

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

4
RECEIVED-DOCKETING DIV
2007 SEP 18 PM 4:52
PUCO

LYNN I. ELSTON, :
Complainant, : Case No. 07-0960-WS-CSS
v. :
AQUA OHIO, INC. :
Respondent. :

ANSWER TO COMPLAINT

Aqua Ohio, Inc., (hereinafter "Aqua"), by and through counsel, hereby answers the complaint filed against it by Lynn I. Elston (hereinafter "Customer") in the above-captioned case as follows:

FIRST DEFENSE

1. On May 9, 2007, in PUCO Case No. 07-0564-WW-AIR, Aqua filed an application to increase rates in its Lake Erie Division.
2. Customer is a customer of Aqua's Lake Erie Division, and as such, may be subject to an increase in his rates as applied for by Aqua in PUCO Case No. 07-0564-WW-AIR, if such increase is approved by the Commission.
3. To date, Aqua has not increased Customer's rates and Aqua cannot do so unless and until such request for a rate increase has been approved by the Commission.
4. Customer's complaint pertains to Aqua's pending application to increase rates in its Lake Erie Division as Aqua has not altered Customer's rates, and does not have authority to alter rates, without Commission approval.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician [Signature] Date Processed 9-19-07

5. Customer will have an opportunity to object to and submit evidence opposing Aqua's rate increase at the appropriate time and in the appropriate manner in Case No. 07-0564-WW-AIR.
6. Customer's complaint is more properly treated as comments to Aqua's pending rate case in PUCO Case No. 07-0564-WW-AIR than a separate complaint case against Aqua and as such the complaint action should be dismissed and Customer's comments filed in PUCO Case No. 07-0564-WW-AIR.

SECOND DEFENSE

7. All averments set forth in complainant's allegations not herein expressly admitted to be true are hereby specifically denied either because Respondent is without sufficient knowledge to form a belief as to the truth of such averments, or because they are not true, or both.

THIRD DEFENSE

8. The Complaint must be dismissed for failure to state a claim.

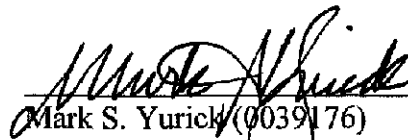
FOURTH DEFENSE

9. The Complaint fails to state a reasonable ground for proceeding to hearing as required by the provisions of Ohio Revised Code Section 4905.26

DEMAND FOR RELIEF

WHEREFORE, Aqua request that the complaint be dismissed with prejudice and that the Customer's comments be filed in and as a part of the Aqua's Lake Erie Rate Case, PUCO Case No. 07-0564-WW-AIR and that Aqua be awarded any further relief, legal or equitable, to which Aqua may be entitled.

Respectfully submitted,



Mark S. Yurick (0039176)

CHESTER WILLCOX & SAXBE, LLP

65 E. State Street, Suite 1000

Columbus, Ohio 43215

Phone No. 614-221-4000

Attorneys for Respondent

Aqua Ohio, Inc.

CERTIFICATE OF SERVICE

A copy of Respondent Aqua Ohio, Inc.'s Answer to the Complaint was served, via prepaid U.S. regular mail, upon the parties at the addresses listed below on the 18th day of September 2007.


Mark S. Yurick

Lynn I. Elston
766 Seneca Drive
Montpelier, Ohio 43543

Complainant

ND: 4817-8881-3057, v. 2