

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission Ordered : Case No. 14-2172-WW-COI  
Investigation of Maxwalton Glens Water :  
System. :

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**STAFF REPORT OF INVESTIGATION  
SUBMITTED ON BEHALF OF THE STAFF OF  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**Michael DeWine**  
Ohio Attorney General

**William L. Wright**  
Section Chief

**Thomas W. McNamee**  
**Katie L. Johnson**  
Assistant Attorneys General  
Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, OH 43215-3793  
614.466.4397 (telephone)  
614.644.8764 (fax)  
[thomas.mcnamee@puc.state.oh.us](mailto:thomas.mcnamee@puc.state.oh.us)  
[katie.johnson@puc.state.oh.us](mailto:katie.johnson@puc.state.oh.us)

December 2, 2014

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It has come to Staff's attention that there is an entity operating in Richland County Ohio under the name Maxwalton Glens Water System. It is not a corporation authorized to do business in Ohio. There was a registered Ohio not-for-profit corporation named Maxwalton Glens Water Company whose registration was cancelled January 21, 1999 for failure to file proof of continued existence.

One of the incorporators of the former Maxwalton Glens Water Company was William Hardin of 1433 Chew Road, Mansfield, Ohio 44903. This William Hardin owns certain water supply equipment, including pipes or tubing, that he currently uses in the business of supplying water to between 14 and 23 properties in the State of Ohio. The equipment sits on real property owned by Nauny Moritz and uses a water well located on her property. Customers pay Mr. Hardin for the water received through his pipes or tubes. Pursuant to Ohio Revised Code Section 4905.03(A)(8) "any person, firm, co-partnership, voluntary association, joint-stock association, company, or corporation, wherever

organized or incorporated, is: a waterworks company, when engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state.” Thus, pursuant to Ohio Revised Code Section 4905.03(A)(8), Staff believes that William Hardin may be a waterworks company within the meaning of that statute.

Ohio Revised Code Section 4905.02(A)(2) defines those entities that meet the definitions found in Ohio Revised Code Section 4905.03 as public utilities with some exceptions. That section provides:

As used in this chapter, "public utility" includes every corporation, company, copartnership, person, or association, the lessees, trustees, or receivers of the foregoing, defined in section 4905.03 of the Revised Code, including any public utility that operates its utility not for profit, except the following:

\* \* \*

(2) A public utility, other than a telephone company, that is owned and operated exclusively by and solely for the utility's customers, including any consumer or group of consumers purchasing, delivering, storing, or transporting, or seeking to purchase, deliver, store, or transport, natural gas exclusively by and solely for the consumer's or consumers' own intended use as the end user or end users and not for profit.

Staff does not believe that the 14 to 23 customers of Mr. Hardin's Maxwalton Glens Water System are members of any homeowners' association. They do not own or operate the Maxwalton Glens Water System.

In sum, Staff believes that William Hardin is a waterworks company operating under the name Maxwalton Glen Water System that provides water to customers in Ohio through pipes or tubing. Staff is unaware of any facts that would allow an exception to

apply and, therefore, believes that Mr. Hardin is a public utility under the laws of Ohio operating under the name Maxwalton Glens Water System.

Being a public utility in Ohio carries with it significant obligations. By way of example public utilities are required to:

- file annual reports with the Commission (R.C. 4905.14);

- follow the system of accounts established by the Commission (R.C. 4905.13);

- pay the annual assessment for Commission expenses (R.C. 4905.10);

- pay the annual assessment for Consumers' Counsel expenses (R.C. 4911.18);

- provide printed schedules of rates to the Commission (R.C. 4905.30); and,

- obtain a certificate of public convenience and necessity (R.C. 4933.25),

among their various other obligations.

It appears that Mr. Hardin, doing business under the name of Maxwalton Glens Water System, has done none of these things. Furthermore, Staff has received a letter from Mr. Hardin stating that he will stop operating the water system by January 2, 2015.

## **RECOMMENDATION**

The Staff recommends that the Commission open an investigation into the operation and activities of Maxwalton Glens Water System and William Hardin. Staff would request that the Commission order William Hardin to continue to operate the Maxwalton Glens Water System and provide water to its customers during the pendency of this case.

Further the Commission should find that, barring some other disposition of the water system, William Hardin is a public utility under the laws of this state and direct him to come into compliance with all of the various requirements that status entails.

Respectfully submitted,

**Michael DeWine**  
Ohio Attorney General

**William L. Wright**  
Section Chief

*/s/ Thomas W. McNamee*

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**Thomas W. McNamee**  
**Katie L. Johnson**  
Assistant Attorneys General  
Public Utilities Section  
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Columbus, OH 43215-3793  
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614.644.8764 (fax)  
[thomas.mcnamee@puc.state.oh.us](mailto:thomas.mcnamee@puc.state.oh.us)  
[katie.johnson@puc.state.oh.us](mailto:katie.johnson@puc.state.oh.us)

## PROOF OF SERVICE

I certify that a true copy of the foregoing **Staff Report and Investigation** submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, or hand-delivered and by certified mail upon the following Parties of Record on December 2, 2014.

/s/ Thomas W. McNamee

**Thomas W. McNamee**  
Assistant Attorney General

### Parties of Record:

William Hardin  
1433 Chew Road  
Mansfield, OH 44903

Resident  
1004 Marianna Drive  
Mansfield, OH 44903

Nauny Moritz  
990 Moritz Lane  
Mansfield, OH 44903

Resident  
1030 Marianna Drive  
Mansfield, OH 44903

Resident  
1449 Chew Road  
Mansfield, OH 44903

Resident  
1086 Marianna Drive  
Mansfield, OH 44903

Resident  
1020 Marianna Drive  
Mansfield, OH 44903

Resident  
1366 Chew Road  
Mansfield, OH 44903

Resident  
1107 Marianna Drive  
Mansfield, OH 44903

Resident  
1357 Chew Road  
Mansfield, OH 44903

Resident  
1117 Marianna Drive  
Mansfield, OH 44903

Resident  
1707 Chew Road  
Mansfield, OH 44903

Resident  
1368 Myers Lane  
Mansfield, OH 44903

Resident  
1088 Marianna Drive  
Mansfield, OH 44903

Resident  
980 Moritz Lane  
Mansfield, OH 44903

Resident  
985 Moritz Lane  
Mansfield, OH 44903

Resident  
1334 Chew Road  
Mansfield, OH 44903

Resident  
1031 Marianna Drive  
Mansfield, OH 44903

Resident  
1196 Marianna Circle  
Mansfield, OH 44903

Resident  
1717 Chew Road  
Mansfield, OH 44903

Resident  
1369 Chew Road  
Mansfield, OH 44903

Resident  
1147 Marianna Drive  
Mansfield, OH 44903

Resident  
1098 Marianna Drive  
Mansfield, OH 44903

**This foregoing document was electronically filed with the Public Utilities**

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Summary: Staff Report of Investigation electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO