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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of Certain :
Rules of the Ohio Administrative Code to : Case No. 11-4910-AU-ORD
Implement Section 4911.021, Revised Code. :

MOTION FOR WAIVER
OF
WOOBAN REALTY CORPORATION

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Woodbran Realty Corporation ("Woodbran"), pursuant to Rules 4901-1-12 and 4901:1-15-02(B)(3), Ohio Administrative Code ("OAC"), hereby moves for a waiver of the requirement set forth in the Commission's February 23, 2012 entry in this docket that jurisdictional public utilities file revised bill formats reflecting the prescribed changes in the content of the contact information for the Office of the Ohio Consumers' Counsel ("OCC") within thirty days of the date of the entry. Woodbran serves fewer than 15,000 customers, and, thus, is subject to the exception to the otherwise mandatory language prescribed by Rule 4901:1-15-23(A)(13), OAC, which provides that companies with fewer than 15,000 customers will work with Commission staff ("Staff") to develop an acceptable bill message containing the Commission and OCC contact information. As more fully discussed in the accompanying memorandum, Woodbran has been engaged in discussions with Staff regarding withdrawing its current tariff, P.U.C.O. No. 4, and publishing a new tariff, P.U.C.O No. 5, and anticipates filing an application for approval of the new tariff in the near future. Woodbran requests permission to file its revised bill format as a part of such application and, thus, requests a waiver of the requirement that it file its revised bill format within thirty days of the Commission's February 23, 2012 entry.

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WHEREFORE, Woodbran respectfully requests that its motion be granted.

Respectively submitted,

A handwritten signature in black ink, appearing to read 'Barth E. Royer', written over a horizontal line.

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In the Matter of the Amendment of Certain :
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MEMORANDUM IN SUPPORT
OF
MOTION FOR WAIVER
OF
WOODBРАН REALTY CORPORATION

By its finding and order in this docket of November 29, 2011, the Commission amended certain of its rules containing references to the Office of the Ohio Consumers' Counsel ("OCC") to implement Section 4911.021, Revised Code, which now prohibits OCC from operating a telephone call center for consumer complaints. Among the rules affected were the bill format rules applicable to the various types of regulated utilities, including Rule 4901:1-15-23(A)(13), OAC, which governs the bill formats of waterworks and sewage disposal companies. In addition to revising the content of the bill message containing the OCC contact information, the amendment to 4901:1-15-23(A)(13), OAC, also made certain stylistic changes, as well as changing the Commission contact information for hearing or speech impaired customers to reflect the widespread adoption of the 7-1-1 dialing code to access the Telecommunications Relay Service.

As explained in its February 23, 2012 entry, the Commission concluded that, due to the minimal changes involved, utilities should be permitted to file their new bill formats in the rulemaking docket rather than by initiating separate, company-specific proceedings through the filing of individual bill format applications. The entry required that the revised bill formats be

filed within thirty days of the date of the entry. The thirtieth day falls on a Saturday. Thus, under Rule 4901-1-07(A), OAC, the due date for filing the revised bill formats is March 26, 2012.

Woodbran provides sewer service to some 700 customers in Woodmere, Beachwood, Pepper Pike, and Orange Village, Ohio. Although now rate-regulated pursuant to ordinances of these villages, Woodbran, as a public utility and a sewage disposal company, has a tariff on file with the Commission that includes a bill format appendix, and, thus, is subject to the requirements of the February 23, 2012 entry that it file its revised bill format by March 26, 2012. By the foregoing motion, Woodbran seeks a waiver of this requirement, and submits that the following grounds constitute good cause for granting its motion.

First, Woodbran uses a postcard bill, which means that the space for including bill messages such as the Commission and OCC contact information is very limited. Rule 4901:1-15-(A)(13), OAC, excepts companies with fewer than 15,000 customers from the requirement that the exact language specified therein appear on the bill, and provides that such companies “shall work with staff” to develop an appropriate message containing the Commission and OCC contact information. Because it is not possible to include the entire text of the message regarding the Commission and OCC contact information prescribed by Rule 4901:1-15-(A)(13), OAC, within the minimal space available for messages on Woodbran’s bills, Woodbran and Staff will necessarily have to confer to develop an appropriate bill message in lieu of the language specified in the rule.

Second, Woodbran’s current tariff, P.U.C.O. No. 4, has been in place in its present form since the early 1990’s. In view of subsequent changes in the Commission’s rules applicable to water and sewer utilities and the preferences of Staff with respect to tariff organization and

format, the current Woodbran tariff is outmoded. Due to the substantial revision required, Woodbran has represented to Staff that, rather than amending its current tariff, P.U.C.O. No. 4, it intends to withdraw and cancel its current tariff, and replace it with a new tariff, P.U.C.O. No. 5, and has been engaged in informal discussions with Staff for some time regarding the form and content of the new tariff. Those discussions are nearing completion, and Woodbran anticipates filing its application for approval of its new tariff in the near future. However, the question of the impact of the Commission's recent amendment of Rule 4901:1-15-(A)(13), OAC, on the bill format that will appear as Appendix B to the tariff has not yet been addressed. Woodbran believes that the interests of efficiency and economy would be best served by including the bill message ultimately agreed to by Woodbran and Staff as a part of the tariff approval application.

Finally, Woodbran assumes that, as in past cases where small utilities have been required to modify their existing bill formats, the Commission will permit Woodbran to exhaust its current bill stock before ordering new bill stock reflecting the revisions required by the amended rules. Woodbran has more than sufficient bill stock on hand to carry it well past the likely effective date of the approval of its new tariff. Thus, as a practical matter, filing a revised bill format by the March 26, 2012 due date established by the February 23, 2012 entry will not advance the date a revised bill message will actually appear on customers' bills. Further, the primary purpose of this rulemaking proceeding was to implement Section 4911.021, Revised Code, by eliminating references in utility tariffs and bill formats indicating that OCC could be contacted regarding consumer complaints. Woodbran's existing bill format does not include OCC contact information, so there is no language in the bill message that is in conflict with the fact that the OCC telephone call center has been eliminated.

WHEREFORE, Woodbran respectfully requests that the Commission issue an entry finding that (1) good cause exists for granting Woodbran's motion for waiver, (2) that the motion for waiver should be granted, and (3) that Woodbran should be permitted to defer filing its revised bill format and to include the revised bill format as a part of its application for approval of its new tariff, P.U.C.O. No. 5.

Respectfully submitted,



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