

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
CHRISTI WATER SYSTEM, INC. FOR AN
INCREASE IN RATES AND CHARGES.

CASE NO. 20-1428-WW-AIR

ENTRY

Entered in the Journal on November 3, 2021

I. SUMMARY

{¶ 1} The Commission approves Christi Water System, Inc.'s tariffs and customer notice filed in this case and sets the effective date of the tariffs as November 1, 2021.

II. PROCEDURAL HISTORY

{¶ 2} Christi Water System, Inc. (Christi or Applicant) is a waterworks company as defined by R.C. 4905.03(G) and a public utility as defined by R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 3} An application for an increase in rates is governed by, and must meet, the requirements of R.C. 4909.17, 4909.18, 4909.19, and 4909.42.

{¶ 4} On August 24, 2020, and amended on September 24, 2020, Applicant filed an abbreviated application to increase its rates for water service, pursuant to R.C. 4909.18.

{¶ 5} On September 24, 2020, the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this case. No memoranda contra were filed. By Entry issued on November 4, 2020, the Commission granted OCC's motion to intervene in this case.

{¶ 6} On October 1, 2020, Staff filed a review and recommendation in which Staff concluded that Applicant's abbreviated application substantively conforms to the Standard Filing Requirements for Rate Increases (SFR) as described in Ohio Adm.Code 4901-7-01.

{¶ 7} On November 4, 2020, the Commission determined (1) that the application was accepted as of the amended filing date of September 24, 2020, (2) that the application conforms to the SFR, (3) that the test period for the application is July 1, 2019, to June 30,

2020, (4) that the date certain for the application is December 31, 2019, and (5) that Applicant's requested waiver of R.C. 4909.18(A) through (E) is reasonable and should be granted.

{¶ 8} Pursuant to R.C. 4909.19, Staff conducted an investigation of the facts, exhibits, and matters relating to Christi's application and filed its report on April 7, 2021.

{¶ 9} By Entry Issued April 15, 2021, the attorney examiner established a procedural schedule which, among other things, set a prehearing conference for June 14, 2021, and an evidentiary hearing for July 6, 2021.

{¶ 10} On May 7, 2021, Terry Beilharz, President of Christi, filed an objection to the Staff Report on behalf of the Applicant. Mr. Beilharz specifically objected to Staff's proposal on Page 12, Tables 2 and 3, which proposed a rate of 0-50 cubic feet (c.f.)/month at \$34.34. No other parties filed objections to the Staff Report.

{¶ 11} On June 21, 2021, Christi filed a letter indicating that it is withdrawing the objection it filed on May 7, 2021, and that it desires to proceed with the recommendations offered within the Staff Report.

{¶ 12} On June 22, 2021, the attorney examiner issued an Entry canceling the July 6, 2021 evidentiary hearing, in accordance with Chapter IV, Section (A)(1)-(2) of the SFR regarding abbreviated application filings, since no objections to the Staff Report were outstanding and no motion for a hearing had been filed by Christi or OCC.

{¶ 13} On July 28, 2021, the attorney examiner issued an Entry scheduling a local public hearing to be held at the Northtowne Mall in Defiance, Ohio, pursuant to R.C. 4903.083. The attorney examiner also directed Christi to publish public notice of the local public hearing. The hearing was held, as scheduled, on September 1, 2021.

{¶ 14} On September 8 and 9, 2021, Christi filed proof of publication of the local public hearing notices and, on September 14, 2021, filed proof of publication of the

application notice.

{¶ 15} On September 24, 2021, the Commission issued a Finding and Order approving Christi's application for an increase in rates, subject to all of Staff's recommendations. *In re Christi Water System, Inc.*, Case No. 20-1428-WW-AIR, Finding and Order (Sept. 24, 2021). Upon approval of the application, the Commission directed Christi to file proposed tariffs and a proposed customer notice, notifying customers of the increase in rates, with the Commission for approval by Entry prior to filing of final tariffs. Finding and Order at ¶¶ 28-29. Further, if Christi chooses to provide customer notice by special mailing, pursuant to Paragraph 29 of the Finding and Order, the effective date of the tariffs will be the third day after the special mailing has been completed; however, in any event, Christi must have filed its approved, final tariffs with Commission before the tariffs can become effective. The new tariffs shall be applicable to all service rendered on or after the effective date. Finding and Order at ¶ 29.

{¶ 16} On October 27, 2021, Christi filed its proposed revised tariffs. On October 29, 2021, Christi filed its customer notice. In the October 29, 2021 filing, Christi advises that it sent the customer notice by special mailing to customers on October 29, 2021, and, within the notice, Christi advises customers that the effective date of the new rates would be November 1, 2021. On October 29, 2021, Christi also electronically refiled its revised tariffs, which appear to have been filed as final tariffs. On November 1, 2021, the Commission received printed copies of the revised tariffs. These tariffs appear to be identical to the tariffs filed on October 29, 2021.

{¶ 17} By filing "final" tariffs and mailing the customer notice to customers prior to the Commission approving such tariffs and notice by Entry, Christi failed to follow the final approval process, as directed in the Finding and Order. We expect entities before us to follow the directives detailed in our orders properly, and we expect Christi to do so, as well, going forward. Nevertheless, in the interest of administrative efficiency, the Commission will review Christi's filings and, in that, alter the final tariff approval process detailed in the

Finding and Order. We note that the revised tariffs filed by Christi properly conform to the directives set forth in the Finding and Order, and the customer notice, as filed, is reasonable; therefore, the customer notice and revised tariffs are approved. Although mailed without approval, we note that the customer notices advised customers that the new rates would be effective on November 1, 2021, three days after the notices were mailed. In spirit, the timing of the effective date aligns with the Finding and Order's directive that, if special mailing was used to notify customers, then the effective date of the new tariffs would be three days after such notices were mailed, which, in this case, would be November 1, 2021. The three-day timeline for the effective date holds true only if the final tariffs were filed with the Commission. Here, we will consider the October 29, 2021 revised tariff filing as the filing of final tariffs in this matter. Accordingly, the effective date of the final tariffs is November 1, 2021. As indicated in the Finding and Order, the new tariffs shall be applicable to all service rendered on or after the effective date. Finding and Order at ¶ 29.

III. ORDER

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That Christi's customer notice be approved. It is, further,

{¶ 20} ORDERED, That Christi's tariffs conform with the Finding and Order in this case, be approved, and be considered final. It is, further,

{¶ 21} ORDERED, That the effective date of the new tariffs is November 1, 2021. The new tariffs shall be applicable to all service rendered on or after the effective date. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

MJS/hac

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

11/3/2021 2:09:52 PM

in

Case No(s). 20-1428-WW-AIR

Summary: Entry approving Christi Water System, Inc.'s tariffs and customer notice filed in this case and setting the effective date of the tariffs as November 1, 2021. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio