

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
WILLIAM FINLEY,**

COMPLAINANT,

CASE NO. 21-490-WS-CSS

v.

AQUA OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on June 17, 2021

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

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

{¶ 3} On April 23, 2021, William Finley (Complainant) initiated a complaint against Aqua alleging that Aqua improperly billed him for a water leak. Complainant states that he discovered the leak on October 9, 2020, at which time he called Aqua to report it. Complainant further alleges that he called Aqua again the following week and was informed that Aqua determined that the leak was Aqua's responsibility and they would repair it. Complainant alleges that he called Aqua multiple times when the leak was not repaired. Complainant claims that he was contacted by Aqua on November 11, 2020, and was informed that the leak was Complainant's responsibility. Complainant alleges that the

leak led to additional utility costs of \$16,270, and Aqua credited him for only \$5,714. Complainant requests the remaining \$10,556 overage as a leak adjustment.

{¶ 4} On May 13, 2021, Aqua filed its answer to the complaint. Aqua admits that Complainant is a non-residential water service customer and that Complainant contacted Aqua to report a leak. Aqua also claims that it located a leak at Complainant's premises that it identified as Complainant's responsibility. Aqua indicates that it shut off service to the premises on November 20, 2020, so that Complainant could repair the leak. Aqua states that it has a voluntary leak adjustment program, which it applies to the highest monthly bill during the affected period but not to consecutive high bills caused by the same leak. Aqua also states that its Marion division does not grant leak adjustments to non-residential customers. Aqua states that Complainant was not eligible for a leak adjustment, but it applied an abatement credit to his November 2020 bill, which was the period of highest usage. Aqua further states that it has reviewed Complainant's billing statements and has not identified any billing errors. Aqua generally denies the remaining allegations and asserts several affirmative defenses.

{¶ 5} A settlement conference was previously scheduled for June 22, 2021, at 10:00 a.m. ET. Due to scheduling conflicts, the telephone settlement conference is hereby rescheduled for June 22, 2021, at 2:00 p.m. ET. At the designated time of the conference, the parties shall dial 614-721-2972 and enter access code 875 288 379# to join in the mediation event. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues including possible stipulations of fact and potential hearing dates.

{¶ 6} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference. All parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues.

{¶ 7} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a settlement conference be rescheduled on June 22, 2021, as provided in Paragraph 5. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John
Attorney Examiner

SJP/kck

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in

Case No(s). 21-0490-WS-CSS

Summary: Attorney Examiner Entry ordering that the settlement conference previously scheduled for June 22, 2021, at 10:00 a.m. ET. is hereby rescheduled for June 22, 2021, at 2:00 p.m. ET. electronically filed by Kelli C. King on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio