

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE EMERGENCY
APPLICATION OF CARROLL TOWNSHIP
TREATMENT SERVICES, LLC FOR AN
INCREASE IN ITS RATES AND CHARGES
FOR SEWAGE DISPOSAL SYSTEM
SERVICE.

CASE NO. 20-1322-ST-AEM

SUPPLEMENTAL FINDING AND ORDER

Entered in the Journal on November 3, 2021

I. SUMMARY

{¶ 1} The Commission determines that the emergency rate relief request filed by Carroll Township Treatment Services, LLC be dismissed with prejudice at this time as discussed further herein.

II. DISCUSSION

{¶ 2} Carroll Township Treatment Services, LLC (CTTS or Applicant) is a sewage disposal system company as defined by R.C. 4905.03(M) 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} On April 8, 2020, the Commission issued an Opinion and Order in Case No. 18-889-ST-AIR, granting CTTS's application to increase rates and charges allowing a return of 9.05 percent for sewage disposal system services rendered in Carroll Township. *In re Carroll Township Treatment Services, LLC*, Case No. 18-889-ST-AIR, Opinion and Order (Apr. 8, 2020). As part of the Commission's April 8, 2020 Opinion and Order, CTTS was required to refund \$20,691 to customers over an 18-month period to correct for past overcharges and also to rerate Wild Wings Inc.'s bills based on the Carroll Water and Sewer District water meter. On April 22, 2020, CTTS filed compliance tariffs with the new rate effective on bills rendered after April 30, 2020.

{¶ 4} R.C. 4909.16 provides that, when the Commission deems it necessary to prevent injury to the business or interests of the public or of any public utility of this state

in case of any emergency to be judged by the Commission, it may temporarily alter, amend, or, with the consent of the public utility concerned, suspend any existing rates, schedules, or order relating to or affecting any public utility or part of any public utility in this state.

{¶ 5} On July 29, 2020, CTTS filed an emergency application in this case. CTTS sought approval, pursuant to R.C. 4909.16, to increase its rates for sewage disposal service. In its application CTTS asserted that its current rates as approved in Case No. 18-889-ST-AIR did not provide sufficient income for its utility service to continue to operate. CTTS attached a number of exhibits that it felt supported its request, including its proposed rates and charges (Exhibit 1), a copy of its current rates (Exhibit 2), the Applicant's most recent annual report filed with the Commission (Exhibit 3), and the Applicant's most recent federal income tax return (Exhibit 4). CTTS initially requested that it be permitted to (i) increase rates from \$1.3019 per hundred gallons to \$2.31728 per hundred gallons, and (ii) suspend the refunding of overcharges for a reasonable period of time to allow CTTS to return to solvency.

{¶ 6} On October 9, 2020, Staff filed its review and recommendation. Staff concluded that it currently lacked sufficient information from CTTS to develop a full recommendation on the request for an emergency rate increase. Staff therefore recommended that this case be held in abeyance and that the Commission direct CTTS to file, within 30 days, an application to increase base rates pursuant to R.C. 4909.18. Staff further stated that should further investigation reveal that emergency rate relief is appropriate, Staff would file a recommendation for such relief at that time.

{¶ 7} By Finding and Order issued November 4, 2020, the Commission adopted Staff's recommendations and put the emergency rate relief request in abeyance until such time as the Commission otherwise ordered.

{¶ 8} On October 13, 2020, in Case No. 20-1585-ST-AIR, *In re Carroll Township Treatment Services, Inc. (Rate Case)*, CTTS filed an application for an increase in rates and charges as recommended by Staff and adopted by the Commission.

{¶ 9} In an Opinion and Order issued on May 5, 2021 in the *Rate Case*, the Commission approved a return of 8.80 percent for sewage disposal services rendered by CTTS in Carroll Township.

{¶ 10} On September 24, 2021 in this case, Case No. 20-1322-ST-AEM, Staff recommended that the Commission dismiss the emergency rate case with prejudice as moot in light of the May 5, 2021 Opinion and Order in the *Rate Case* proceeding.

{¶ 11} The Commission agrees with the Staff recommendation. Accordingly, Case No. 20-1322-ST-AEM is dismissed with prejudice.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That this matter, Case No. 20-1322-ST-AEM, be dismissed with prejudice in accordance with Paragraph 11. It is, further,

{¶ 14} ORDERED, That nothing in this Supplemental 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,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JRJ/mef

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in

Case No(s). 20-1322-ST-AEM

Summary: Finding & Order determining that the emergency rate relief request filed by Carroll Township Treatment Services, LLC be dismissed with prejudice at this time as discussed further herein. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio