

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Gary L. Stites	)	Case No. 98-248-ST-ACA
Huntsford Farms Homeowners Association	)	98-249-ST-ACA
John E. Lloyd	)	98-250-ST-ACA
Yaples Orchard, Inc.	)	98-251-ST-ACA
Johnson's Island Sanitary Disposal Association	)	98-252-ST-ACA
Dennis Lugli	)	98-253-ST-ACA
Dan Paulus	)	98-254-ST-ACA
QCA Management Company	)	98-255-ST-ACA
Little Mountain Homes, Inc.	)	98-256-ST-ACA
Augur Lane Development Co. Ltd. - Richard Sweda	)	98-257-ST-ACA
Harsax, Inc. (Kenneth Sacks)	)	98-258-ST-ACA
Fairfield Development, Inc.	)	98-267-ST-ACA
Gary Whalen	)	98-268-ST-ACA
Flying J. Inc.	)	98-269-ST-ACA
Sandy Beach Marina	)	98-296-ST-ACA
Mr. Ervin Vandenburg	)	98-297-ST-ACA
Phil Hartten	)	98-298-ST-ACA
Donald Fitzpartick, Sr.	)	98-299-ST-ACA
Terry E. Beilharz (Owner/Developer)	)	98-300-ST-ACA
ES-Read Inc.	)	98-302-ST-ACA
JML Development, Inc.	)	98-303-ST-ACA
Colonial American Development Corporation	)	98-304-ST-ACA
Dr. Mohammed Sidiq	)	98-305-ST-ACA
Jim Freet	)	98-306-ST-ACA
Richard Au, President, Deer Ridge Golf Course, Inc.	)	98-307-ST-ACA
for a Certificate of Public Convenience and)	
Necessity for a Sewage Disposal System)	
Company.)	

FINDING AND ORDER

The Commission finds:

- (1) The above-named applicants have each filed an abbreviated application for a certificate of public convenience and necessity for a sewage disposal system company. A summary of their individual requests is included in the attachment to this Finding and Order.

- (2) Section 4933.25, Revised Code, provides, in relevant part, that:

No sewage disposal system company ... shall
construct, install, or operate sewage disposal system

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 Rene M. Nicks Date Processed March 18, 1998

facilities ... until it has been issued a certificate of public convenience and necessity by the public utilities commission. The public utilities commission shall adopt rules prescribing requirements and the manner and form in which sewage disposal system companies ... shall apply for a certificate of public convenience and necessity. Before the public utilities commission issues a certificate of public convenience and necessity, it may hold a public hearing concerning the issuance of said certificate.... As used in this section, "sewage disposal system company" ... [has] the meaning[] set forth in section 4905.03 of the Revised Code.

- (3) A sewage disposal system company is defined in Section 4905.03, Revised Code, as any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, when engaged in the business of sewage disposal services through pipes or tubing, and treatment works, or in a similar manner, within this state.
- (4) The Commission has adopted rules prescribing requirements and the manner and form in which sewage disposal system companies shall apply for a certificate of public convenience and necessity. The rules are included in Chapter 4901:1-15 of the Ohio Administrative Code. The applicants have requested a waiver of the rules applicable to the contents of an application for a certificate except for the information provided in the abbreviated application form. The Commission finds that the information included in the applications filed in these cases is sufficient to consider the applicants' requests; therefore, the requests for waivers shall be granted.
- (5) The Commission has not received a request that a hearing be held in any of these cases. Upon review of the information provided in the applications, the Commission does not believe that a public hearing is required in these matters.
- (6) The Commission would note that the applicants are not entities over which the Commission would normally exercise jurisdiction. However, based upon a recent court ruling in *Johnson's Island Property Owners' Association v. Schregardus* (June 30, 1997), Franklin App. No. 96APH10-1330, unreported,

and a decision issued by the Environmental Review Appeals Commission in *Johnson's Island Property Owners' Association v. Schregardus* (August 6, 1997), Case No. EBR 623757-623758, the director of the Ohio Environmental Protection Agency is prohibited from approving, pursuant to Section 6112.03, Revised Code, any plans for the construction and installation of a disposal system unless the director has received written notice from the Public Utilities Commission of Ohio that a certificate of public convenience and necessity has been issued to the applicant.

- (7) Based upon the information provided in the applications, the Commission finds that the applicants have demonstrated that the public convenience and necessity would be served by the granting of the requested certificates and, given the unique circumstances, this Commission finds it appropriate to grant interim certificates of public convenience and necessity while it studies the matter further. The certificates will expire on December 30, 1998, unless reauthorized by the Commission.
- (8) Pursuant to the terms of the abbreviated application form, an applicant may not transfer its certificate or abandon the service provided by the facilities without prior Commission approval. An applicant also may not charge or bill any entity connected to the sewage disposal facilities without receiving prior approval for such sewage disposal charges from the Commission.

It is, therefore,

ORDERED, That applicants' requests for a waiver of the Commission's rules applicable to the contents of their applications for certificates of public convenience and necessity are granted. It is, further,

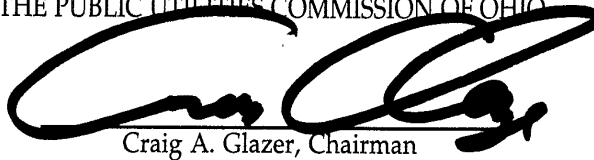
ORDERED, That, for the reasons set forth in this Finding and Order, interim certificates of public convenience and necessity be granted to each of the applicants shown on the attachment to this Finding and Order to construct, install, and operate the facilities described in the attachment and the individual applications filed in this case. It is, further,

ORDERED, That the applicants comply with Finding 8. It is, further,

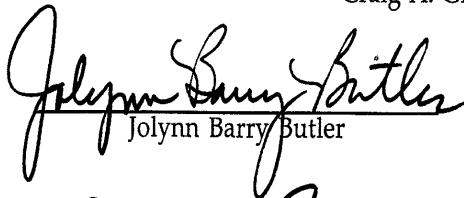
ORDERED, That the interim certificates of public convenience and necessity will expire on December 30, 1998, unless reauthorized by the Commission. It is, further,

ORDERED, That a copy of this Finding and Order be served upon all parties of record in these cases.

THE PUBLIC UTILITIES COMMISSION OF OHIO



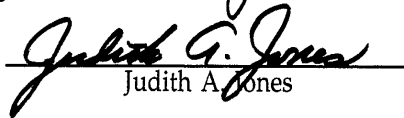
Craig A. Glazer, Chairman



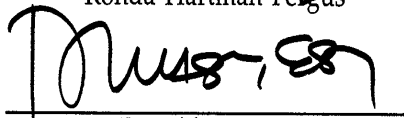
Jolynn Barry Butler



Ronda Hartman Fergus



Judith A. Jones



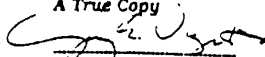
Donald L. Mason

VSD:ct

Entered in the Journal

MAR 12 1998

A True Copy



Gary E. Vigorita
Secretary

Case No. 98-303-ST-ACA

On February 18, 1998, JML Development, Inc. filed an abbreviated application for a certificate of public convenience and necessity for a sewage disposal system company. Applicant states that the proposed project is an approximately 1670 foot extension of the sanitary sewer to serve 16 one-acre lots for single family housing. Applicant contends that the project will provide for the public convenience and necessity by providing the sewer extension needed to carry the domestic sewage for the entire new development. Based upon the information provided in the application, the Commission finds that the applicant has demonstrated that the public convenience and necessity would be served by granting of the requested certificate. Sewage disposal service will be required by customers to be connected to the planned facilities and there do not appear to be any alternative means available to provide the required service.

Case No. 98-304-ST-ACA

On February 18, 1998, Colonial American Development Corporation filed an abbreviated application for a certificate of public convenience and necessity for a sewage disposal system company. Applicant states that the proposed project is the installation of sanitary sewer system to service a 42 unit condominium project in the City of Hilliard, Ohio. Applicant contends that the project will provide for the public convenience and necessity by complementing Hilliard's existing sanitary sewer system in the area and providing necessary service to the 42 unit condominium community being developed. Based upon the information provided in the application, the Commission finds that the applicant has demonstrated that the public convenience and necessity would be served by granting of the requested certificate. Sewage disposal service will be required by customers to be connected to the planned facilities and there do not appear to be any alternative means available to provide the required service.

Case No. 98-305-ST-ACA

On February 18, 1998, Dr. Mohammed Sidiq filed an abbreviated application for a certificate of public convenience and necessity for a sewage disposal system company. Applicant states that the proposed project is the installation of approximately 166 feet of 8 inch sewer to serve a mini-mall and professional offices. Applicant contends that the project will provide for the public convenience and necessity by providing sanitary sewer to the project. Based upon the information provided in the application, the Commission finds that the applicant has demonstrated that the public convenience and necessity would be served by granting of the requested certificate. Sewage disposal service will be required by customers to be connected to the planned facilities and there do not appear to be any alternative means available to provide the required service.

SERVICE NOTICE

PAGE 1

CASE NUMBER 98-305-ST-ACA
CASE DESCRIPTION FAIRVIEW PLAZA
DOCUMENT SIGNED ON March 12, 1998
DATE OF SERVICE 3.13.98

PERSONS SERVED

PARTIES OF RECORD	ATTORNEYS
APPLICANT	
DR. MOHAMMED SIDIQ 960 WEST WOOSTER STREET BOWLING GREEN, OH 43402	NONE