

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Aqua Ohio,)
Inc. to Amend Tariff Pages to its Stark Division) Case No. 11-681-WW-ATA
Tariff.)

In the Matter of the Application of Aqua Ohio,)
Inc. to Amend Tariff Pages to its Struthers) Case No. 11-682-WW-ATA
Division Tariff.)

In the Matter of the Application of Aqua Ohio,)
Inc. to Amend Tariff Pages to its Lake Erie) Case No. 11-683-WW-ATA
Division Tariff.)

FINDING AND ORDER

The Commission finds:

- (1) The Applicant, Aqua Ohio, Inc. (Aqua, the Company), is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On February 7, 2011, Aqua filed applications to amend the Company's Stark Division Tariff No. 1, Struthers Division Master Tariff No. 2, and Lake Erie Division Tariff No. 1 (tariff cases) to address multiple meters on a single service line.
- (3) Under the tariff as it exists today, in cases where two or more customers are supplied water service through one service line and the Company is entitled to discontinue service to any customer, the only option available to the property owner to avoid termination of service to the property is to allow Aqua access to the customer service line and meter to isolate the non-paying customer. The language proposed in the tariff cases would afford the property owner three additional options to avoid disconnection for non-payment of water service to a property where there are multiple water users served off of one service line, with no individual shut off valve for individual tenants, and where one or more of the tenants fails to pay for water service.

- (4) On March 7, 2011, and after this item appeared on the agenda for Commission consideration, the Office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene and comments in this matter. OCC claims that it satisfies the intervention criteria outlined in Section 4903.221, Revised Code, as well as Rule 4901-1-11, Ohio Administrative Code (O.A.C.). In its comments, OCC argues that Aqua's proposed tariffs violate Commission rules and standards as the applications fail to contain a description of the regulation to be amended and does not contain a statement of fact and grounds upon which the applications are based. OCC also argues that the proposed tariffs could result in lost revenues for the Company and, further, that the proposed tariffs fail to define the content of the 10-day advance notice requirement in order to comply with Rule 4901:1-15-27(D), O.A.C. As a final matter, OCC claims that the proposed tariffs significantly change the intent of the tariffs.
- (5) On March 11, 2011, Aqua filed a response to OCC's motion to intervene and comments. As a preliminary matter, the Company argues that OCC is not entitled to intervention because the Commission has not found the tariff cases to be unjust or unreasonable nor has the Commission scheduled a hearing to consider the tariff cases. Regarding OCC's substantive comments, Aqua submits that, rather than limiting property owners as portrayed by OCC, Aqua's proposal actually affords property owners three additional options to avoid disconnection of timely paying customers. Aqua also notes that the proposed tariff language is substantially similar to tariff language found in the tariff of Ohio American Water Company. Rather than result in lost revenues to the Company, Aqua submits that the tariff proposal actually increases the probability that water service to a property will not be interrupted thus resulting in increased revenues. As a final matter, Aqua notes that the content of the 10-day notice does not change as a result of the proposed tariff language.
- (6) The Commission has reviewed Aqua's applications to amend tariff pages for Aqua's Stark, Struthers, and Lake Erie Divisions and the Commission finds the revised tariff provisions do not appear to be unjust or unreasonable and are not for an increase in any rate. Therefore, we determine that the applications should be granted.

In making the determination that the tariff provisions are not unjust and unreasonable, we find that, rather than limiting the options available to property owners, Aqua's proposed tariff language actually affords property owners additional options to avoid the disconnection of service to paying water customers. Moreover, rather than resulting in lost revenues we find that the tariff proposals actually increase the probability that water service to multi-tenant property will not be interrupted, thus resulting in an increase in revenues. Further, contrary to OCC's position, we determine that the disconnection notice procedures set forth in Rule 4901:1-15-27, O.A.C., are not impacted by the proposed tariff provisions. Thus, Aqua still must comply with the provisions of Rule 4901:1-15-27, O.A.C., in order to disconnect a water customer. As a final matter we note that, while OCC is correct that the Company's tariff applications did not include a completed C-1 exhibit, we find that, in this instance, this omission should not result in a rejection of the applications as it is clearly discernable from the information provided in the tariff applications "how the regulation proposed to be established or amended differs from regulations presently in effect" thus satisfying the provisions of Section 4909.18, Revised Code.

It is, therefore,

ORDERED, That OCC's motion to intervene be granted. It is, further,

ORDERED, That the applications filed by Aqua be approved and Aqua is authorized to file in final form four complete, printed copies of tariffs sheets consistent with this Finding and Order. Aqua shall file one copy in its TRF Docket No. 89-7028-WW-TRF (or may make such filing electronically as directed in Case No. 06-900-AU-WVR), and one copy in this case 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, further,

ORDERED, That the effective date of the new tariffs shall be a date not earlier than both the date of this Finding and Order and the date upon which four complete, printed copies of each divisions final tariffs are filed with the Commission. It is, further,


ORDERED, That nothing in this Finding and Order shall be deemed to be binding upon this 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, OCC, their respective counsel, and all other interested persons of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Valerie A. Lemmie

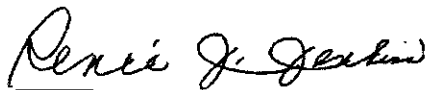

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Renee J. Jenkins
Secretary