

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

ENTRY

The Commission finds:

- (1) R.C. 4905.03(A)(7) states, in relevant part, that "any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, is *** a water-works company, when engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state ***." Additionally, R.C. 4905.02(A) defines those entities that meet the definition found in R.C. 4905.03 as public utilities with some exceptions. R.C. 4905.02(A) states, in relevant part, "[A]s 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 ***."
- (2) On December 2, 2014, the above captioned case was opened pursuant to the Commission Staff's (Staff) Report of Investigation. Specifically, Staff claims that the Maxwalton Glen Water System and/or its owner, Mr. William Hardin (Mr. Hardin), is operating a water system as a public utility in an unincorporated portion of Richland County without the proper certification from the Commission. Staff submits that there are between 14-23 customers being served by the water system and that Mr. Hardin had mailed these customers a letter in which he expressed a desire to discontinue providing water service as soon as January 2, 2015. Staff asserts that there is no indication that the water system customers are members of any homeowners' association or that they own or operate the water system exclusively by and solely for

themselves. Staff also notes that while Mr. Hardin appears to own the plant used to generate the water, the land on which the plant is located is owned by Ms. Nauny Moritz. Staff recommends that, barring some other disposition of the water system, the Commission find the Maxwalton Glen Water System and/or Mr. Hardin to be a waterworks company and public utility subject to Commission jurisdiction and direct the Maxwalton Glen Water System and/or Mr. Hardin to come into compliance with all the various requirements that public utility status entails.

- (3) A prehearing conference was held on December 15, 2014, at the Madison Township office in Mansfield, Ohio. All current customers were invited to discuss the future water supply for the 14-23 customers receiving water from the water system.
- (4) On November 3, 2015, Staff filed a letter indicating that Mr. James Boyd, the son of the last known consumer of water on the Maxwalton Glen Water System, verified that a water well was constructed and, therefore, the customer has their own water supply. Staff also notes that it sent a certified letter to William Hardin, owner of the water system, asking if any customers remained on the system and requesting that he notify Staff by November 2, 2015, if any customers remained. According to Staff, while Mr. Hardin received the letter on October 10, 2015, he did not provide a response. Therefore, Staff concludes that the Maxwalton Glen Water System, at this time, is not engaged in the business of supplying water through pipes or tubing to consumers in this state and recommends that this case be closed.
- (5) Based on the representations of Staff, the Commission finds that this matter should be closed at this time. To the extent that the Maxwalton Glen Water System is utilized in the future for the purpose of supplying water through pipes or tubing to consumers in this state, it must seek the appropriate certification or satisfy the applicable statutory exemption.

It is, therefore,

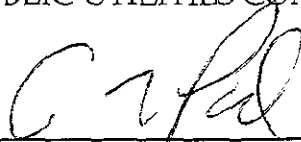
ORDERED, That this matter be closed consistent with Finding (5). It is, further,

ORDERED, That Mr. Hardin and/or the Maxwalton Glen Water System comply with Finding (5). It is, further,

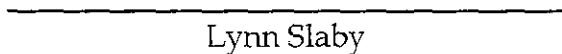
ORDERED, That a copy of this entry be served by certified mail and regular mail on Mr. Hardin, Ms. Moritz, and on each of the previously known customers of the water system. It is, further,

ORDERED, That a copy of this Entry be served by regular mail on the Ohio Environmental Protection Agency, the Richland County Health Department, Madison Township Trustees, and all other parties of record in this case.

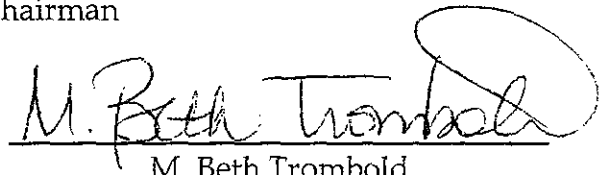
THE PUBLIC UTILITIES COMMISSION OF OHIO



Andre T. Porter, Chairman



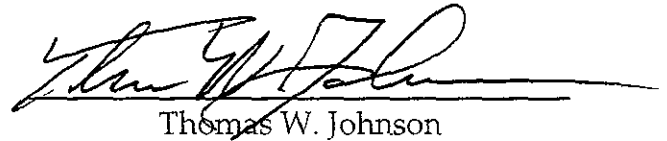
Lynn Slaby



M. Beth Trombold



Asim Z. Haque



Thomas W. Johnson

JSA/dah

Entered in the Journal

DEC 02 2015



Barcy F. McNeal
Secretary