

FILE

**Marion City Council  
City of Marion**

233 West Center Street, Marion, Ohio 43301-1822  
(740) 387-4935 Fax: (740) 387-1516  
www.marionohio.org

Phil Reid, President  
Cathy A. Chaffin, Clerk  
Ralph A. Cumston, 1<sup>st</sup> Ward  
John DeVore, 2<sup>nd</sup> Ward  
Michael E. Thomas, 3<sup>rd</sup> Ward  
Deborah L. Blevins, 4<sup>th</sup> Ward  
Mary Ann Doyle, 5<sup>th</sup> Ward  
Dr. James Gilsdorf, 6<sup>th</sup> Ward  
Amy B. Pinnick, At Large  
Aimee M. Davis, At Large  
Scott Schertzer, At Large

4

May 25, 2004

Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793

RE: Ohio American Water Company  
Case No. 03-2390-WS-AIR  
Case No. 04-339-WW-AAM ✓

RECEIVED-DOCKETING DIV  
2004 MAY 25 AM 9:45  
PUCO

Dear Sirs,

Pursuant to Resolution No. 2004-21 as passed by Marion City Council on May 24, 2004, I am enclosing two certified copies of Resolution No. 2004-21 and Ordinance No. 2004-44. On behalf of the City of Marion we are requesting that a copy of each is inserted into the record for each case and that the PUCO notify the City of Marion, through my office as to the date and time for the public hearing on the applications.

If you should have any questions, please do not hesitate to contact me.

Sincerely,



Cathy Chaffin  
Clerk of Council

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business. Technician ASD Date Processed 5/26/04

RECORD OF RESOLUTIONS

0407

Dayton Legal Blank Co., Form No. 30045

Resolution No. 2004-21

Passed MAY 24 2004 YEAR

RESOLUTION REFERENCING COUNCIL'S PREVIOUS ORDINANCE 2004-44 OPPOSING THE OHIO AMERICAN WATER COMPANY'S RATE INCREASE REQUESTS AND HEREIN REQUESTING THE PUBLIC UTILITIES COMMISSION OF OHIO CONDUCT ITS' HEARING UPON SAID APPLICATION WITHIN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Council by passage of Ordinance 2004-44 expressed its opposition to the Ohio American Water Company's two pending rate increase requests, to wit: 03-2390-WS-AIR and 04339-WW-AAM, and

WHEREAS, the Council remains ever vigilant in fighting unwarranted and unjust utility rate increases and desires to ensure the citizens of Marion, Ohio have the opportunity to be heard.

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. the Council for the citizens of Marion, Ohio request the P.U.C.O. conduct all hearings upon said application within the City of Marion, Ohio in order to allow the largest customer base of the Ohio American Water Company the opportunity to hear its supporting evidence and where appropriate, offer evidence counter thereto in order for the Commission to have the true and accurate facts related to the service, product and quality related thereto presented prior to approval or disapproval of the requested increases.

SECTION 2. The Clerk for the Council is directed to forward a true and accurate certified copy of this Resolution and Ordinance 2004-44 to the Public Utilities Commission of Ohio to be inserted in the record in Case Nos. 03-2390-WS-AIR and 04-339-WW-AAM and request the Public Utilities Commission of Ohio to notify the City of Marion, through its Clerk, as to when it will act upon the City's request to hold the hearings upon the application.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof given the need to proceed without delay due to the impending rate increase requests and the need to act without delay as to protect the citizens of Marion from unwarranted increases and the opportunity to be heard; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Phil Reid
PRESIDENT OF COUNCIL

APPROVED: MAY 25 2004

Josh L. Kellogg
MAYOR

ATTEST:

Cathy Chaffin
CLERK OF COUNCIL

Approved As Submitted Pursuant To M.C.C. MARK D. RUSSELL DIRECTOR OF LAW CITY OF MARION

I, Cathy A. Chaffin, Clerk of Council, of the City of Marion, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2004-21, as passed by the legislative authority of Marion, Ohio on the 24th day of May, 2004. In witness whereof, I have hereunto subscribed my name and affixed seal, this 25th day of May, 2004.

Cathy A. Chaffin
Clerk of Marion City Council

RECORD OF ORDINANCES

0411

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-44, Page One

Passed APR 12 2004, 20

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO TAKE ALL NECESSARY ACTIONS, INCLUDING BUT NOT LIMITED TO THE ENTERING INTO OF AGREEMENTS AND CONTRACTS, IN ORDER TO OPPOSE THE OHIO AMERICAN WATER COMPANY'S UNREASONABLE RATE INCREASE REQUESTS, APPROPRIATING NECESSARY FUNDS AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, on the 12th day of March, 2004 the Ohio American Water Company filed two rate cases with the Public Utilities Commission of Ohio requesting an approximate 20% increase in the system's charges. The effect of which the water company estimates will be a \$ 75.00 per annum increase in the average users bill, and

WHEREAS, the Council has been vigilant in opposing unnecessary, excessive and unwarranted utility cost increases at every juncture and finds the current request to be unnecessary, excessive, unwarranted and contrary to the best interests of the users of the Ohio American Water Company system, especially those who reside within the municipal communication, and

WHEREAS, the City was successful in its' last oppoosition case wherein the City was represented by the Law Director and, in that case, Marion enjoyed the benefit of an informal partnership with the firm retained by the City of Tiffin which had been hired to act on Tiffin's behalf, and

WHEREAS, the Council has been asked by the City of Tiffin to share costs associated in the current rate case opposition and enter into a formal partnership agreement in order to create the best possible case opposing the aforementioned rate increases, and

WHEREAS, the Council recognizes the real and present need to continue to investigate and obtain much needed information with specific detail in order to allow for the most informed decision possible in the contemplated condemnation and taking of the water system,

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Mayor is hereby authorized and directed to take all actions necessary to oppose the Ohio American Water P.U.C.O. rate cases, including but not limited to entering into a intergovernmental agreement with the City of Tiffin, Ohio in order to "partner" in the opposition case. The intergovernmental agreement shall provide for terms related to the provision of professional services from the firm of McNees, Wallace and Nurick LLC opposing the rate requests, this being the same firm which had represented the City of Tiffin in the prior successful case. Further, the Mayor is authorized and directed, in concert with the Law Director, to engage the services of firm(s), consultant(s) and/or engineer(s) in order to provide the Council and the City of Marion with a comprehensive analysis/report as to values, rates and costs associated with a taking of the water system.

SECTION 2. The Auditor is authorized and directed to appropriate the necessary funds in the amount not to exceed \$-30,000.00 \$15,000.00 from the general fund to enable the Mayor to complete the acts set forth above.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof; given the immediate need to proceed without delay in opposing excessive and unwarranted rate increases related to the privately held water system in order to provide for an environment of economic growth, opportunities and general well being

I, Cathy A. Chaffin, Clerk of Council, of the City of Marion, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2004-44, as passed by the legislative authority of Marion, Ohio on the 12th day of April, 2004. In witness whereof, I have hereunto subscribed my name and affixed seal, this 25th day of May, 2004.

Cathy A. Chaffin, Clerk of Marion City Council

0447

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

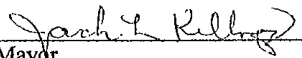
Ordinance No. 2004-44, Page Two

Passed APR 12 2004, 20    

for the citizens of Marion; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

  
\_\_\_\_\_  
President of Council

APPROVED:

  
\_\_\_\_\_  
Mayor

Approved As Submitted Pursuant  
To M.C.C.  
MARK D. RUSSELL  
DIRECTOR OF LAW  
CITY OF MARION

  
\_\_\_\_\_  
Clerk of Council