

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Barbara	)	
T. Smith,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 08-667-WS-CSS
	)	
Aqua Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The Commission finds:

- (1) On June 4, 2008, Barbara T. Smith (Ms. Smith or complainant) filed a complaint against Aqua Ohio, Inc. (Aqua). Ms. Smith alleged that Aqua is a water company and that she is a customer. In her complaint, Ms. Smith alleged that a water main broke near the end of her residential driveway in 2003. She states that, since that time, Aqua has repaired her driveway three times and has failed to do so in a satisfactory manner.

Ms. Smith requested an order from the Commission allowing her to select a company to repair the driveway without charge to her. Ms. Smith has observed that the concrete has started to deteriorate. She suspected that the driveway was not correctly sealed.

- (2) Aqua filed an answer to the complaint on July 7, 2008. In its answer, Aqua admitted that it repaired the complainant's driveway on three occasions. Aqua further admitted that it repaired the driveway as the result of a water main break in the spring of 2002. Denying all other allegations, Aqua requested that the complaint be dismissed.

- (3) By entry issued August 26, 2008, the attorney examiner scheduled this matter for a prehearing settlement conference.

- (4) On November 20, 2008, Aqua filed a Notice of Withdrawal and Settlement of Claim (Notice of Withdrawal). In the Notice of

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Withdrawal, Aqua states that the complaint has been resolved to the satisfaction of the parties. Aqua states that, pursuant to Rule 4901-9-01(F), Ohio Administrative Code, the complainant has 20 days to file a written response agreeing or disagreeing with Aqua's assertion that this matter has been settled. If the complainant does not respond within 20 days, the Commission may accept Aqua's assertion as true and dismiss the complaint.

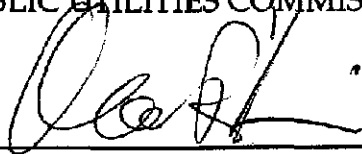
- (5) Based upon Aqua's assertion that this matter is settled and that the complainant has not responded to the notice, the Commission shall presume that this matter is settled and shall dismiss the complaint.

It is, therefore,

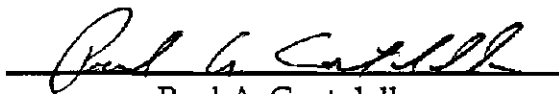
ORDERED, That, pursuant to the claim of settlement filed by the respondent, the Commission shall dismiss the complaint upon the presumption that the parties have negotiated a settlement. It is, further,

ORDERED, That copies of this entry be served upon the parties and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



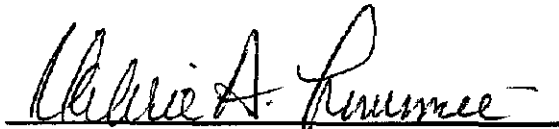
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Bergus



Valerie A. Lemmie

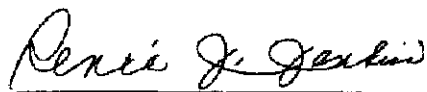


Cheryl L. Roberto

LDJ/vrm

Entered in the Journal

JAN 07 2008



Renee J. Jenkins  
Secretary