

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
AQUA OHIO, INC., TO INCREASE ITS RATES
FOR WATER SERVICE.

CASE NO. 16-907-WW-AIR

ENTRY

Entered in the Journal on December 1, 2016

{¶ 1} R.C. 4909.18 requires, in part, that any public utility seeking to establish, modify, amend, change, increase, or reduce any rate must file an application with the Commission.

{¶ 2} Aqua Ohio, Inc. (Aqua or the Company) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of the Commission.

{¶ 3} On May 31, 2016, Aqua filed an application pursuant to R.C. 4909.18 to increase its rates for water service in its Lake Erie and Masury service divisions, as well as the service divisions consisting of all areas formerly served by Mohawk Utilities, Inc., Tomahawk Utilities, Inc., and Ohio American Water Company.

{¶ 4} On June 1, 2016, the Ohio Consumers' Counsel (OCC) filed a motion to intervene and memorandum in support of the motion. OCC states that it is filing on behalf of all residential utility customers of Aqua, who may be adversely affected by the outcome of this case. OCC adds that its intervention will significantly contribute to the full resolution of the issues presented in this case and will not unduly prolong the proceedings. No one filed a memorandum contra OCC's motion.

{¶ 5} Subsequently, on August 24, 2016, the city of Marion (Marion) filed a motion to intervene and memorandum in support of the motion. Marion contends that it has a direct, real, and substantial interest in the issues of the case, and that its interests will not be adequately represented by other parties to the proceedings. Marion adds that it is reasonable to expect that customers could be adversely affected

if their needs are not represented in a proceeding where Aqua proposes to assess a significant and unjustified increase upon customers' water bills. No one filed a memorandum contra Marion's motion.

{¶ 6} The attorney examiner finds that the motions to intervene filed by Marion and OCC are both reasonable and should be granted.

{¶ 7} Pursuant to R.C. 4909.19, Staff conducted an investigation of the facts, exhibits, and matters relating to the Company's application, and filed its report on November 17, 2016. Copies of the staff report were mailed to the Company, mayors of municipal corporations affected by the application, and other persons the Commission deemed to be interested in the case.

{¶ 8} Pursuant to R.C. 4909.19 and Ohio Adm.Code 4901-1-28(B), all objections to the staff report must be filed within 30 days after the filing of such report, and all objections must be specific. Any objection that is not specific enough to convey what is actually being placed at issue will be struck pursuant to the above-cited rule. Each party filing objections shall also file a brief summary of the issues it designates as major issues, in order of their importance, for purposes of the notice required by R.C. 4903.083.

{¶ 9} Direct expert testimony and motions to intervene should be filed by December 19, 2016, in accordance with Ohio Adm.Code 4901-1-29.

{¶ 10} Motions to strike objections to the staff report should be filed by December 27, 2016; memorandum contra motions to intervene, as well as memorandum contra motions to strike objections to the staff report, should be filed by January 3, 2017. Unless an objection is struck or withdrawn, each objection must be discussed in the initial post-hearing brief of the objecting party. If an objection is not

discussed in the initial brief, the objection will, without further action, be deemed withdrawn.

{¶ 11} A prehearing conference will be held on December 19, 2016, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, Hearing Room 11-D, Columbus, Ohio 43215. The purpose of the conference will be to discuss procedural aspects of the case and to provide an opportunity for the parties to conduct settlement discussions.

{¶ 12} The evidentiary hearing will begin on January 19, 2017, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, Hearing Room 11-D, Columbus, Ohio 43215. A subsequent entry will address the scheduling of the local public hearings and publication of notice of the hearings.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the motions to intervene filed by Marion and OCC be granted. It is, further,

{¶ 15} ORDERED, That all objections to the staff report be filed by December 19, 2016. It is, further,

{¶ 16} ORDERED, That all direct testimony be filed by December 19, 2016. It is, further,

{¶ 17} ORDERED, That motions to intervene be filed by December 19, 2016. It is, further,

{¶ 18} ORDERED, That motions to strike objections to the staff report be filed by December 27, 2016, and memoranda contra motions to intervene, as well as memoranda contra motions to strike objections to the staff report, be filed by January 3, 2017. It is, further,

{¶ 19} ORDERED, That a prehearing conference be scheduled in accordance with Paragraph 11. It is, further,

{¶ 20} ORDERED, That the evidentiary hearing will begin on January 19, 2017, in accordance with Paragraph 12. It is, further,

{¶ 21} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Megan Addison

By: Megan J. Addison
Attorney Examiner

JRJ/sc

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Case No(s). 16-0907-WW-AIR

Summary: Attorney Examiner Entry setting forth a procedural schedule. - electronically filed by Sandra Coffey on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission of Ohio