4901:1-15-09 **Transfer of certificate with property transfer.**

(A) No certificate of public convenience and necessity to construct and/or operate a waterworks company and/or sewage disposal system company may be transferred or assigned unless the transaction is first approved by the commission.

(B) An application for approval of the transfer of a certificate of public convenience and necessity to construct and/or operate a waterworks system and/or sewage disposal system shall be a joint application, and at its discretion, the commission may provide for a public hearing upon notice of an application as set forth by rule 4901:1-15-04 of the Administrative Code.

(C) Any application for approval of the transfer of a certificate of public convenience and necessity to construct and/or operate a waterworks system and/or a sewage disposal system shall include a conformed copy (or copies) of all agreements pertinent to the transfer that have been or will be entered into between the transferor and the transferee. This shall include all documents pertaining to the transfer of ownership or control of the waterworks system and/or sewage disposal system specified in the certificate to be transferred.

(D) The transferee will be required by an entry or order issued by the commission approving the transfer to file, in its name, new tariff documents which show the same rates, charges, and rules and regulations as those shown in the tariff documents currently filed with the commission by the transferor, except for the changes ordered by the commission.

(E) If any individual, partnership, or corporation proposes to acquire a waterworks system and/or sewage disposal system from an individual, partnership, or corporation which has constructed or owned and operated the system(s) without authority from the commission, and if the entity acquiring the system is, or will become by such acquisition, a public utility subject to commission jurisdiction, an application for a certificate of public convenience and necessity to operate a waterworks company and/or sewage disposal system company shall be filed with the commission. The application shall fulfill all the requirements of rule 4901:1-15-05 of the Administrative Code governing the filing of an application for a certificate of public convenience and necessity.

(F) If the acquiring entity is the holder of a certificate of public convenience and necessity issued by this commission to construct or operate a waterworks system and/or sewage disposal system and the entity being acquired is also the holder of a certificate of public convenience and necessity from the commission, an application to transfer the certificate for the area to be acquired shall be filed. If transferring the certificate results in a change in the information required by rule 4901:1-15-05 of

the Administrative Code, this information shall be updated, and filed along with the following information:

(1) An executive summary of the terms and conditions of the transfer.

(2) A copy of the transfer contract.

(3) The details of the acquiring entity's financing plan to purchase or lease the plant to be transferred.

(4) A general description of the acquiring entity's operations plan noting the changes from the transferor's present operation.

Effective:

Five Year Review (FYR) Dates: 10/25/2017

_____

Certification

_____

Date

Promulgated Under:	111.15
Statutory Authority:	4905.04
Rule Amplifies:	4905.06, 4905.48
Prior Effective Dates:	06/01/1977, 12/12/1991, 03/24/2003, 08/22/2008