

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Application :
Of Aqua Ohio, Inc. To Amend :
the Struthers Water Division's :
Certificate of Public Necessity to Expand : Case No. 08-768 -WW-AAC
The Territory to Which the Struthers :
Water Division Provides Water Service :
:

**APPLICATION OF AQUA WATER, INC., FOR APPROVAL TO AMEND THE
CERTIFICATE OF PUBLIC NECESSITY FOR ITS STRUTHERS DIVISION
TO EXPAND THE TERRITORY TO WHICH AQUA OHIO STRUTHERS WATER
DIVISION PROVIDES WATER SERVICE**

Now comes Aqua Ohio, Inc., (hereinafter "Aqua Ohio") and applies to the Public Utilities Commission of Ohio (hereinafter "Commission"), pursuant to Revised Code §§4905.04 and 4933.25 and Ohio Administrative Code (OAC) §§4901:1-15-04, 4901:1-15-05 and 4901:1-15-07, for approval to amend the Certificate of Public Necessity for its Struthers Division to expand the territory served by Aqua Ohio's Struthers Division.

Aqua Ohio is a corporation duly organized under the laws of Ohio. Aqua Ohio is also a water works company and public utility as defined, respectively, in Revised Code §4905.03(A)(8) and Revised Code §4905.02 and as such is subject to the jurisdiction of this Commission. Aqua Ohio's Struthers Division is authorized to provide water to customers in Ohio pursuant to a Certificate of Public Necessity and Aqua Ohio's Struthers Water Division's Master Tariff P.U.C.O. No. 2.

Pursuant to the Struthers Division Certificate and Tariff, Aqua Ohio operates the Struthers Division to provide water service to certain portions of Mahoning County, Ohio as set forth in the service territory map in the Struthers Tariff. The map set forth in the Struthers Tariff has not been updated since 2003. Aqua Ohio now files this application to amend the service

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Technician mw Date Processed 2/25/08

territory to more accurately reflect the territory to which the Struthers Division provides and/or may provide water service.

Attached hereto and incorporated herein by reference is Exhibit A, which is a legal description and map for service territory that includes a proposed boundary expansion in Springfield Township, located wholly in Mahoning County. Any water service extended into this portion of Springfield Township will be made available at the rates set forth in Struthers Water Division, Master Tariff P.U.C.O. No. 2 or at some other rate negotiated between Aqua Ohio and the Mahoning County Commissioners.

Also attached hereto and incorporated herein by reference is Exhibit B, which is a legal description and map for service territory that includes a proposed boundary expansion into a portion of Beaver Township, which is also wholly located in Mahoning County. Any water service extended into this portion of Beaver Township will be made available at the rates set forth in Struthers Water Division, Master Tariff P.U.C.O. No. 2 or at some other rate negotiated between Aqua Ohio and the Mahoning County Commissioners.

Attached hereto and incorporated by reference is Exhibit C, which is a legal description and map which sets forth the current service territory of the Struthers Division in Beaver, Boardman, Coitsville, Poland and Springfield Townships in Mahoning County. In addition, Exhibit C identifies in italicized language additional territory to be added to Struthers' Certificate that is also denoted in cross hatch in the lower right and lower middle of the map included with Exhibit C. Currently, the Struthers Division does not serve any customers in the additional territory. The future customers in the additional territory will be charged for service in accordance with Struthers Water Division Master Tariff P.U.C.O. No. 2. It is necessary and

appropriate to revise the service territory of the Struthers Division to reflect that such territory be included in the Struthers Division service territory.

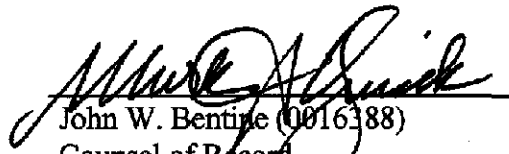
Since Aqua Ohio's Struthers Division already has a Certificate of Public Necessity and a Tariff approved by the Commission, Aqua Ohio request a waiver of the Exhibits required by OAC §§4901:1-15-05(D)(1) through (D)(17), and (D)(20) to minimize the cost and expense to Aqua Ohio Struthers Division customers to prepare and process this application. Aqua Ohio will provide any documentation that the Commission or its staff requires to evaluate this application upon request. The proposed legal notice required by OAC §4901:1-15-04 and OAC §4901:1-15-05(D)(21) will be late filed as Exhibit D to this application upon issuance by the Commission of an entry accepting the application.

Any services provided to the territory set forth in Exhibits A, B, and C shall be governed by the provisions of Aqua Ohio, Inc., Struthers Water Division, Master Tariff P.U.C.O. No. 2. Unless otherwise set forth herein, the rates to be charged customers of the additional territory to be added to Struthers Certificate of Public Necessity are the rates for the Struthers Division found in Section 4 of the Struthers Tariff, Revised Sheets Numbers 6, 6-A, 6-B, which became effective January 1, 2008 and were filed with the Commission. If the Commission approves this application to amend the service territory of the Struthers Division, the only change that will need to be made to the Aqua Ohio, Struthers Water Division, Master Tariff P.U.C.O. No. 2, is to the Preface, which is the description of the service territory and map for Aqua Ohio Struthers Water Division. A copy of the proposed subject index page is attached hereto as Exhibit E.

As required by OAC §4901:1-15-05(D)(18) and (D)(19), there is a present and continuing need by the public in Struthers Division and outlying areas for reliable and efficient water service. There is no existing agency, publicly or privately owned or operated, that has to

date been able to economically and efficiently provide the facilities and services that will be provided by Aqua Ohio. Further, all areas are in Mahoning County adjacent or in close proximity to Struthers's current service territory and water distribution assets. Accordingly, for all of the reasons set forth above, Aqua Ohio respectfully requests that this Commission approve this application to amend the territory served by Aqua Ohio's Struthers Division. Attached hereto as Exhibit F is an affidavit of Walter J. Pishkur attesting to and adopting all filings submitted with the application pursuant to the requirements of OAC §4901:1-15-(D)(22).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Bentine", is written over the printed name and title.

John W. Bentine (0016388)

Counsel of Record

Mark S. Yurick (0039176)

CHESTER, WILLCOX & SAXBE, LLP

65 E. State Street, Suite 1000

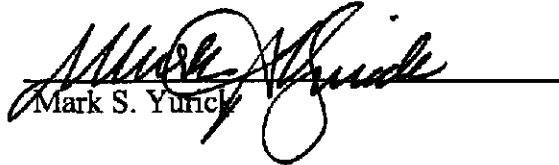
Columbus, Ohio 43215

(614) 221-4000

Attorneys for Aqua Ohio, Inc.

CERTIFICATE OF SERVICE

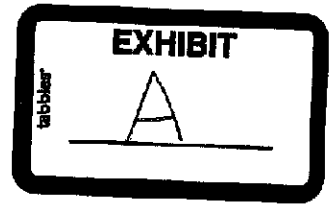
In accordance with OAC §4901:1-15-05 and OAC §4901:1-15-07, Aqua Ohio, Inc. hereby certifies that a copy of this *Application to Amend the Certificate for its Struthers Division* was served upon the Ohio Environmental Protection Agency as the address listed below, via U.S. regular mail, postage prepaid, this 25th day of June, 2008


Mark S. Yuncy

Chris Korleski
Director of Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

A

**AQUA OHIO, INC.
STRUTHERS DIVISION
PROPOSED BOUNDARY EXPANSION – AREA 1**



Beginning at a point, said point being the boundary line separating Mahoning County and Columbiana County and a point parallel and offset 500' east of Unity Road;

Thence northerly along said parallel and offset line to a point, said point being the intersection of said offset line and the north right-of-way of Columbiana Road(C.H.62) in Springfield Township.

Thence in a northeasterly direction along said northerly right-of-way of Columbiana Road to a point, said point being an approximate distance of 2,700 feet east of westerly boundary line of Great Lot 22 in Springfield Township;

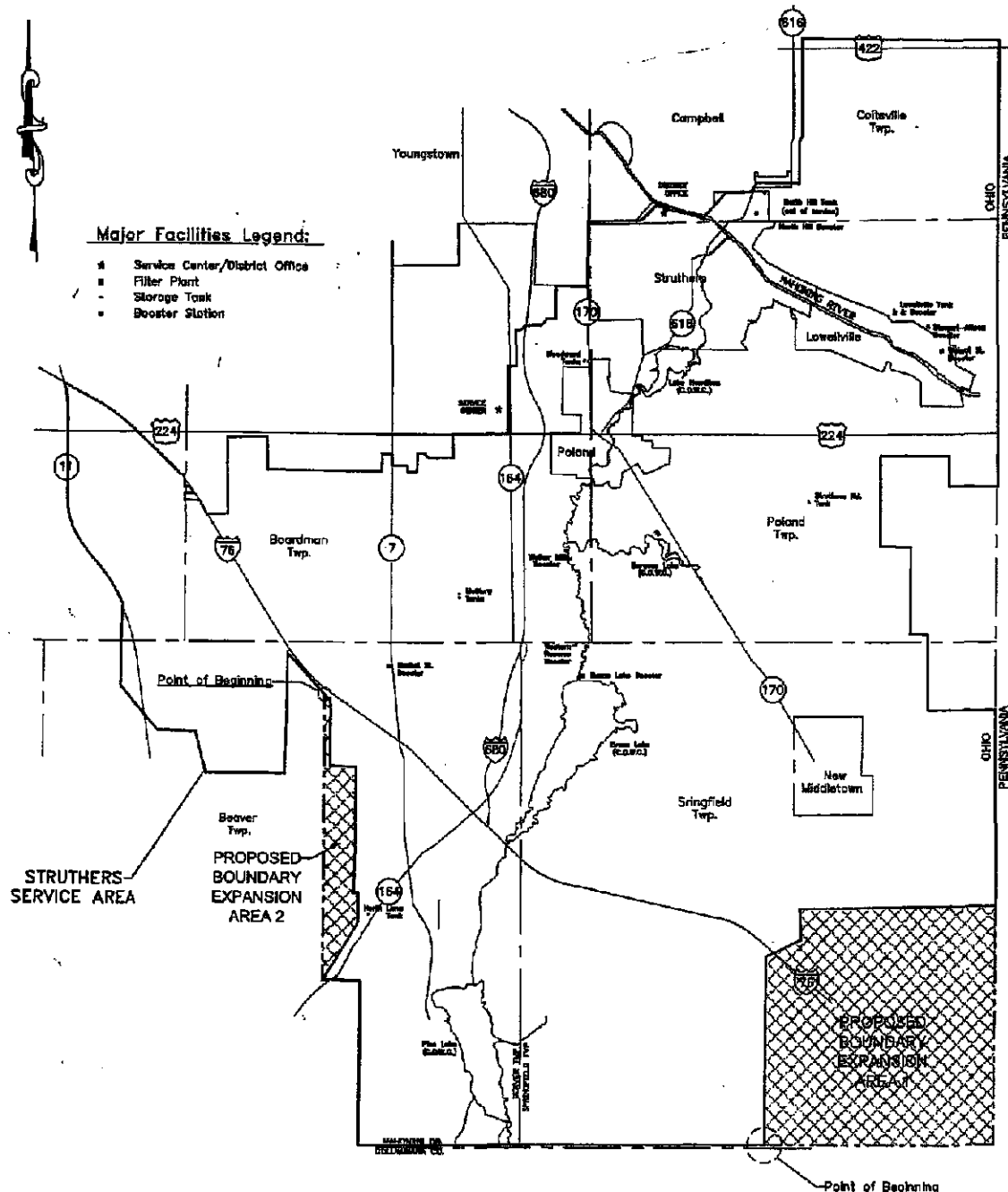
Thence northerly and parallel to said westerly boundary line of Great Lot 22 to a point 600 feet south of East South Range Road (T26);

Thence easterly and parallel to East South Range Road to a point, said point being located on the Ohio and Pennsylvania State line and 600 feet south of the centerline of East South Range Road;

Thence southerly along the Ohio and Pennsylvania State Line to a point, said point being the intersection of said state line and the boundary separating Mahoning County and Columbiana County;

Thence westerly along said boundary line to a point, said point being the point of beginning.

MASTER TARIFF P.U.C.O. No. 2
Struthers Division Service Area
(Former Tariffs P.U.C.O. No's 5,7,8, &23)



Issued: Xxxxxxx xx,2008

Effective: Xxxxxxx xx,2008

Issued by Walter J. Pishkur, President, Aqua Ohio, Inc.
 In Accordance with the Public Utilities Commission of Ohio
 Order Dated xxxxxx xx, 2008 for Case No. xx-xxxx-XX-XXX

B



**AQUA OHIO, INC.
STRUTHERS DIVISION
PROPOSED BOUNDARY EXPANSION – AREA 2**

Beginning at a point along the southerly right-of-way of the Ohio Turnpike and 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 continue in a southeasterly direction along the southerly right-of-way line of the Ohio Turnpike to a point located approximately 1,600 feet north of Calla Road (C.H. 30), and 1,900 feet west of the centerline of Sharrott Road (C.H. 143);

Thence southerly and parallel to Sharrott Road (C.H. 143) and approximately 1,900 feet westerly therefrom to a point located approximately 2,700 feet south of Calla Road;

Thence easterly along a line parallel to and approximately 2,700 feet south of Calla Road to a point 250 feet west of the centerline of Sharrott Road (C.H. 143);

Thence southerly along a line parallel to Sharrott Road for a distance of 7,900 feet to a point in the centerline of South Range Road (S.R. 165);

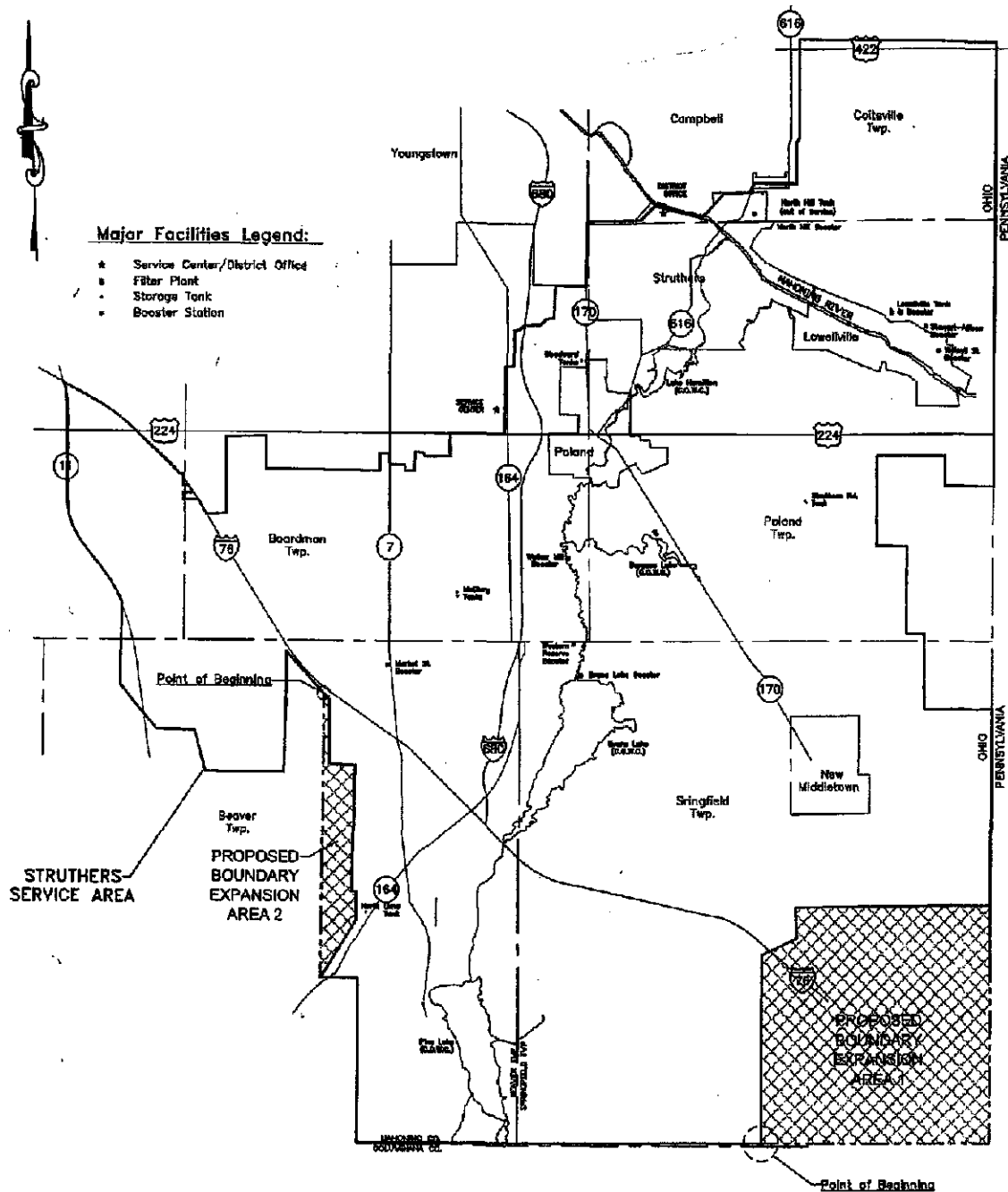
Thence easterly along the centerline of South Range Road for distance of 250 feet to a point, said point being the westerly boundary of Great Lot 23 in Beaver Township;

Thence southerly along said westerly boundary for a distance of approximately 1,650 feet to a point, said point being approximately 620 feet west of South Avenue (S.R. 164);

Thence in a southwesterly direction 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 in a northerly direction and parallel to Sharrott Road approximately 18,435 feet to a point, said point being the point of beginning.

MASTER TARIFF P.U.C.O. No. 2
Struthers Division Service Area
(Former Tariffs P.U.C.O. No's 5,7,8, &23)



Issued: Xxxxxx xx,2008

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C

**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 north line of Poland Heights Plat recorded, Volume 17, Page 13;

Thence westerly by a line parallel to and 350 feet northerly from the north line of said Plat to a point on the west line of a 57.75 acre tract of land now or formerly owned by Ellen McCallister et. Al.;

Thence westerly along the northerly line of a 16 acre tract now o formerly owned by C. and L. Sweeney to a point 950 feet east of the east line of South Avenue (C.H. 151);

Thence southerly and parallel to South Avenue to the southerly line of the said 16 acre tract;

Thence westerly along the southerly line of said 16 acre tract of C. and L. Sweeney 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 on the dividing line between Great Lot 10 of the 2nd Division and Great Lot 10 of the 3rd Division of Boardman Township;

Thence westerly along said dividing line a distance of approximately 680 feet to a point;

Thence northerly distance of approximately 321 feet to a point, said point being 135.5 feet north of the north line of McArthur Drive;

Thence westerly and parallel 135.5 feet north 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 2,164 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 northerly along the centerline 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 1,600 feet north of Calla Road (C.H. 30), and 1,900 feet westerly of the centerline of Sharrott Road (C.H. 143);

Thence southerly and parallel to Sharrott Road (C.H. 143) and approximately 1,900 feet westerly therefrom to a point located approximately 2,700 feet south of Calla Road;

Thence easterly along a line parallel to and approximately 2,700 feet south of Calla Road to a point 250 feet west of the centerline of Sharrott Road (C.H. 143);

Thence southerly along a line parallel to Sharrott Road for a distance of 7,900 feet to a point in the centerline of South Range Road (S.R. 165);

Thence easterly along the centerline of South Range Road for distance of 250 feet to a point, said point being the westerly boundary of Great Lot 23 in Beaver Township;

Thence southerly along said westerly boundary for a distance of approximately 1,650 feet to a point, said point being approximately 620 feet west of South Avenue (S.R. 164);

Thence in a southwesterly direction 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 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' 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' 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);

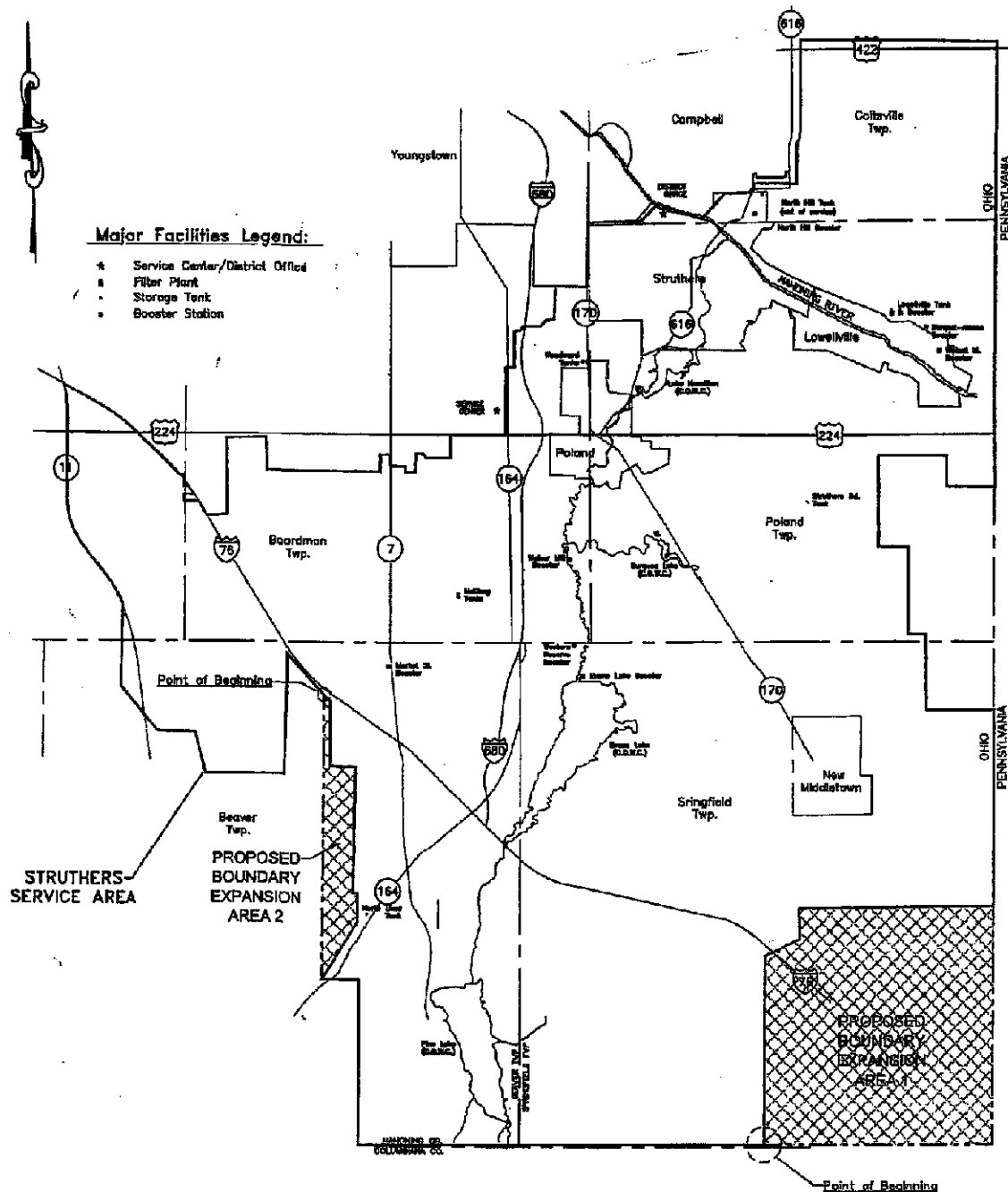
Thence easterly and parallel to Center Road a distance of 4,500 feet to the west boundary of Great Lot 63 in Poland Township;

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.

MASTER TARIFF P.U.C.O. No. 2
Struthers Division Service Area
(Former Tariffs P.U.C.O. No's 5,7,8, &23)



Issued: XXXXXXXX XX, 2008

Effective: XXXXXXXX XX, 2008

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 In Accordance with the Public Utilities Commission of Ohio
 Order Dated XXXXXXXX XX, 2008 for Case No. XX-XXXX-XX-XXX

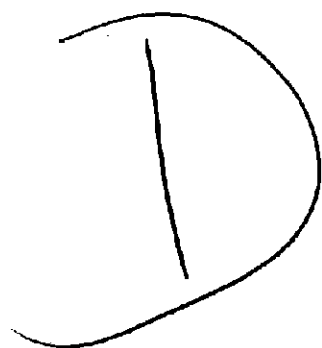


EXHIBIT D

PROPOSED LEGAL NOTICE

**WILL BE LATE FILED TO THIS
APPLICATION UPON ISSUANCE BY
THE COMMISSION OF AN ENTRY
ACCEPTING THE APPLICATION**

E



MASTER TARIFF P.U.C.O. NO. 2

SUBJECT INDEX (Continued)

<u>Description</u>	<u>Section</u>	<u>Sheet No.</u>	<u>Effective Date</u>
E			
Explanation of Terms	3-1	1,2 & 3	12/23/96
Employee Identification	3-2	5	"
F			
Final Bill	3-3	2	"
Fire Protection – Private	3-8	1	"
Fire Protection – Public	3-9	1	"
Flow Detecting Devices	3-8	1	"
Forms – Service Application	6-1	1-2	"
H			
Hose Connections	4	See "Sch. Of Rates"	
Hydrants, Public Fire-Installation of	3-9	1	"
Hydrants, Public Fire-Specifications of	3-9	1	"
Hydrants, Public Fire-Use of Water from	3-9	1	"
Hydrants, Rates	4	"See Sch. Of Rates"	
I			
Installation – Meter	3-6	1	"
Installation – Service Dates	3-5	1	"
M			
Main Extensions – Customer Finan. Plans	3-7	3,4,5,6	4/1/04
Main Extensions – General	3-7	1,2	4/1/04
Map – Lake Erie East Division	5	1	01/13/99
Map – Stark Regional Division	5	4	05/04/01,03/11/03
Map – Struthers Division	5	5	03/11/03, xx/xx/xx
Meter – Inability of Company to Read	3-2	5	12/23/96
Meter – Inaccurate or Not Registering	3-6	3	12/23/96
Meter – Installation	3-6	1	12/23/96
Meter – Installation Location	3-6	2	12/23/96
Meter – Maintenance of and Repairs to	3-6	3	12/23/96
Meter – Minimum	4	"See Sch. Of Rates"	
Meter – Outside Vault Location	3-5	1	12/23/96

F

EXHIBIT F

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application	:	
Of Aqua Ohio, Inc. To Amend	:	
the Struthers Water Division's	:	
Certificate of Public Necessity to Expand	:	Case No. 08-768-WW-AAC
the Territory to Which the Struthers	:	
Water Division Provides Water Service	:	
	:	


AFFIDAVIT OF WALTER J. PISHKUR
IN SUPPORT OF AQUA OHIO'S APPLICATION TO AMEND THE STRUTHERS
WATER DIVISION CERTIFICATE OF PUBLIC NECESSITY TO EXPAND THE
SERVICE TERRITORY OF THE STRUTHERS WATER DIVISION

STATE OF OHIO
COUNTY OF MAHONING: SS


I, Walter J. Pishkur, being first duly cautioned and sworn, state as follows:

1. I am currently the President of Aqua Ohio, Inc., ("Aqua Ohio"). I have personal knowledge of the Struthers Water Division, its certificate of public necessity, its tariff, and of the matters hereinafter referred to. I make this affidavit in support of Aqua Ohio, Inc.'s application to amend the Certificate of Public Necessity for the Struthers Water Division to expand the service territory of the Struthers Water Division.
2. I have reviewed Aqua Ohio, Inc.'s Application to Amend the Certificate of Public Necessity for the Struthers Water Division to expand the service territory of the Struthers Water Division filed with the Public Utilities Commission in the above-referenced docket.
3. I hereby attest and adopt all of the filings submitted with Aqua Ohio Inc.'s Application to Amend the Certificate of Public Necessity for the Struthers Water Division to expand the service territory of the Struthers Water Division.

FURTHER AFFIANT SAITH NAUGHT.


Walter J. Pishkur

Sworn to before me and subscribed to in my presence on this 25th day of June, 2008.


Notary Public

THEODORE C. RUSSELL II, Notary Public
State of Ohio
My Commission Expires July 7, 2008