

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Aqua)
Ohio, Inc. to Amend its Certificate of Public)
Convenience and Necessity to Expand the) Case No. 08-768-WW-AAC
Territory in Which Aqua Ohio, Inc. Provides)
Water Service in the Struthers Division.)

ENTRY

The attorney examiner finds:

- (1) On June 25, 2008, as supplemented on July 16, 2008, Aqua Ohio, Inc. (Aqua Ohio or applicant) filed an application with supporting testimony requesting authority to amend its Certificate of Public Convenience and Necessity for its Struthers Division so as to expand the territory served by the Struthers Division into Springfield and Beaver Townships wholly located in Mahoning County, Ohio. Aqua Ohio is a waterworks company and public utility as defined in Sections 4905.03(A)(8) and 4905.02, Revised Code.
- (2) Along with its application, Aqua Ohio also requested waiver of the exhibits required by Rule 4901:1-15-05(D)(1) through (D)(17) and (D)(20), Ohio Administrative Code (O.A.C.). Aqua Ohio states that granting the waiver of these exhibits will minimize the costs and expenses to its customers to prepare and process this application. Aqua Ohio also states that it will provide any documentation that the Commission or its staff requires to evaluate this application.
- (3) The attorney examiner finds that good cause exists to grant the requested waiver. Accordingly, Aqua Ohio's request for waiver of the exhibits set forth in Rule 4901:1-15-05(D)(1) through (D)(17) and (D)(20), O.A.C., is granted.
- (4) Rule 4901:1-15-04, O.A.C., provides that, following the filing of an application seeking to amend a certificate, the Commission shall review the application to determine its compliance with the Commission's rules and to determine whether the application otherwise appears to be complete. Once this

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determination is made, the applicant is instructed to commence public notice of the application.

- (5) Having thoroughly reviewed the application, as supplemented, in conjunction with the waiver discussed in finding 3, the attorney examiner determines that the application, as supplemented, is in compliance with the Commission's rules and otherwise appears to be complete. Accordingly, the application, as supplemented, is accepted for filing and, as discussed below, the applicant is directed to publish notice of the application.
- (6) Regarding the expansion into Springfield Township, the application, as supported by the testimony, reveals that Aqua Ohio was contacted by the Mahoning County Sanitary Engineer, the Mahoning County Commissioners, and the Springfield Township Trustees to provide water service to the Springfield Township area. The rationale for the request was that private residential wells in the area are contaminated. Aqua Ohio currently services approximately 75 percent of Springfield Township. The new service territory merely requires a water main extension. According to the applicant, the total cost of the project is \$1.5 million, of which Aqua Ohio will contribute \$390,000. Aqua Ohio intends to initiate water service to this new territory by November 2008.

Regarding the expansion into Beaver Township, Aqua Ohio submits that it currently serves a development that is contiguous to the requested expanded territory and that the developer has requested water service to the expanded development incorporated in the proposed service territory. Since Aqua Ohio is currently serving the existing contiguous development, the applicant states that the request to extend the service territory will require only a main extension. Aqua Ohio currently anticipates serving the Beaver Township expansion area by spring 2009 with the developer paying the full cost of the main extension. As a final matter, Aqua Ohio states that the applicant will apply all applicable provisions of its current Struthers tariff to service in the expanded territories.

- (7) Aqua Ohio should cause publication of the following legal notice, one time, on or before August 1, 2008, in a newspaper published and of general circulation in Mahoning County:

LEGAL NOTICE

Notice is given that Aqua Ohio, Inc. (Aqua Ohio), 6650 South Avenue, Boardman Ohio 44512, filed an application with the Public Utilities Commission of Ohio (Case No. 08-768-WW-AAC) requesting authority to amend its certificate of public convenience and necessity to include additional territory in Mahoning County, Ohio. According to the application, Aqua Ohio seeks authority to extend mains and distribution lines to the following two described areas of the county, located in Beaver and Springfield Townships: (1) that portion of Springfield Township, generally including the territory bounded by East South Range Road on the North, the Mahoning and Columbiana County boundary line on the South, the Ohio and Pennsylvania state line on the East, and Unity Road on the West; (2) a portion of Beaver Township generally situated in an area bounded by a point along the South right-of-way line of the Ohio Turnpike on the North, Sharrott Road on the East, and to a point 200 feet South of Pine Lake Road, and 620 feet West of South Avenue (S.R. 164) on the South, and a line parallel and offset 2500 feet West of Sharrott Road on the West.

If the Commission grants the application, the customers in the proposed service area will be charged the same rates as are charged to the company's customers in the Struthers Division, found in Section 4 of the Struthers Tariff, Revised Sheet Numbers 6, 6-A, and 6-B. The rules, regulations, and other miscellaneous charges contained in Aqua Ohio's tariff, Struthers Water Division Master Tariff P.U.C.O. No. 2, on file with the Commission will also apply.

Any interested person, firm, corporation, or entity that can show good cause why this application should not be granted should file with the

Commission a written statement detailing the reasons on or before August 15, 2008. Unless the Commission receives a written statement to that effect, and an accompanying request for oral hearing on such issue, this matter will be decided on the basis of the information contained in the application, exhibits, and affidavits submitted by the applicant. Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793, or view the Commission's web page at <http://www.puc.state.oh.us> or contact the Commission's Hotline at 1-800-686-7826. The hearing impaired can reach the Commission via TTY-TDD at 1-800-686-1570 or in Columbus at 466-8180.

- (8) Aqua Ohio should file with the Commission, on or before August 15, 2008, proof of publication including a notarized statement from each newspaper in which publication was made, attesting to the particular county in which it is published and of general circulation.

It is, therefore,

ORDERED, That Aqua Ohio's request for waiver of the exhibits set forth in Rule 4901:1-15-05(D)(1) through (D)(17) and (D)(20), O.A.C., is granted. It is, further,

ORDERED, That the application is accepted for filing in accordance with finding 5. It is, further,

ORDERED, That Aqua Ohio cause publication of notice to occur in accordance with finding 7 and file proof of publication with the Commission in accordance with finding 8. It is, further,

ORDERED, That any interested person, firm, corporation, or entity who can show good cause why this application should not be granted, shall file with the Commission a written statement detailing the reasons on or before August 15, 2008. It is, further,

ORDERED, That, unless the Commission receives a written statement objecting to the granting of the application in this case for good cause shown, this matter will be

decided on the basis of the information contained in the application, exhibits, and affidavits submitted by the applicant. It is, further,

ORDERED, That a copy of this entry be served upon Aqua Ohio, Inc., the Mahoning County Commissioners and all other parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: Jeffrey R. Jones
Jeffrey R. Jones
Attorney Examiner

RPB
/vrm

Entered in the Journal

JUL 18 2008

Renee J. Jenkins

Renee J. Jenkins
Secretary