

FILE

Marion City Council

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PUCO

October 27, 2009

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

RE: Ohio American Water Company
Case No. 09-391-WS-AIR

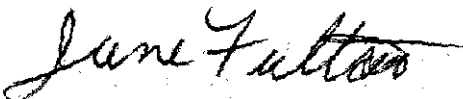
Dear Sirs,

Pursuant to Resolution No. 2009-22 as passed by Marion City Council on October 26, 2009, I am enclosing one (1) certified copy of Resolution No. 2009-22.

On behalf of the City of Marion we are requesting that a copy is inserted into the record for the above mentioned 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,



Irene Fulton
Clerk of Council

cc: Law Director Mark Russell
Mayor Schertzer
City Council
File

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Technician DMM Date Processed 11/16/09

Scott Schertzer, Mayor · 740.387.3591
Tom Robbins, Director of Public Safety · 740.387.5865

233 West Center Street · Marion, Ohio 43301-1822

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc. Form No. 30048

Resolution No. 2009-22

Passed

OCT 26 2009

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RESOLUTION OBJECTING TO AND OPPOSING THE JUNE 2009 REQUESTED WATER RATE INCREASE FILED BY OHIO AMERICAN WATER COMPANY WITH THE OHIO PUBLIC UTILITIES COMMISSION HAVING FOUND THE REQUEST TO BE UNREASONABLE, UNJUSTIFIED AND IRRESPONSIBLE, AND DECLARING AN EMERGENCY

WHEREAS, all residents within the City of Marion, Ohio (the "City") and surrounding Townships receive water service from Ohio American Water Company ("OAW"); and

WHEREAS, in June of 2009, OAW filed a request with the Ohio Public Utilities Commission of Ohio ("PUCO") to substantially increase rates for all of its residential customers in Ohio, including numerous residents of the City, over a four year period as follows: 23.57% increase in April 2010; 22.76% increase in April of 2011; 6.86% in April of 2012; and 5.78% increase in 2013, resulting in a total increase of almost 60% (58.97%); and

WHEREAS, the request by OAW is their third rate increase request in three years and, if granted will result in an approximate increase of 240% in water rates since 1999 to City residents; and

WHEREAS, the PUCO mission is to "assure all residential and business consumers access to adequate, safe and reliable utility services at fair prices, while facilitating an environment that process competitive choices," and

WHEREAS, City residents receiving OAW water service already pay a substantially higher and unfair rate for such service when compared with residents of surrounding jurisdictions that receive such service from other utility providers; and

WHEREAS, due to the current difficult economic times and previous rate increases granted to OAW, the City Council of the City of Marion believes a rate increase of nearly 60% for water service is unjustified and will result in many City residents not being able to afford water services; and

WHEREAS, the City Council believes it is in the best interests of the City and its residents to oppose the proposed OAW water rate increase filed with PUCO and to further urge the Commissioners of the PUCO to reject OAW's proposed rate increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio,

SECTION 1. The Marion City Council hereby objects to and opposes the proposed OAW water rate increase as filed with the PUCO in June of 2009. The Council believes that OAW's requested increase is unfair, excessive, incapable of justification and irresponsible. Irresponsible given the fact that Marion users will see an average monthly increase in excess of \$ 10.00 per month. For the Marion district, since 1995 the Company has requested increase in excess of 150%, actual increases granted have amounted to greater than 68%, or an annual increase of greater than 5%.

Further, the Commission need be advised of OAW's continued failure to be responsive to requests for information in a timely manner significantly impacting the City of Marion's ability to provide fact based opposition to the filing, not to

R2009-22

I, Irene Fulton, Clerk of Council, of the City of Marion, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution 2009-22, as passed by the legislative authority of Marion, Ohio on the 26th Day of October, 2009. In witness whereof, I have hereunto subscribed my name and affixed seal, this 27th Day of October, 2009.

Irene Fulton, Clerk of Marion City Council

RECORD OF RESOLUTIONS

Mayan Legal Blank, Inc., Form No. 30045

Resolution No. 2009-22

Passed

OCT 26 2009

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mention its continual failure to account for its current and past filings misstatements of fact and accurate reporting information.

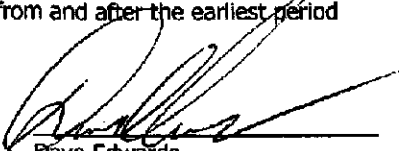
SECTION 2. The Marion City Council authorized and appoints each of the following persons to appear and speak on behalf of the Board at any meeting and/or hearing to be held by the PUCO in its review of OAW's water rate increase proposal: each member of City Council, the City's Mayor, City Auditor and Director of Law.

SECTION 3. The Marion City Council encourages all City residents to contact the PUCO, the Ohio Consumer's Counsel, and their state legislators through letter and phone calls voicing their opinion on OAW's proposed water rate increases. And, in addition, encourages system users to appear before the Commission at Hearing and provide direct testimony. Written communications should be sent to:

Public Utilities Commission of Ohio
Docketing Division
RE: Case No. 09-391-WS-AIR
180 E. Broad St., 13th Floor
Columbus, Ohio 43215-3793

SECTION 4. All formal actions of Marion City Council concerning and relating to the adoption of this Resolution, were adopted in an open meeting of the Council and all deliberations of Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, given the immediate need to provide its statement within the pending rate request case; 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.


Dave Edwards
President of Council

APPROVED: **OCT 27 2009**


Mayor Scott Schertzer


Clerk of Council