

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE JOINT  
APPLICATION OF AQUA OHIO, INC. AND  
AQUA OHIO WASTEWATER, INC. TO  
AMEND CERTIFICATES OF PUBLIC  
CONVENIENCE AND NECESSITY.

CASE NO. 20-1198-WS-AAC

IN THE MATTER OF THE JOINT  
APPLICATION OF AQUA OHIO, INC. AND  
AQUA OHIO WASTEWATER, INC. FOR  
APPROVAL TO AMEND TARIFF PAGES.

CASE NO. 20-1199-WS-ATA

### FINDING AND ORDER

Entered in the Journal on September 23, 2020

#### I. SUMMARY

{¶ 1} The Commission approves the joint application of Aqua Ohio, Inc. and Aqua Ohio Wastewater, Inc. to amend its certificates of public convenience and necessity and tariff revisions.

#### II. DISCUSSION

##### A. *Procedural History*

{¶ 2} Aqua Ohio, Inc. (Aqua Ohio) is public utility and waterworks company as defined in a R.C. 4905.02(A) and R.C. 4905.03(G), respectively. As such, Aqua Ohio is subject to the jurisdiction of the Commission in accordance with R.C. 4905.04, 4905.05, and 4905.06. Aqua Ohio is a wholly-owned subsidiary of Aqua America, Inc.

{¶ 3} Aqua Wastewater, Inc. (AWI) is a wholly-owned subsidiary of Aqua Ohio, Inc. and operates as a public utility and sewage disposal system company subject to Commission jurisdiction as defined in R.C. 4905.02(A) and 4905.03(M), respectively. We collectively refer to Aqua Ohio, Inc. and Aqua Wastewater, Inc. as the Aqua Companies in this Finding and Order.

{¶ 4} Ohio Adm.Code 4901:1-15-05(D)(6) requires a metes and bounds description be filed with an application describing the area in which service is to be rendered pursuant

to the authority sought. It also requires that the application include a map based upon the metes and bounds description.

{¶ 5} Ohio Adm.Code 4901:1-15-07(B) provides that an application to amend a certificate of public convenience and necessity shall be executed and filed with the Commission. Public hearing on and notice of the application to amend a certificate is governed by Ohio Adm.Code 4901:1-15-05. If the event requiring the certificate to be amended results in a change in the information required by Ohio Adm.Code 4901:1-15-05, this information shall be updated and filed consistent with the rule.

{¶ 6} On May 6, 2020, while approving an application to amend the metes and bounds description of its Struthers Division, the Commission directed Aqua Ohio to continue to work with Staff to address discrepancies between the metes and bounds descriptions and maps of Aqua Ohio's other service areas. *In re Aqua Ohio, Inc. to Amend Certificate of Public Convenience and Necessity No. 35*, Case No. 20-393-WW-AAC, Finding and Order (May 6, 2020) at ¶ 13.

{¶ 7} On June 26, 2020, pursuant to the directive in Case No. 20-393-WW-AAC, the Aqua Companies filed an application for the approval of (1) the amendment of AWI's Certificate of Public Convenience and Necessity No. 1 (Certificate No. 1) and Aqua Ohio's Certificate of Public Convenience and Necessity No. 12 (Certificate No. 12); and (2) the revision of Aqua Ohio's P.U.C.O. Tariff No. 2 and AWI's P.U.C.O. Tariff No. 1.

{¶ 8} On August 13, 2020, Staff filed a review and recommendation (Staff Report) of the Aqua Companies' application.

**B. Summary of Application**

{¶ 9} In its application, the Aqua Companies state that they are currently authorized to provide water and sewage-disposal service to customers in various counties in Ohio in accordance with several existing certificates of public convenience and necessity. Aqua Ohio provides waterworks service to portions of Franklin County, Ohio, including

subdivisions in Blendon Township, through its Certificate No. 12. AWI provides sewage disposal service to portions of Franklin County, Ohio, including subdivisions in Blendon Township, through its Certificate No. 1. Additionally, the Aqua Companies currently serve customers, including customers in Franklin County, Ohio, under the terms and conditions of Aqua Ohio's P.U.C.O. Tariff No. 2 and AWI's P.U.C.O. Tariff No. 1.

{¶ 10} The Aqua Companies indicate that Mac-Dean Enterprises, Ltd. (Mac-Dean) owns two parcels of land in Blendon Township adjacent to the Aqua Companies' service area and is seeking to secure water and wastewater service for planned development of the land. As a result, the Aqua Companies are proposing to expand its Franklin Division Huber Ridge Service Area (Huber Ridge Service Area) to serve these two parcels of land. The Aqua Companies are also seeking to remove a portion of service area not served by the Aqua Companies, but instead, served by the City of Columbus. The Aqua Companies state that no additional construction (excluding main extensions) will be necessary to serve the amended territory. The Aqua Companies also propose amending their respective tariffs to reflect the updated maps. For administrative efficiency, the Aqua Companies propose filing revisions to the certificates as a late filed exhibit.

