

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Chapel Cove Development, Inc.	)	Case No. 97-1382-ST-ACA
Mr. Mark Schrickel	)	97-1383-ST-ACA
Lucente Land Development Co.	)	97-1384-ST-ACA
Wilcox Place, Ltd.	)	97-1385-ST-ACA
Metropolitan Land Company	)	97-1386-ST-ACA
Middlefield Parkway	)	97-1387-ST-ACA
Shepherd of the Valley	)	97-1388-ST-ACA
Newton Square Company	)	97-1389-ST-ACA
MasterPlan Builders	)	97-1390-ST-ACA
Shepherd of the Valley	)	97-1391-ST-ACA
GRPL Inc.	)	97-1392-ST-ACA
Mr. Larry Cordial, Owner & Operator	)	97-1393-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 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" ... have the meanings 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 this case is sufficient to consider the applicants' requests; therefore, the requests for a waiver 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 application, 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 certificate and, given the unique circumstances, this Commission finds it appropriate to grant an interim certificate of public convenience and necessity while it studies the matter further. The certificate will expire on December 30, 1997, 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 waiver of the Commission's rules applicable to the contents of their applications for a certificate of public convenience and necessity are granted. It is, further,

ORDERED, That, for the reasons set forth in this Entry, an interim certificate 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, 1997, 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

David W. Johnson

Judith A. Jones

VSD:ct

ATTACHMENT

Case No. 97-1382-ST-ACA

On October 27, 1997, Chapel Cove 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 the installation of a sanitary pump lift station with backup generator and telemetry system for a new construction condominium development. Applicant contends that the project will provide for the public convenience and necessity by providing the entire condominium development with sanitary sewer service which is currently unavailable. 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. Sewerage 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. 97-1383-ST-ACA

On October 27, 1997, Mr. Mark Schrickel 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 development of a twenty-two lot single family condominium project. Applicant contends that the project will provide for the public convenience and necessity by providing a convenience and cost savings to the new residents. 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. Sewerage 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. 97-1384-ST-ACA

On October 27, 1997, Lucente Land Development Co. 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 899 linear feet of 10" PVC and 2252 linear feet of 8" PVC sanitary sewer with 11 manholes and 38 Wye's. Applicant contends that the project will provide for the public convenience and necessity by extending sewerage service to 40 single family residential lots of "The Preakness" development, 99 residential lots of existing Lexington Place Development, with ultimate expansion for 100 acres of future 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. Sewerage 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. 97-1385-ST-ACA

On October 27, 1997, Wilcox Place, Ltd. 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 947 feet of 8" sanitary sewer to serve an 18 building commercial office park located at the SW corner of Shier Rings Rd. & Wilcox Place. Applicant contends that the project will provide for the public convenience and necessity by providing sanitary sewer service for an 18 building commercial office park. 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. Sewerage 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. 97-1386-ST-ACA

On October 27, 1997, Metropolitan Land Company 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 845 feet of new sanitary sewer to serve a new residential development. Applicant contends that the project will provide for the public convenience and necessity by providing a sanitary sewer extension to serve 17 new homes in an area that is not suitable for on-site sewage disposal. 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. Sewerage 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. 97-1387-ST-ACA

On October 27, 1997, Middlefield Parkway 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 410 feet of sanitary right-of-way sewer to service proposed commercial and future residential housing. Applicant contends that

the project will provide for the public convenience and necessity by providing required facilities to service proposed commercial or future residential housing where facilities do not currently exist. 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. Sewerage 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. 97-1388-ST-ACA

On October 27, 1997, Shepherd of the Valley 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 to provide 535 feet of 8" PVC sanitary sewer for eleven condominium units. Applicant contends that the project will provide for the public convenience and necessity by providing facilities to serve the future condominium units where none currently exist. 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. Sewerage 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. 97-1389-ST-ACA

On October 27, 1997, Newton Square Company 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 to install 2,517 feet of 8" PVC sewer and also one sanitary pump station. Applicant contends that the project will provide for the public convenience and necessity by providing sanitary sewer service to twenty-five condominium units where currently there are no sanitary sewers. 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. Sewerage 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. 97-1390-ST-ACA

On October 27, 1997, MasterPlan Builders 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 50 feet of 8" PVC sanitary sewer to service three residences. Applicant contends that the project will provide for the public convenience and necessity by making facilities available for the proposed two new residential and the facilities of the existing residence, as the existing facilities are inadequate and in need of replacement. 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. Sewerage 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. 97-1391-ST-ACA

On October 27, 1997, Shepherd of the Valley 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 to provide 629 feet of 8" PVC sanitary sewer for thirteen condominium units. Applicant contends that the project will provide for the public convenience and necessity by providing sanitary sewer service to the future condominium units as there are currently no existing facilities. 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. Sewerage 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. 97-1392-ST-ACA

On October 27, 1997, GRPL 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 the extension of 1578 linear feet of 10" PVC sewer and 1336 linear feet of 8" PVC. Applicant contends that the project will provide for the public convenience and necessity by providing sanitary sewer service to this location where currently no sewer service is available. 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. Sewerage 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. 97-1393-ST-ACA

On October 27, 1997, Mr. Larry Cordial, Owner & Operator filed an abbreviated application for a certificate of public convenience and necessity for a sewage disposal system company. Applicant states that the proposed project will abandon the park wastewater treatment plant and connect the park sanitary sewers to the Richland County Sanitary Sewer System. Applicant states that the work includes 2 manholes and 504 linear feet of 8 inch sewer to be installed on park property. Applicant contends that the project will provide for the public convenience and necessity by eliminating the current wastewater treatment which is an operational expense and a source of possible outfall pollution to the area. 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. Sewerage 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.