

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Aqua Ohio :
Wastewater to Increase Its :Case No. 22-1096-ST-AIR
Rates and Charges For Its :
Wastewater Service. :

- - -

PROCEEDINGS

before Jay S. Agranoff and Clint White, Attorney
Examiners, at the Public Utilities Commission of
Ohio, 180 East Broad Street, Room 11-D, Columbus,
Ohio, called at 10:25 a.m. on Monday, October 16,
2023.

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- - -

APPEARANCES:

Ice Miller, LLP
By Mr. Christopher L. Miller and
Ms. Nicole R. Woods
250 West Street, Suite 700
Columbus, Ohio 43215
Christopher.miller@icemiller.com
Nicole.woods@icemiller.com

On behalf of the Company.

Office of Ohio Consumers' Counsel
Maureen Willis, Ohio Consumers' Counsel
By Ms. Angela O'Brien
Assistant Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215

On behalf of the Residential Customers
of Aqua Ohio Wastewater.

Dave Yost, Ohio Attorney General
By Ms. Rhiannon Howard
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 26th Floor
Columbus, Ohio 43215

On behalf of the Staff of the Public
Utilities Commission of Ohio.

Also present:

Kimberly Joyce, Vice President, Regulatory,
Legislative Affairs & Corporate Secretary,
Essential Utilities.

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Monday Morning Session,
October 16, 2023.

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EXAMINER AGRANOFF: Let's go back on the
record.

Pursuant to the Entry of September 1st,
2023, the Public Utilities Commission of Ohio has
scheduled for hearing at this time and place Case No.
22-1096-ST-AIR, which is captioned In the Matter of
the Application of Aqua Ohio Wastewater,
Incorporated, To Increase Its Rates and Charges For
Its Wastewater Service.

My name is Jay Agranoff, with me is
Mr. Clint White, and we are the Attorney-Examiners
assigned by the Commission to preside over this
matter.

At this point in time we will take the
appearances of the parties.

On behalf of the Applicant.

MR. MILLER: Good morning, your Honors.
On behalf of the Applicant, Christopher L. Miller and
Nicole R. Woods of the law firm of Ice Miller, LLP,
250 West Street, Columbus, Ohio 43215.

And also appearing with us this morning
is Kimberly Joyce, Vice-President of Regulatory and

1 Government Affairs for Essential Utilities.

2 EXAMINER AGRANOFF: Thank you.

3 On behalf of the Ohio Consumers'
4 Counsel.

5 MS. O'BRIEN: Good morning, your Honors.
6 On behalf of the Office of the Ohio Consumers'
7 Counsel, Ohio Consumers' Counsel Maureen Willis,
8 Deputy Consumers' Counsel Angela D. O'Brien, 65 East
9 State Street, Suite 700, Columbus, Ohio 43215.

10 EXAMINER AGRANOFF: Thank you.

11 On behalf of the Staff of the
12 Commission.

13 MS. HOWARD: Thank you, your Honors.

14 On behalf of the Staff of the Public
15 Utilities Commission of Ohio, Dave Yost, Ohio
16 Attorney General, John H. Jones, Section Chief,
17 Public Utilities Section, by Assistant Attorney
18 General Rhiannon Howard, 30 East Broad Street, 26th
19 Floor, Columbus, Ohio 43215.

20 EXAMINER AGRANOFF: Thank you.

21 Before we proceed I'd like to note that
22 we had a motion for a protective order that had been
23 filed in Case No. 22-1096-ST-AIR. It was filed on
24 October 3rd, 2023.

25 It was in reference to the portions of

1 the Auditor Report that had been filed on July 13th,
2 2023, in this particular matter.

3 There were no objections filed in
4 respect to the motion for protective treatment, and
5 therefore those portions of the Auditor Report that
6 were addressed in the motion shall be granted
7 protected treatment at this time.

8 And if there's nothing further that
9 needs to be addressed before we call Mr. Davis, I
10 will turn it over to counsel for the calling of the
11 first witness.

12 MR. MILLER: The Company would call
13 Robert Davis to the stand.

14 EXAMINER WHITE: Please raise your right
15 hand. Do you swear or affirm the testimony you're
16 about to give is the truth?

17 MR. DAVIS: I do.

18 EXAMINER WHITE: Please have a seat.

19 EXAMINER AGRANOFF: Actually, before we
20 have Mr. Davis provide his testimony, if we'd like to
21 mark the exhibits at this point in time, that way
22 we'll have the ability to reference to those
23 exhibits.

24 MS. HOWARD: Thank you, your Honor.

25 With that, I would start by marking

Joint Exhibit 1 -- and for reference for the rest of the exhibits, I will be looking at page 4 of Joint Exhibit 1.

For Joint Exhibit 1.0, Stipulation and Recommendation, Joint Exhibit 2.0, Stipulation Schedules, Joint Exhibit 3.0, Revised Tariffs, Joint Exhibit 4.0, Customer Notices.

AWI Exhibit 1.0, Direct testimony of Robert Davis, AWI Exhibit 2.0, Direct Testimony of Bradley H. Shaw, AWI Exhibit 3.0, Direct Testimony of Nicholas A. Sanford, AWI Exhibit 4.0, Direct Testimony of Dylan D'Ascendis, AWI Exhibit 5.0, Supplemental Direct Testimony of Dylan D'Ascendis, AWI Exhibit 6.0, Direct Testimony of Constance Heppenstall, AWI Exhibit 7.0, Direct Testimony of Daniel T. Franceski.

There is a typographical error in the next one in the Joint Stipulation. It should be marked AWI Exhibit 8.0, Application Filed on December 30th, 2022.

Staff Exhibit 1.0, Staff Report filed on July 13th, 2023, Staff Exhibit 2.0, Audit Report filed on July 13th, 2023.

OCC Exhibit 1.0, Direct Testimony of Bion Ostrander, OCC Exhibit 2.0, Direct Testimony of

1 Zhen Zhu, Ph.D., and to premark AWI Exhibit 9.0 as
2 Supplemental Testimony of Robert Davis.

3 EXAMINER AGRANOFF: The aforementioned
4 exhibits will be so marked.

5 (EXHIBITS MARKED FOR IDENTIFICATION.)

6 MS. HOWARD: Thank you, your Honor.

7 EXAMINER AGRANOFF: You're welcome.

8 Now, Mr. Miller.

9 MR. MILLER: Thank you, your Honor.

10 - - -

11 ROBERT L. DAVIS

12 being first duly sworn, as prescribed by law, was
13 examined and testified as follows:

14 DIRECT EXAMINATION

15 By Mr. Miller:

16 Q. Good morning, Mr. Davis.

17 A. Good morning.

18 Q. For the record, will you state your full
19 name, title, and your business address?

20 A. Yes. Robert L. Davis. My business
21 address is 6650 South Avenue, Boardman, Ohio 44512,
22 and I am the President and CEO of Aqua Ohio, Inc.,
23 Aqua Ohio Wastewater.

24 Q. And, Mr. Davis, you're aware we're here
25 today to discuss what we have informally been

1 referring to as the sewer case, which is
2 22-1096-ST-AIR in the PUCO docket?

3 A. Yes.

4 Q. And I believe you filed testimony in
5 that case, both Direct Testimony and Supplemental
6 Direct Testimony; is that true?

7 A. Yes.

8 Q. Do you have copies of those two
9 documents with you today?

10 A. I do.

11 Q. Do you have any alterations,
12 modifications, or amendments to those?

13 A. I do not.

14 Q. And then there is a prefiled Stipulation
15 in this case. Do you have a copy of that with you?

16 A. I do.

17 MR. MILLER: Your Honor, I would offer
18 the witness for cross-examination.

19 EXAMINER AGRANOFF: Thank you.

20 And similar to our conversations that we
21 had relative to the Aqua Ohio hearing that we just
22 held earlier today, I believe the parties have agreed
23 to waive cross-examination?

24 MS. O'BRIEN: That is correct for OCC.

25 MS. HOWARD: Same for Staff, your Honor.

1 EXAMINER AGRANOFF: Okay. Thank you.

2 - - -

3 EXAMINATION

4 By Examiner Agranoff:

5 Q. Mr. Davis, I only have one question for
6 you relative to this proceeding.

7 A. Okay.

8 Q. And it's -- specifically I just wanted
9 to just clarify the record.

10 I know that in the Aqua Ohio proceeding
11 we had talked about -- or had a discussion regarding
12 the bill assistance program for Aqua Ohio.

13 A. Yes.

14 Q. Is there not a similar type of
15 assistance program applicable to Aqua Wastewater?

16 A. No, there is not.

17 EXAMINER AGRANOFF: That's the only
18 question that I have. Any followup?

19 MS. HOWARD: No, your Honor.

20 MS. O'BRIEN: No, your Honor.

21 MR. MILLER: No, your Honor.

22 EXAMINER AGRANOFF: Thank you,
23 Mr. Davis.

24 (Witness excused.)

25 EXAMINER AGRANOFF: Counsel care to move

1 into admission --

2 MS. HOWARD: Yes, your Honor. Staff
3 would ask at this time that all the exhibits be moved
4 into the record subject to anyone's objection.

5 EXAMINER AGRANOFF: Any objections?

6 MR. MILLER: No objection.

7 MS. O'BRIEN: No objection.

8 EXAMINER AGRANOFF: There being no
9 objection, the aforementioned exhibits shall be
10 admitted as part of the record at this time.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 EXAMINER AGRANOFF: Is there anything
13 further we need to discuss? If not, thank you,
14 everybody, for being here. We are adjourned.

15 (Thereupon, the hearing was
16 adjourned at 10:40 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the proceedings
taken by me in this matter on Monday, October 16,
2023, and carefully compared with my original
stenographic notes.

Valerie J. Grubaugh,
Court Reporter and Notary
Public in and for the State
of Ohio.

My commission expires August 11, 2026.

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

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in

Case No(s). 22-1096-ST-AIR

Summary: Transcript October 16th 2023 In the Matter of the Application of Aqua
Ohio Wastewater to Increase Its Rates and Charges For Its Wastewater Service.
electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and
Grubaugh, Valerie.