*C. Waivers of Notice, Hearing, and Affidavits*

{¶ 11} The Aqua Companies note they already provide waterworks and sewage disposal services in expansion areas identified in this application. Additionally, the Aqua Companies note the proposed amendments to the certificates do not seek to change any rate, charge, requirement, or condition for the service being provided to existing customers in Franklin County, Ohio. For these reasons, the Aqua Companies believe that it is not necessary for the Commission to hold a public hearing under R.C. 4933.25.

{¶ 12} Moreover, the Aqua Companies request a waiver of the public and legal notice requirements set forth in Ohio Adm.Code 4901:1-15-04(C), Ohio Adm.Code 4901:1-15-05(D)(21), and Ohio Adm.Code 4901:1-15-07(B). The Aqua Companies contend this waiver will minimize the cost and expense of preparing and processing this application and will

not hinder the Commission's review of the application. Conversely, the Aqua Companies believe the costs of notice by publication would provide no apparent benefit to the Aqua Companies' existing customers in Franklin County, Ohio and are unwarranted. Since only a small number of new customers will be directly affected by the Application, the Aqua Companies propose that written notice be provided to new customers, if deemed necessary by the Commission, following the Commission's approval of the Application.

***D. Staff's Review and Recommendation***

{¶ 13} In its Staff Report, Staff indicates it has reviewed the application for compliance with the rules established in Ohio Adm.Code 4901:1-15-07. Staff worked with the Aqua Companies to address technical discrepancies between the proposed map and the proposed metes and bounds description. Staff confirmed that the main extensions necessary to provide service to the two parcels will be funded by MacDean. Staff also notes that it has completed its review of all service territories within Franklin County.

{¶ 14} Based upon its review, Staff recommends that, as part of this case, the Aqua Companies file an updated certificate to reflect the expansion of the Huber Ridge Service Area and all technical corrections in Franklin County. Subject to this recommendation, Staff recommends the Commission approve the Aqua Companies' application.

{¶ 15} On September 3, 2020, in accordance to Staff's August 13, 2020 Staff Report, the Aqua Companies submitted revised certificates and corresponding information demonstrating the expansion of the Huber Ridge Service Area and technical corrections in Franklin County. These documents included: a proposed Certificate No. 12 for Aqua Ohio; a proposed Certificate No. 1 for AWI; updated service area maps; and proposed Aqua Ohio's P.U.C.O. Tariff No. 2 and AWI's P.U.C.O. Tariff No. 1 for the Huber Ridge Service Area. On September 9, 2020, the Aqua Companies submitted a revised Certificate 12 to correct some discrepancies.

{¶ 16} Finally, on September 11, 2020, Staff filed a supplemental review and recommendation (supplement). In the supplement, Staff indicates it has reviewed the Aqua Companies' filings from September 3 and 9, 2020, and confirmed that the proposed map reflects the proposed metes and bounds descriptions. Therefore, Staff recommends that the Commission approve the Aqua Companies' application.

#### *E. Commission Conclusion*

{¶ 17} Upon a review of the Aqua Companies' application, supplemental filings from September 3 and 9, 2020, the Staff Report, and the Staff supplement, the Commission finds that the application appears to be just and reasonable, consistent with Ohio Adm.Code 4901:1-15-07(B), and that it should be approved. We note that the Aqua Companies have already filed updated certificates, tariffs, and related information to reflect its Huber Ridge Service Area expansion and updates to its territory in Franklin County, and Staff has verified these documents are accurate.

{¶ 18} We further determine that the Aqua Companies' request for approval of the application without requiring the provision of public or legal notice and without requiring a hearing should be granted inasmuch as the application is limited to technical corrections to the metes and bounds description of the Franklin County service areas, especially areas not served by the Aqua Companies. Though the Aqua Companies are also expanding its Huber Ridge Service Area with the two Mac-Dean parcels, this would only affect a small number of new customers. However, to ensure that these new customers are apprised of this change to the Aqua Companies' service area, the Commission directs the Aqua Companies to provide written notice to these customers within 30 days of this Finding and Order.

### **III. ORDER**

{¶ 19} It is, therefore,

{¶ 20} ORDERED, That the application filed by the Aqua Companies seeking amendments to amend its certificates of public convenience to update metes and bounds descriptions and corresponding changes to the maps accompanying the relevant tariffs be approved consistent with Paragraphs 17 and 18. It is, further,

{¶ 21} ORDERED, That the Aqua Companies' request for a waiver of legal or public notice and hearings be granted in accordance with Paragraph 18. It is, further,

{¶ 22} ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

{¶ 23} ORDERED, That a copy of this Finding and Order be served upon all parties and interested persons of record.

**COMMISSIONERS:**

*Approving:*

Sam Randazzo, Chairman  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

AS/kck

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

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Summary: Finding & Order approving the joint application of Aqua Ohio, Inc. and Aqua Ohio Wastewater, Inc. to amend its certificates of public convenience and necessity and tariff revisions. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio