

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
AQUA OHIO, INC. FOR AUTHORITY TO  
ASSESS A SYSTEM IMPROVEMENT  
CHARGE.

CASE NO. 18-337-WW-SIC

## ENTRY

Entered in the Journal on November 21, 2018

{¶ 1} On March 1, 2018, Aqua Ohio, Inc. (Aqua) filed an application for authority to collect a system improvement charge (SIC) for water service in its Lake Erie Division, Masury Division, and the service areas formerly served by Ohio American Water Company, Mohawk Utilities, Inc., and Tomahawk Utilities, Inc.

{¶ 2} R.C. 4909.172 governs the procedure for consideration of an application for authority to collect a SIC.

{¶ 3} Aqua states that it is a public utility and a waterworks company, as those terms are defined in R.C. 4905.02(A) and 4905.03(G).

{¶ 4} On March 23, 2018, the Office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene. No party objected to OCC's motion.

{¶ 5} On April 11, 2018, the attorney examiner approved the legal notices which were to be published in newspapers of general circulation in each county in the service area affected by Aqua's application. The attorney examiner also directed interested persons to file comments no later than July 11, 2018. Aqua provided proof of publication of these notices on June 26, 2018.

{¶ 6} On July 11, 2018, Staff filed comments regarding Aqua's application.

{¶ 7} On November 8, 2018, Aqua and Staff filed a stipulation and recommendation (Stipulation), indicating that the Stipulation resolved all remaining issues in this proceeding.

{¶ 8} On November 14, 2018, OCC filed a motion requesting an additional comment period. In the motion, OCC states that an additional comment period is necessary because the initial comment period was prior to the filing of the Stipulation. OCC also states that if the Stipulation were to be adopted, then consumers would have to pay certain charges that are prohibited by R.C. 4909.172.

{¶ 9} Lastly, on November 20, 2018, Aqua filed a response to OCC's motion requesting an additional comment period. In the motion, Aqua states that the Commission should either schedule a hearing or establish an additional comment period in this matter. Aqua further explains that no purpose would be served by providing OCC two opportunities to make the same arguments about whether Aqua can recover certain items under R.C. 4909.172.

{¶ 10} Upon review, the attorney examiner finds that OCC's motion to intervene is reasonable and should be granted. However, the attorney examiner denies OCC's motion requesting an additional comment period. The attorney examiner agrees with Aqua that both an additional comment period and a hearing is not necessary in this matter. Any issues related to the Stipulation can be litigated during the hearing for this matter.

{¶ 11} The attorney examiner also finds it appropriate to now schedule the matter for a hearing. The hearing will commence at 11:00 a.m. on December 17, 2018, at the Commission offices, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing. Further, testimony in this matter will be due by December 10, 2018.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That OCC's motion to intervene be granted. It is, further,

{¶ 14} ORDERED, That OCC's motion requesting an additional comment period be denied. It is, further,

{¶ 15} ORDERED, That a hearing be scheduled on December 17, 2018, in accordance with Paragraph 11. It is, further,

{¶ 16} ORDERED, That testimony in this matter be due by December 10, 2018.

{¶ 17} ORDERED, That a copy of this Entry be served upon all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal  
Attorney Examiner

JRJ/mef

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

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**Case No(s). 18-0337-WW-SIC**

Summary: Attorney Examiner Entry granting the motion to intervene; denying the request for an additional comment period; scheduling a hearing for 12/17/18 at 11:00am at the Commission offices; and ordering testimony to be submitted by 12/10/18 electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission