that the PUCO set an additional hearing to be conducted virtually where consumers may testify remotely (via WebEx, Microsoft Teams, Zoom, or some similar platform) regarding Aqua Ohio’s proposed rate increases. OCC proposes that a virtual public hearing occur after the in-person local public hearings, and suggests the date of September 6, 2023, after 5:30 PM.

The evidentiary hearing is currently scheduled to begin on September 11, 2023. Thus, under O.A.C. 4901-1-12(C), OCC requests that the PUCO issue an expedited ruling on this motion. OCC cannot certify that no party objects to an expedited ruling. The reasons for this motion are explained more fully in the attached memorandum in support.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Angela D. O’Brien*

Angela D. O’Brien (0097579)

Counsel of Record

Deputy Consumers’ Counsel

Connor Semple (0101102)

Donald J. Kral (0042091)

Assistant Consumers Counsel

Office of the Ohio Consumers’ Counsel

65 East State Street, Suite 700

Columbus, Ohio 43215

Telephone [O’Brien] (614) 466-9531

Telephone [Semple] (614) 466-9565

Telephone [Kral]: (614) 466-9571

[angela.obrien@occ.ohio.gov](mailto:angela.obrien@occ.ohio.gov)

[connor.semple@occ.ohio.gov](mailto:connor.semple@occ.ohio.gov)

[donald.kral@occ.ohio.gov](mailto:donald.kral@occ.ohio.gov)

(willing to accept service by e-mail)

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**MEMORANDUM IN SUPPORT**

The PUCO approved a rate increase for Aqua Ohio’s consumers less than a year ago.[[6]](#footnote-7) In this case, Aqua Ohio is again seeking to increase the rates it charges consumers for water and wastewater services, this time by over 12%.[[7]](#footnote-8) The PUCO has scheduled three in-person local public hearings regarding Aqua Ohio’s proposed rate increase.[[8]](#footnote-9) The PUCO should also schedule an additional virtual public hearing to provide consumers the opportunity to testify remotely. It is important that all consumers have the opportunity to have their voices heard by the PUCO regarding Aqua Ohio’s proposed rate increase.

As required by R.C. 4903.083, consumers are to be invited to participate in the PUCO’s rate increase process by having local public hearings. However, some consumers have difficulties attending in-person local public hearings. Older consumers may face significant mobility issues that preclude them from traveling to and attending an in-person public hearing. Other consumers face transportation challenges that limit their ability to travel distances to attend a public hearing. Low-income consumers with limited discretionary income may not be able to afford the gas costs to attend an in-person public hearing. Similarly, parents may be unable to secure appropriate childcare to allow them to attend in-person hearings. The PUCO should be more inclusive (not less) when it comes to providing consumers an opportunity to testify regarding critical rate increases. Scheduling a virtual public hearing would help accomplish this goal.

It is true that consumers have other ways to express their opinions regarding the case. They can call the PUCO, write the PUCO by mail, or submit comments on the PUCO’s website. But these are not a substitute for appearing before PUCO commissioners and attorney examiners to present testimony. Requiring consumers to appear in person without any remote option is unreasonable. This is especially so where many remote business practices have continued post-pandemic for safety and convenience to consumers.

The PUCO has the technology and resources available to conduct a virtual public hearing in this case. Indeed, the PUCO has conducted numerous evidentiary hearings remotely, including public hearings in rate cases.[[9]](#footnote-10) And even though the PUCO has largely returned to in-person practice post-pandemic, the PUCO has since permitted consumers to testify remotely where “financial hardship, work-related scheduling conflicts, and physical restrictions” prevented them from traveling to appear in person before the PUCO.[[10]](#footnote-11) Consumers wishing to participate remotely in public hearings also deserve the same consideration.

In addition, consumers themselves have become more tech savvy. During the pandemic, many consumers developed the skills to interact with families, friends, businesses, and doctors, and to conduct other activities virtually. For those consumers who faced mobility, transportation, family and/or cost issues, virtual communications provided significant benefits beyond the pandemic risks, which enabled them to participate more fully in their communities. The PUCO should embrace this change by providing consumers the opportunity to testify remotely regarding Aqua Ohio’s proposed rate increases.

For these reasons, the PUCO should schedule a virtual public hearing in this case. OCC proposes that a virtual public hearing occur after the in-person local public hearings, and suggests the date of September 6, 2023, after 5:30 PM. Because the evidentiary hearing in these matters is currently scheduled for September 11, 2023, the PUCO should issue an expedited ruling on this motion under O.A.C. 4901-1-12(C). OCC cannot certify that no party opposes the request for expedited ruling.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Angela D. O’Brien*

Angela D. O’Brien (0097579)

Counsel of Record

Deputy Consumers’ Counsel

Connor Semple (0101102)

Donald J. Kral (0042091)

Assistant Consumers Counsel

Office of the Ohio Consumers’ Counsel

65 East State Street, Suite 700

Columbus, Ohio 43215

Telephone [O’Brien] (614) 466-9531

Telephone [Semple] (614) 466-9565

Telephone [Kral]: (614) 466-9571

[angela.obrien@occ.ohio.gov](mailto:angela.obrien@occ.ohio.gov)

[connor.semple@occ.ohio.gov](mailto:connor.semple@occ.ohio.gov)

[donald.kral@occ.ohio.gov](mailto:donald.kral@occ.ohio.gov)

(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing Motion and Memorandum in Support were served upon the persons listed below via electronic transmission this 28th day of July, 2023.

*/s/ Angela D. O’Brien*

Angela D. O’Brien

Deputy 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.gov](mailto:Robert.eubanks@ohioAGO.gov)  [Rhiannon.Howard@ohioAGO.gov](mailto:Rhiannon.Howard@ohioAGO.gov)  Attorney Examiners:  [Jay.agranoff@puco.ohio.gov](mailto:Jay.agranoff@puco.ohio.gov)  [Clint.white@puco.ohio.gov](mailto:Clint.white@puco.ohio.gov) | [Christopher.miller@icemiller.com](mailto:Christopher.miller@icemiller.com)  [Nicole.woods@icemiller.com](mailto:Nicole.woods@icemiller.com) |

1. *See* PUCO Staff Reports (July 13, 2023). [↑](#footnote-ref-2)
2. *See In the Matter of the Application of Aqua Ohio, Inc. to Increase its Rates and Charges for its Waterworks Service*, Case No. 21-595-WW-AIR, Finding and Order (September 21, 2022), *In the Matter of the Application of Aqua Ohio Wastewater, Inc. to Increase its Rates and Charges for its Waterworks Service*, Case No. 21-596-ST-AIR, Finding and Order (September 21, 2022). [↑](#footnote-ref-3)
3. Attorney Examiner Entry (July 18, 2023). [↑](#footnote-ref-4)
4. *See e.g. In the Matter of the Application of the Dayton Power & Light Company to Increase its Rates for Electric Distribution*, Case No. 20-1651-EL-AIR *et al*.; and *In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates*, Case No. 20-585-EL-AIR. [↑](#footnote-ref-5)
5. *See In the Matter of the Commission’s Investigation into RPA Energy Inc.’s Compliance with the Ohio Administrative Code and Potential Remedial Actions for Non-Compliance*, Case No. 22-441-GE-COI, Entry (October 17, 2022), at ¶ 11. [↑](#footnote-ref-6)
6. *See In the Matter of the Application of Aqua Ohio, Inc. to Increase its Rates and Charges for its Waterworks Service*, Case No. 21-595-WW-AIR, Finding and Order (September 21, 2022), *In the Matter of the Application of Aqua Ohio Wastewater, Inc. to Increase its Rates and Charges for its Waterworks Service*, Case No. 21-596-ST-AIR, Finding and Order (September 21, 2022). [↑](#footnote-ref-7)
7. *See* PUCO Staff Reports (July 13, 2023). [↑](#footnote-ref-8)
8. Attorney Examiner Entry (July 18, 2023). [↑](#footnote-ref-9)
9. *See e.g. In the Matter of the Application of the Dayton Power & Light Company to Increase its Rates for Electric Distribution*, Case No. 20-1651-EL-AIR *et al*.; and *In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates*, Case No. 20-585-EL-AIR. [↑](#footnote-ref-10)
10. *See In the Matter of the Commission’s Investigation into RPA Energy Inc.’s Compliance with the Ohio Administrative Code and Potential Remedial Actions for Non-Compliance*, Case No. 22-441-GE-COI, Entry (October 17, 2022), at ¶ 11. [↑](#footnote-ref-11)