

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. )

FINDING AND ORDER

The Commission finds:

- (1) On June 25, 2008, as supplemented on July 16, 2008, Aqua Ohio, Inc. (Aqua or Applicant) filed an application with the Commission requesting authority to amend its Certificate of Public Convenience and Necessity No. 35 to expand the territory in which its Struthers Division provides water service.
- (2) By Entry issued July 18, 2008, the Applicant was granted a waiver from filing the exhibits set forth in Rule 4901:1-15-05(D)(1) through (D)(17) and (D)(20), Ohio Administrative Code (O.A.C.). The entry further directed the Applicant to cause legal notice to be published one time, on or before August 1, 2008, in a newspaper of general circulation in Mahoning County and to submit proof of publication to the Commission by August 15, 2008. The Entry and the legal notice indicated that, unless the Commission received a written statement, on or before August 15, 2008, detailing the reasons why the application should not be granted, the case would be decided on the basis of the information contained in the application, exhibits, and affidavits submitted by the Applicant.
- (3) Timely publication of appropriate legal notice has occurred in this case. No one petitioned to intervene or requested an oral hearing in this case.
- (4) The information contained in the Commission's file in this proceeding reveals the following:
  - (a) Aqua is an Ohio corporation authorized to provide water service in the Struthers Division pursuant to Certificate of Public Convenience and Necessity No. 35.

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- (b) The application seeks Commission approval of an expansion to include two additional separate territories, both of which are in Mahoning County, Ohio.
  - (c) One territory is located in Springfield Township. Aqua was contacted by the Mahoning County Sanitary Engineer, the Mahoning County Commissioners, and the Springfield Township Trustees and requested to provide water service in this expanded area as private residential wells in the area are contaminated. Aqua currently services approximately 75 percent of Springfield Township. The new service territory into Springfield Township merely requires a water main extension. The Applicant submits that the total cost of the project is \$1.5 million, of which Aqua will contribute \$390,000. Aqua intends to initiate water service to this new territory by November 2008.
  - (d) The other territory is located in a portion of Beaver Township. Aqua is currently serving a development that is contiguous to the requested area. The developer is requesting water service to his expanded development which is incorporated in the requested territory. Since Aqua is currently serving the existing contiguous development, extending service to the new area will require only a main extension. Aqua anticipates serving the Beaver Township expansion area by spring 2009 with the developer paying the full cost of the main extension.
  - (e) If the Commission grants the application, the Applicant's customers in the area of the service expansions will be charged the same rates as are in effect for customers in Aqua's existing Struthers Division. Aqua alleges that current Struthers customers will not be subsidizing the costs of the facilities necessary to provide water nor subsidizing the water rates of the customers in either of the two expanded territories.
- (5) Aqua is a public utility as defined in Section 4905.02, Revised Code, and a waterworks company as defined in Section 4905.03(A)(8), Revised Code. As such, Aqua is subject to the jurisdiction of the Commission under authority of Sections 4905.04 and 4905.05, Revised Code. Section 4933.25, Revised Code, requires waterworks

companies to obtain a certificate of public convenience and necessity from this Commission before constructing, installing, or operating a waterworks facility. Rules 4901:1-15-05 and 4901:1-15-07, O.A.C., specify the form which applications to amend such certificates should take.

- (6) After reviewing all of the information filed in this case, the Commission concludes that Aqua's application to amend its Certificate of Public Convenience and Necessity No. 35, so as to expand Aqua's Struthers Division service area, should be granted. The Commission finds that, except for those requirements from which waiver was granted, the application in this case is complete and comports with our rules governing applications to amend certificates of waterworks companies. It appears from the record that Aqua is a proper party to hold such amended certificate. Not only does Aqua appear to possess the technical expertise, but it also appears to have the financial ability to provide service in the proposed expanded service areas.
- (7) The Applicant has submitted proposed revised tariff pages for approval by the Commission. The proposed tariff pages that have been submitted in this case are directional/map revisions, including the subject index, necessitated by the proposed expansion of Aqua's respective service areas. Upon review, the Commission finds those revised tariff pages that have been submitted in this case are appropriate and should be approved. Therefore, the Applicant is authorized to file, in final form, four complete, printed copies of tariff sheets consistent with this Finding and Order. Applicant shall file one copy in its TRF docket number 89-7028-WW-TRF (or may make such filing electronically as directed in Case No. 06-900-AU-WVR), and one copy in this docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department.

It is, therefore,

ORDERED, That pursuant to Section 4933.25, Revised Code, and Rule 4901:1-15-04(C)(2)(e), O.A.C., a hearing shall not be held in this matter. It is, further,

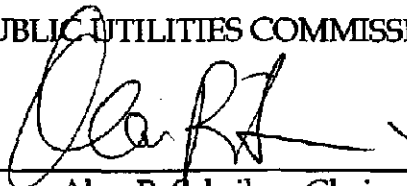
ORDERED, That the application for an amended certificate is granted in accordance with finding 6. It is, further,

ORDERED, That the proposed revised tariff sheets submitted by the Applicant are approved and shall be effective upon the filing of four complete, printed copies of the approved tariffs in accordance with finding 7. It is, further,

ORDERED, That nothing in this Finding and Order shall be binding on the Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule or regulation. It is, further,

ORDERED, That a copy of this Finding and Order be served upon Aqua, its counsel, and upon all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Bergus



Valerie A. Lemmie

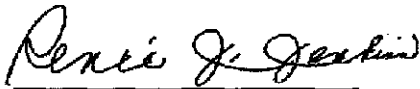


Cheryl L. Roberto

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Renee J. Jenkins  
Secretary