

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application of)
Aqua Ohio, Inc. and Aqua Ohio) 23-0175-WS-AAC
Wastewater, Inc. to Amend Certificate of)
Public Convenience and Necessity)

In the Matter of the Joint Application of)
Aqua Ohio, Inc. and Aqua Ohio) 23-0176-WS-ATA
Wastewater, Inc. to Amend Tariff)

APPLICATION

In accordance with R.C. 4933.25, R.C. 4905.30, and Ohio Adm. Code 4901:1-15-07, Aqua Ohio, Inc. (“Aqua”) and Aqua Ohio Wastewater, Inc. (“AWI”) (collectively, the “Aqua Entities”) hereby request that the Commission approve (1) the amendment of Aqua’s Certificate of Public Convenience and Necessity No. 12 and AWI’s Certificate of Public Convenience and Necessity No. 1 to expand the territory served by the Aqua Entities’ Franklin Division, Lake Darby Service Areas, and (3) the revision of Aqua’s Tariff P.U.C.O. No. 2 (the “Aqua Tariff”) and the revision of AWI’s Tariff P.U.C.O No. 1 (the “AWI Tariff”) (collectively with the Aqua Tariff, the “Tariffs”).

For the reasons identified herein, the Aqua Entities believe that it is not necessary for the Commission to hold a public hearing under R.C. 4933.25. The Aqua Entities also 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). In support of this Application, the Aqua Entities state as follows:

1. Aqua is a “public utility” and a “waterworks company” as defined in R.C. 4905.02(A) and 4905.03(G). As such, Aqua is subject to the Commission’s jurisdiction in accordance with R.C. 4905.04, 4905.05, and 4905.06.

2. AWI is a “public utility” and a “sewage disposal system company” as defined in R.C. 4905.02(A) and 4905.03(M). As such, AWI is subject to the Commission’s jurisdiction in accordance with R.C. 4905.04, 4905.05, and 4905.06.

3. The Aqua Entities are currently authorized to provide waterworks and sewage disposal service to customers in various counties in Ohio in accordance with several existing certificates of public convenience and necessity. Aqua provides waterworks service to portions of Franklin County, Ohio, including subdivisions in Lake Darby, through its Certificate of Public Convenience and Necessity No. 12, which was issued pursuant to Case Nos. 12-0720-WS-CAN, 12-0721-WS-ATC, and 12-0722-WS-ATA and amended most recently pursuant to Case No. 20-1198-WS-AAC. AWI provides sewage disposal service to portions of Franklin County, Ohio, including subdivisions in Lake Darby, through its Certificate of Public Convenience and Necessity No. 1, which was issued pursuant to Case Nos. 16-1848-ST-ACE and 16-1849-ST-ATC, and amended most recently pursuant to Case No. 20-1199-WS-AAC.

4. The Aqua Entities currently serve customers, including customers in Franklin County, Ohio, under the terms and conditions of their respective Tariffs. The Tariffs includes a map of the subdivisions in Lake Darby in Franklin County, Ohio, in which the Aqua Entities are authorized to provide service, which is designated Franklin Division Lake Darby Service Area. *See*, Aqua P.U.C.O. Tariff No. 2, Section 5, Original Sheet No. 10 and AWI P.U.C.O. Tariff No. 1, Section 5, Original Sheet No. 3.

5. Girl Scouts of Ohio’s Heartland (“GSOH”) owns a property in Lake Darby adjacent to the Aqua Entities’ service area and is seeking to secure water and wastewater

service for improvement of the GSOH's Camp Ken Jockey. A copy of GSOH's request for service from the Aqua Entities is attached hereto as **Exhibit A**.

**APPLICATION TO AMEND CERTIFICATES OF
PUBLIC CONVENIENCE AND NECESSITY**

6. As required by Ohio Adm. Code 4901:1-15-5(D)(18) and (D)(19), there is a present and continuing need by GSOH in the Aqua Entities' Lake Darby Service Area for reliable and efficient water and wastewater service. There is no current service, and no existing agency, publicly or privately owned or operated that has to date been able to economically and efficiently provide the facilities and services needed by GSOH which is the subject of this Application.

7. In accordance with R.C. 4933.25 and Ohio Adm. Code 4901:1-15-07(A), AWI requests the amendment of its Certificate of Public Convenience and Necessity No. 1 and Aqua requests the amendment of its Certificate of Public Convenience and Necessity No. 12 (collectively, the "Certificates"), which authorize service to portions of Franklin County, Ohio, including Lake Darby, to add the land owned by GSOH.

8. In accordance with Ohio Adm. Code 4901:1-15-07(B)(1), the Aqua Entities state that no additional construction (excluding main extensions) will be necessary to serve the amended service territory.

9. Ohio Adm. Code 4901:1-15-07(B) also requires the applicant to update information required by Ohio Adm. Code 4901:1-15-05, "[i]f the event requiring the certificate to be amended results in a change in the information * * * ." The Aqua Entities state that the only information that changed as a result of the Certificates' amendment are addressed below.

10. Ohio Adm. Code 4901:1-15-05(D)(6) requires a metes and bounds description to be filed with the Application describing the area in which service is to be rendered pursuant to the authority sought. Ohio Adm. Code 4901:1-15-05(D)(6) also requires that the Application include a map based on upon the metes and bounds description. **Exhibit B** to the Application is the prepared metes and bounds description of the area in which service is to be rendered in accordance with the authority sought. The Aqua Entities have also included proposed revised tariff pages containing the map of the service area as **Exhibit C** (Aqua) and **Exhibit D** (AWI). Both the metes and bounds description and the maps correctly reflect the service area served by the Aqua Entities and the territory requested to be added by this Application.

11. Ohio Adm. Code 4901:1-15-05(D)(5) requires a tariff to be filed with the Application setting forth all of applicants proposed rates, charges, and rules and regulations. Regarding rates, upon approval of the Application, the Aqua Entities will provide waterworks and wastewater service in accordance with its currently approved rates and schedules in its Tariffs for its customers in Franklin County, Ohio.

APPLICATION FOR APPROVAL OF TARIFF

12. Aqua also requests that the Commission approve the Aqua Entities' new Tariffs, in accordance with R.C. 4905.30, for provision of service to the Village. The proposed Tariffs are attached hereto as Exhibit C and D.

13. The Tariffs meets all minimum contents of a waterworks tariff and sewage disposal system company tariff as delineated by Ohio Adm. Code 4901:1-15-15.

14. Upon approval of the Application, the Aqua Entities will provide waterworks and wastewater service to GSOH's Camp Ken Jockey in accordance with its currently approved rates and schedules in its Tariffs for its customers in Franklin County, Ohio.

15. The only revision to the Tariffs are to the map showing the boundaries of the Franklin Division, Lake Darby Service Area. Redline and clean copies of those Tariff pages are attached hereto.

REQUEST FOR WAIVER OF NOTICE AND HEARING

16. Aqua requests that the Commission approve the Application without requiring the provision of public or legal notice and without requiring any hearing that may be contemplated under any applicable statute or Commission rule, including Ohio Adm. Code 4901:1-15-04 and Ohio Adm. Code 4901:1-15-05.

17. The Application seeks to amend the Certificates and Tariffs to expand the existing territory in Franklin County, Ohio to which the Aqua Entities already provide services. In addition, the proposed amendments to the Certificates do not seek to change any rate, charge, requirement, or condition to the Certificates and Tariffs 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 Entities believe it is not necessary for the Commission to hold a public hearing under R.C. 4933.25.

18. Granting the requested waiver of legal or public notice and hearings under Ohio Adm. Code 4901:1-15-04 and Ohio Adm. Code 4901:1-15-05 will minimize the cost and expense of preparing and processing this Application and will not hinder the Commission's review of the Application. In similar circumstances, the Commission has waived the requirement of publishing notice and holding a hearing. *See, In the Matter of the*

Application of Aqua Ohio, Inc. to Purchase the Assets and Properties of the City of Campbell and to Amend the Certificate of Public Convenience and Necessity No. 35, Case Nos. 19-1610-WS-UNC and 19-1611-WS-AAC, Finding & Order (Dec. 18, 2019).

19. For the reasons identified herein, Aqua also believes that a hearing is not necessary under R.C. 4933.25.

20. The Aqua Entities also 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). Granting the required waiver of public and legal notice requirements under the Commission's rules will minimize the cost and expense of preparing and processing this Application. Conversely, the costs of notice by publication would provide no apparent benefit to the Aqua Entities' existing customers in Franklin County, Ohio. Because only GSOH will be directly affected by the Application, the Aqua Entities propose that written notice be provided only to GSOH, if deemed necessary by the Commission.

21. The following are provided in support of the Application, as detailed above:

Exhibit A: Letter requesting service by GSOH

Exhibit B: Metes and Bounds Description, same for both Aqua and AWI

Exhibit C: Proposed Tariff Pages with Map of Service Area, Aqua

Exhibit D: Proposed Tariff Pages with Map of Service Area, AWI

WHEREFORE, Aqua and AWI respectfully request that the Commission approve this Application as submitted and grant all other necessary and proper relief.

[Attorney signature on following page]

Dated: March 6, 2023

Respectfully submitted,

/s/ Nicole R. Woods

Christopher L. Miller (0063259)

Nicole R. Woods (0084865)

ICE MILLER LLP

250 West Street, Ste. 700

Columbus, Ohio 43215

T: 614-462-2700

Christopher.Miller@icemiller.com

Nicole.Woods@icemiller.com


(Counsel willing to accept service by email.)

Attorneys for Aqua Ohio, Inc.

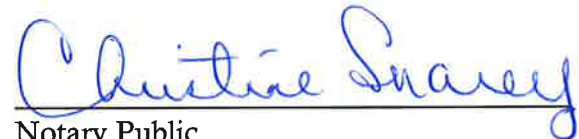
VERIFICATION

STATE OF OHIO :
: SS
COUNTY OF MAHONING :

Before me, a Notary Public for the State of Ohio, personally appeared Robert L. Davis, who first having been sworn, deposed and said that he is the President of Aqua Ohio, Inc. and Aqua Ohio Wastewater, Inc., that he has read the foregoing Application, and that the statements set forth therein are true and accurate to the best of his knowledge and belief.

By: 
Robert L. Davis
President, Aqua Ohio, Inc. and
Aqua Ohio Wastewater, Inc.

Subscribed and sworn before me, a notary public, this 3rd day of March, 2023.


Notary Public
My commission expires: May 11, 2024



**CHRISTINE SNAREY
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
May 11, 2024**

EXHIBIT A



September 7, 2022

Aqua Ohio
5481 Buenos Aire Blvd.
Westerville, Ohio 43081

To whom it may concern,

As you are aware, Girl Scouts of Ohio's Heartland is embarking on a capital improvements project that includes adding additional facilities to our Camp. Our property borders your current service area on the south, and we wish to tie into water service and sanitary service with AQUA. We have an anticipated connection date sometime in the Fall of 2023. We have released our Civil Engineer IBI on surveying and design services in order to complete this main line extension project. We appreciate all your time thus far in this process to help us understand the requirements and services available to the camp.

Girl Scouts of Ohio's Heartland
1700 Watermark Drive
Columbus, OH 43215
614-487-8101

Chillicothe Service Center
1130 Western Ave.
Chillicothe, OH 45601
740-773-2146

Marion Service Center
1713 Marion-Mt. Gilead Road
Suite 208
Marion, OH 43302
740-389-2528

Molly Lauman Service Center
9130 Big Bear Creek Road
P.O. Box 179
Lucasville, OH 45648
740-353-2579

Mansfield Service Center
24 W. Third Street
Suite 110
Mansfield, OH 44902
419-522-0391

Zanesville Service Center
3230 Bowers Lane
Zanesville, OH 43701
740-454-8563

gsoh.org
@GirlScoutsOH
@GirlScoutsOH
/GirlScoutsOH
/GirlScoutsOH

Thank you,

A handwritten signature in black ink, appearing to read "Brian Quibell", written over a horizontal line.

Brian Quibell
Girl Scouts of Ohio's Heartland
Properties Director
(614) 487-8101 Ext. 8868
bquibell@gsoh.org

EXHIBIT B

AQUA OHIO, INC & AQUA OHIO WASTEWATER, INC.
FRANKLIN COUNTY DIVISION
LAKE DARBY DISTRICT
TO BE THE CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY

Beginning at a point in Prairie Township, Franklin County in the State of Ohio made by the intersection of the centerlines of Hubbard Road and Dellinger Road;

Thence in an easterly direction, approximately 2,041 feet along the centerline of Dellinger Road to a point made by the intersection of the centerlines of Dellinger Road and the extension of the shared property line of parcels 241-000204 and 241-001149;

Thence in a northerly direction, approximately 1,086 feet along the extension of the shared property line of parcels 241-000204 and 241-001149 to the northwest corner of parcel 241-001179;

Thence in an easterly direction, approximately 1,333 feet along the south property line of parcel 120-000332 to the northeast corner of parcel 241-001195;

Thence in a southerly direction, approximately 1,891 feet along the extension of the shared property line of parcels 241-001195 and 120-000749, crossing Dellinger Road to the southwest corner of parcel 120-000873;

Thence in an easterly direction, approximately 3,635 feet along the extension of the shared property line of parcels 120-000873 and 120-000700 to a point made by the intersection of the extension of the shared property line of parcels 120-001211 and 120-000817 and the centerline of Amity Road;

Thence in a southerly direction, approximately 1,663 feet along the centerline of Amity Road, crossing Feder Road to a point made by the extension of the shared property line of parcels 120-001008 and 120-000807 and the centerline of Amity Road;

Thence in a westerly direction, approximately 989 feet along the shared property line of parcels 120-001008 and 120-000807 to the northwest property corner of parcel 120-000807;

Thence in a southerly direction, approximately 134 feet along the western property line of parcel 120-000807 to the southwest property corner of parcel 120-000807;

Thence in a westerly direction, approximately 372 feet along the southern property line of parcel 120-000810 to a property corner of parcel 120-000810;

Thence in a westerly direction, approximately 1,689 feet along the extension of the shared property line of parcels 120-000810 and 120-000056 to the northwest property corner of parcel 241-000575;

Thence in a southeasterly direction, approximately 2,865 feet along the extension of the shared property line of parcels 120-000060 and 241-000575 to a point made by the extension of the shared property line of parcels 120-000060 and 241-000575 and the northern right-of-way of the railroad;

Thence in a westerly direction, approximately 493 feet along the northern right-of-way line of the railroad to a point made by the shared property lines of parcels 240-000018 and 240-006862 and the northern right-of-way line of the railroad;

Thence in a southern direction, approximately 3,877 feet along the shared property line of parcels 240-000018 and 240-006862 to a point made by the shared property lines of 240-000018 and 240-006862 and the centerline of West Broad Street (National Road 40);

Thence in a westerly direction, approximately 1,604 feet along the centerline of West Broad Street (National Road 40) to a point made by the intersection of the eastern property line of 240-000141 and the centerline of West Broad Street (National Road 40);

Thence in a northwesterly direction, approximately 2,450 feet along the eastern property line of parcels 240-000141 to the northeastern property corner of parcel 240-000141;

Thence in a westerly direction, approximately 1,097 feet along the shared property line of parcels 240-000141 and 240-005738 to northwestern property corner of parcel 240-000141;

Thence in a southeasterly direction, approximately 2,209 feet along the western property line of parcel 240-000141 to a point made by the extended western property line of parcel 240-000141 and the centerline of West Broad Street (National Road 40);

Thence in a westerly direction, approximately 3,366 feet along the center line of West Broad Street (National Road 40), crossing Hubbard Road to a point made by the intersection of West Broad Street (National Road 40) and the stream Big Darby Creek;

Thence in a northerly direction, approximately 14,180 feet along the stream Big Darby Creek, crossing the railroad to the northwestern corner of parcel 120-000168 in the stream Big Darby Creek;

Thence in a northeasterly direction, approximately 1,534 feet along the northern property line of parcel 120-000168 to a point created by the intersection of parcels 120-000046, 120-000168, and the center line of Roberts Road;

Thence in a southeasterly direction, approximately 1,176 feet along the centerline of Roberts Road to a point created by the intersection of the centerlines of Roberts Road and Roberts Road.

Thence in a southerly direction, approximately 4,452 feet along the centerline of Hubbard Road to the Point of Beginning at the intersection of the centerlines of Hubbard Road and Dellinger Road.

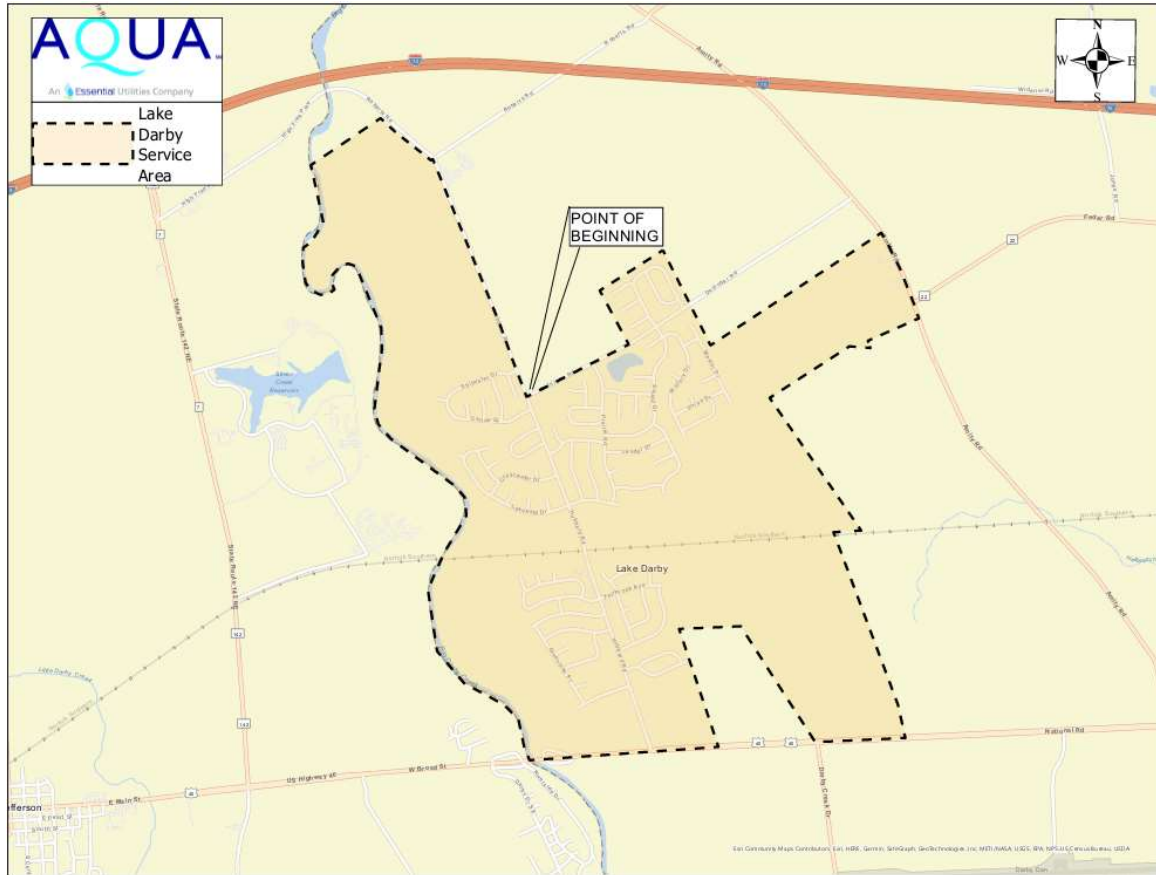
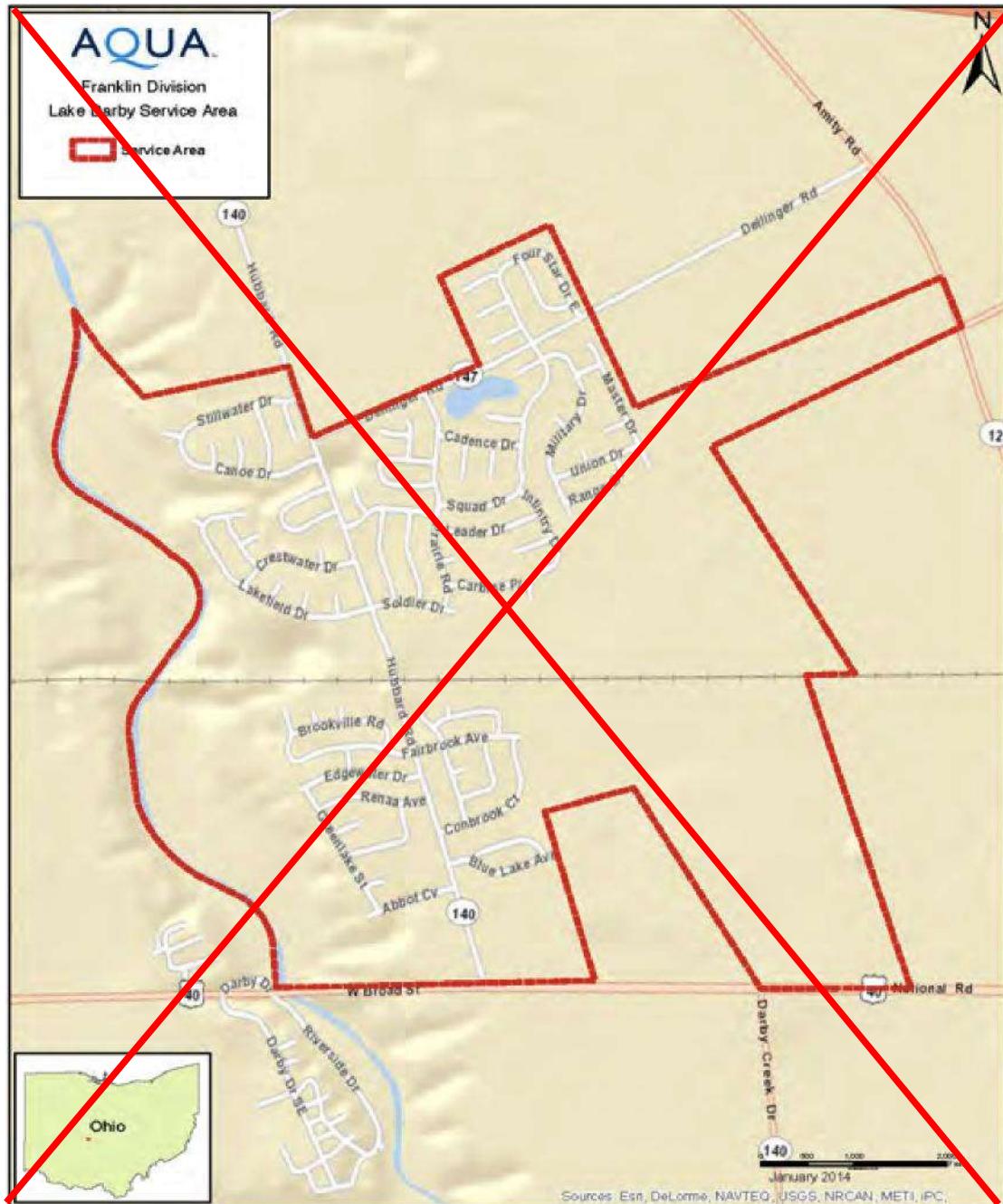


EXHIBIT C

P.U.C.O. Tariff No. 2

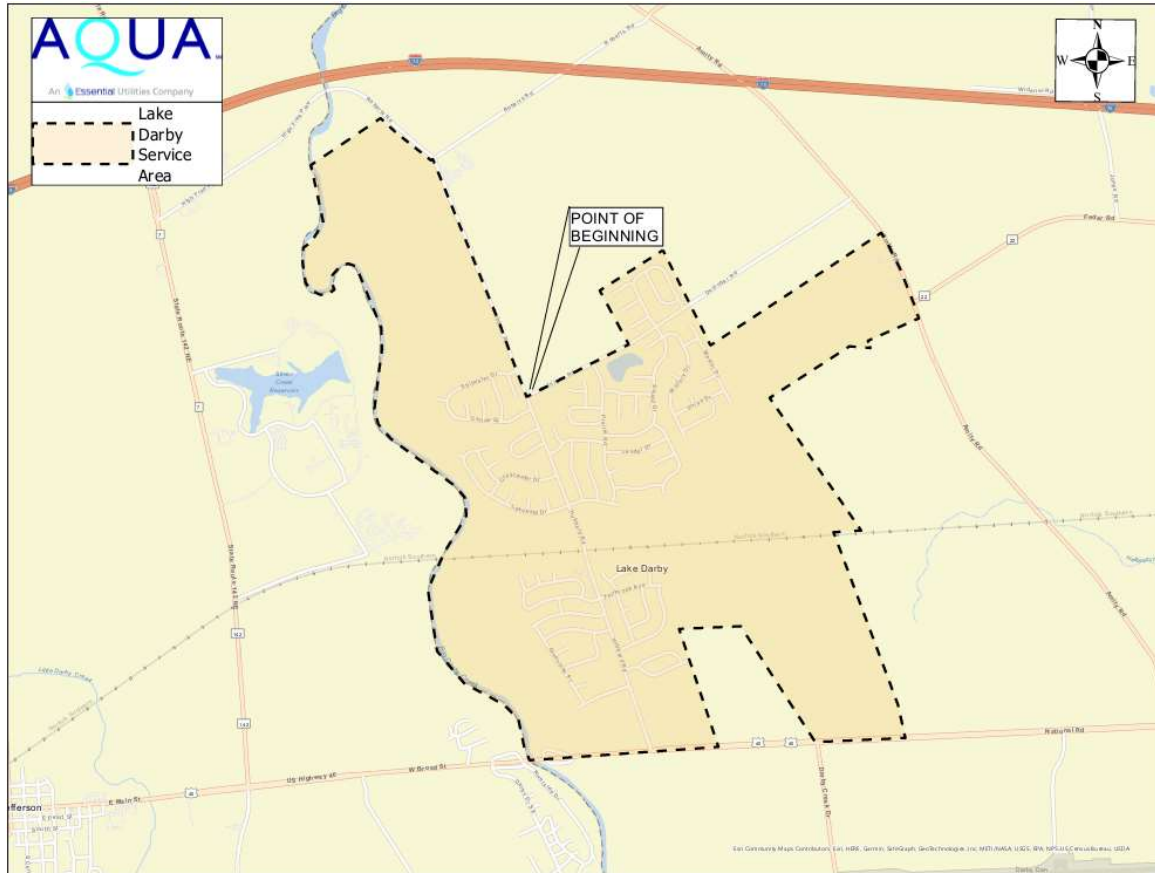


Issued: July 14, 2015

Effective: July 14, 2015

Issued by Edmund Kolodziej, Jr., President and COO, Aqua Ohio, Inc.
In accordance with the Public Utilities Commission of Ohio
Order Dated July 1, 2015 for Case No. 15-403-WW-ATA
Aqua Ohio, Inc. Section 5

P.U.C.O. Tariff No. 2



Issued: July 14, 2015

Effective: July 14, 2015

Issued by Edmund Kolodziej, Jr., President and COO, Aqua Ohio, Inc.
In accordance with the Public Utilities Commission of Ohio
Order Dated July 1, 2015 for Case No. 15-403-WW-ATA

EXHIBIT D

P.U.C.O. Tariff No. 1



Issued: November 21, 2017

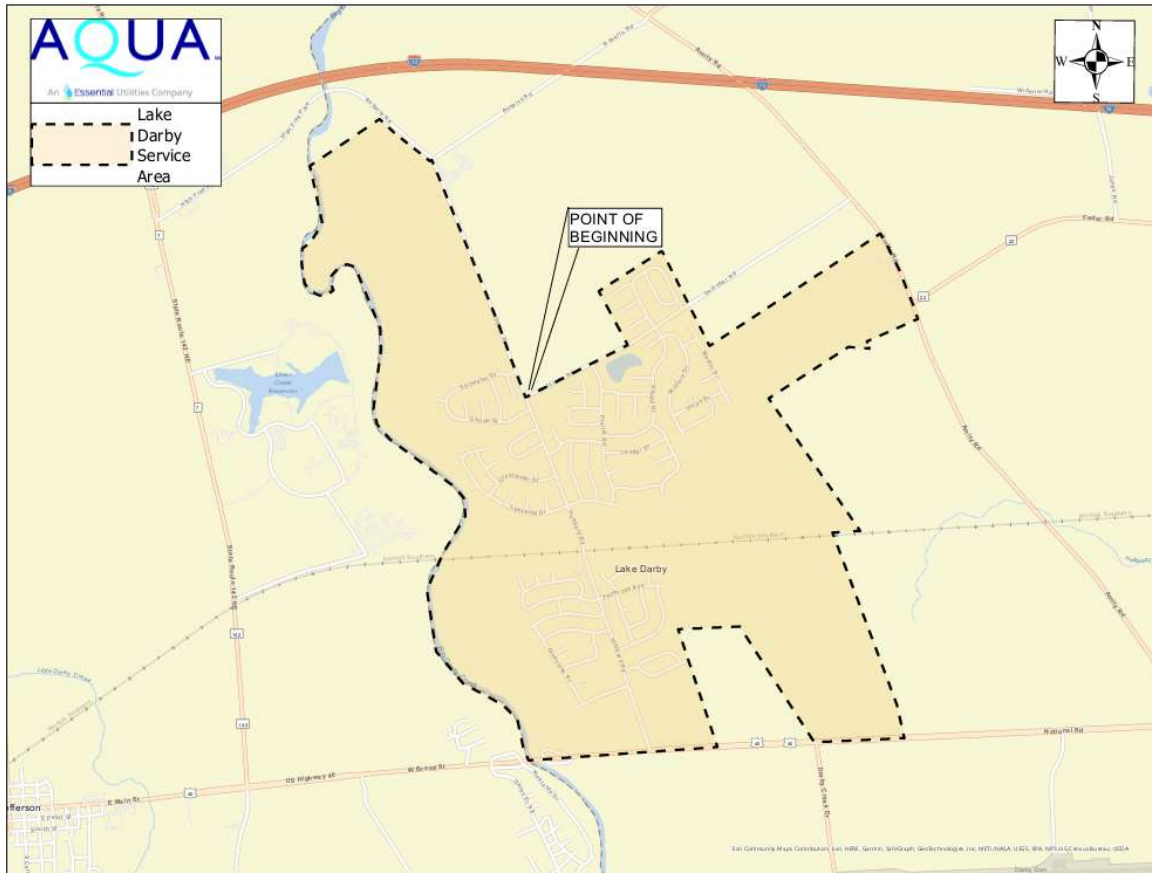
Effective: November 21, 2017

Issued by Edmund Kolodziej, Jr., President, Aqua Ohio Wastewater, Inc.
In accordance with the Public Utilities Commission of Ohio
Order Dated November 8, 2017 for Case No. 16-1848-ST-ACE

Aqua Ohio Wastewater, Inc.
6650 South Avenue
Boardman, OH 44512

Section 5
Original Sheet No. 3

P.U.C.O. Tariff No. 1



Issued: November 21, 2017

Effective: November 21, 2017

Issued by Edmund Kolodziej, Jr., President, Aqua Ohio Wastewater, Inc.
In accordance with the Public Utilities Commission of Ohio
Order Dated November 8, 2017 for Case No. 16-1848-ST-ACE

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

3/6/2023 10:31:48 AM

in

Case No(s). 23-0175-WS-AAC

Summary: Application to Amend Certificate of Public Convenience and Necessity electronically filed by Ms. Nicole R. Woods on behalf of Aqua Ohio, Inc. and Aqua Ohio Wastewater, Inc.