

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Salt Fork Utility Company for Approval)
of Contract with Rocky Point Licensees) Case No. 11-6028-WS-AEC
Association, Inc. Pursuant to Section)
4905.31, Revised Code.)

In the Matter of the Application of)
Salt Fork Utility Company for Approval)
Of Contract with Salt Fork Campground)
Property Owners Association, Inc.) Case No. 11-6029-WS-AEC
Pursuant to Section 4905.31,)
Revised Code.)

In the Matter of the Application of)
Salt Fork Utility Company for Approval) Case No. 11-6030-WS-AEC
of Contract with Salt Fork Resort Club,)
Inc. Pursuant to Section 4905.31,)
Revised Code.)

FINDING AND ORDER

The Commission finds:

- (1) Salt Fork Utility Company (Salt Fork or Applicant), is a waterworks and sewage disposal company as defined by Section 4905.03(A)(7) and (13), Revised Code, and a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) Salt Fork requests Commission approval of Agreements filed pursuant to the provisions of Section 4905.31, Revised Code, between the Applicant and Rocky Point Licensees Association, Inc., the Applicant and Salt Fork Campground Property Owners Association, Inc., and the Applicant and Salt Fork Resort Club, Inc.
- (3) The Agreements provide the rates, terms, and conditions pursuant to which Salt Fork will render water and sewage disposal services to Rocky Point Licensees Association, Inc., Salt Fork Campground Property Owners Association, Inc., and Salt

Fork Resort Club, Inc. The terms and conditions address items such as installation and maintenance of service lines, service interruptions, disconnection procedures, and terms of payment.

- (4) Rocky Point Licensees Association, Inc., Salt Fork Campground Property Owners Association, Inc., and Salt Fork Resort Club, Inc., are Salt Fork's only three water and sewage disposal customers. All three customers are served under identical contracts and account for all water and sewage disposal services provided by Salt Fork.
- (5) On January 24, 2012, Salt Fork filed an amended application for each aforementioned Customer. In the amended application for Case No. 11-6030-WS-AEC, Applicant states that the prior customer, Cardida Corporation, ceased operations that used water and sewer services and those services have been assumed by Salt Fork Resort Club, Inc. Accordingly, the three applications before the Commission include all of Salt Fork's customers.
- (6) In Case Nos. 06-1473-WS-AEC, 06-1474-WS-AEC, 06-1475-WS-AEC, and 06-1476-WS-AEC the Commission approved Salt Fork's rate and service agreements with Cardida Corporation, Rocky Point Licensees Association, Inc., Salt Fork Campground Property Owners Association, Inc., and Salt Fork Resort Club, Inc. The agreements expired January 1, 2008, but remained in effect from month-to-month thereafter until new agreements were entered into by the parties and approved by the Public Utilities Commission of Ohio.
- (7) Salt Fork filed amended tariff reference pages stating the expiration of the agreements, which is November 30, 2012. The amended tariff reference pages also specify that all current and future customers to be served by Salt Fork Utility Company will be served on a "Special Contract" basis and that all such contracts are and will be subject to the approval of the Public Utilities Commission of Ohio.
- (8) Salt Fork alleges that the negotiated terms and conditions are fair, just, and reasonable to all concerned.

- (9) The Commission has reviewed the Agreements and finds the terms to be reasonable.
- (10) Our approval of these contracts does not constitute state action for the purpose of the antitrust laws. It is not our intent to insulate Salt Fork or any party to a contract approved by this Finding and Order from the provisions of any state or federal law which prohibit the restraint of trade.
- (11) The amended applications should be approved pursuant to Section 4905.31, Revised Code. The Agreements shall be deemed effective the date this Finding and Order is signed by the Commission.

It is, therefore,

ORDERED, That the Agreements as submitted to the Commission are approved, to the extent provided herein. It is, further,

ORDERED, That the Company file seven complete printed copies of an amended reference page for both water and sewer services as stated in Finding (7) of this Finding and Order. Applicant shall file one copy in each of its TRF Tariff Dockets, Case No. 89-7043-WW-TRF for water service and Case No. 89-7042-ST-TRF for sewer service (or may make such filings electronically as directed in Case No. 06-900-AU-WVR) and one copy designated to be included in each 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 Agreements shall be deemed effective the date this Finding and Order is signed by the Commission. It is, further,

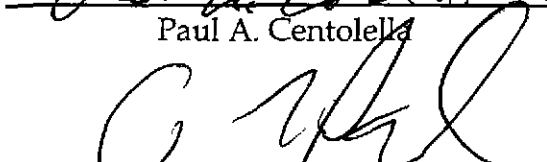
ORDERED, That nothing herein contained shall be binding upon this Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule or regulation. It is, further,


ORDERED, That a copy of this Finding and Order be served on each of the parties to the arrangements.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Andre T. Porter


Steven D. Lesser


Cheryl L. Roberto

SD:dmm

Entered in the Journal
FEB 14 2012



Barcy F. McNeal
Secretary