

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Review of Chapters )  
4901:5-17, 4901:5-19, 4901:5-21, 4901:5-23, )  
4901:5-25, 4901:5-29, 4901:5-33, 4901:5-35, and ) Case No. 06-1201-AU-ORD  
4901:5-37 of the Ohio Administrative Code. )

**INITIAL COMMENTS OF THE EAST OHIO  
GAS COMPANY D/B/A DOMINION EAST OHIO**

The East Ohio Gas Company d/b/a Dominion East Ohio ("East Ohio"), pursuant to the Commission's Entry of November 16, 2006, respectfully submits its initial comments to the Commission's October 11, 2006 Order amending certain provisions of the Ohio Administrative Code pertaining to energy emergencies.

**4901:5-25-01(B)**

The proposed rule defines "consumer" as "any person purchasing, delivering, storing or transporting, or seeking to purchase, deliver, store, or transport, natural gas at a specified location, including industrial consumers, commercial consumers, and residential consumers, but not including natural gas companies." This new definition is an unnecessary expansion of the old one. The curtailment plans required under Chapter 4901:5-25 focus on protecting priority end uses of gas in the event of an energy emergency. The prior definition that described a consumer as "a person who controls consumption of gas from a gas utility including sales and transportation customers of a gas utility" properly identifies a "consumer" in that context.

Furthermore, the definition potentially conflicts with the revised definition of a "gas supplier" because many entities included in the definition of a gas supplier also fit the expanded "consumer" definition; *i.e.*, as a person purchasing, delivering, storing or

transporting natural gas at a specified location. The definition of “consumer” should be left as it was.

**4901:5-25-01(F)(4)**

The definition of “gas supplier” also has been expanded unnecessarily. In fact, DEO questions whether the prior definition properly reflects the structure of the current marketplace. Because many end use consumers are distribution service customers of an LDC as well as commodity service customers of a producer, gas broker, retail natural gas supplier or governmental aggregator, the inclusion of the latter group of entities in the definition of gas supplier may create confusion for both customers and suppliers.

Under Rule 4901:5-25-05(A)(1), for example, each gas supplier is required to provide certain information to its customers in the event of an energy emergency. Compliance with the rule by all of the entities included in the expanded gas supplier definition means that nearly 300,000 of DEO’s customers would be contacted by three different entities – the LDC, the governmental aggregator and the party supplying the gas to the aggregation program – that may provide different and possibly conflicting information.

Other rules, such as Rule 4901:5-25-02(H), which permits any gas supplier to disconnect service to non-priority use consumers who fail to disconnect or curtail consumption, can be equally confusing for suppliers who may be unclear about their roles. To eliminate such confusion, the definition of “gas supplier” should be revised to include only those entities providing distribution service to end use customers.

**4901:5-25-02(H)**

The proposed rule improperly authorizes multiple entities to disconnect service when only the entity providing distribution service to the customer should have such

authority. The rule may result in unauthorized or untrained persons handling gas distribution equipment, which can lead to unsafe conditions. The rule should be revised to make it clear that only distribution company employees, or qualified contractors acting on the company's behalf, are authorized to disconnect service under the circumstances cited in the rule.

**4901:5-25-03(A)**

The introduction of new provisions requiring a gubernatorial executive order designating which rules are to be implemented may unduly delay the immediate response required in an energy emergency. While some energy emergencies may be preceded by supply problems that emerge gradually, others may be so instantaneous or localized that waiting for an executive order to specify which rules are to be implemented in what time frame may delay action needed to prevent pipeline pressures dropping across a much broader area and causing a larger number of outages. Although Rule 4901:5-25-04(D) authorizes gas suppliers, after notifying the Commission, to initiate curtailment plans prior to Commission directive in order to meet operational needs, the potential conflict with 4901:5-25-03(A) may delay action by gas suppliers operating under the belief that they cannot implement a curtailment plan until an executive order has been issued. As a result, the rule should be modified to recognize the Governor's authority to issue such executive orders, while providing gas suppliers with the flexibility needed to respond promptly and effectively to energy emergencies in the absence of such an order.

**4901:5-25-05(A)(1)**

Several of the provisions of proposed Rule 4901:5-25-05(A)(1) are infeasible or impractical and should be modified or deleted. Rule 4901:5-25-05(A)(1)(c), which requires a gas supplier to notify consumers whose forecasted gas supplies are inadequate,

should be deleted. Marketers and fuel managers can change supply nominations from one customer to another at any time. As a result, any forecast of gas supplies could be superseded within minutes after it has been prepared. Instead, individual consumers with access to a gas supplier's EBB should be directed to monitor that system for information about supplies nominated to their account and other postings related to the energy emergency. Consumers that are served in the aggregate by pools should be contacted as part of a gas company's efforts pursuant to Rule 4901:5-25-05(A)(1)(a) and (b).

If an energy emergency were preceded by a long period in which lengthy preparations can be made, Rule 4901:5-25-05(A)(1)(e)(iii), which requires a gas supplier to inform consumers how to substantiate a claim for priority use, might be feasible. In all likelihood, however, the quick response required in an energy emergency will not accommodate administrative processes of that sort. As a result, the rule should be modified to insert the phrase "where practical to do so" at the end of the rule.

**4901:5-25-06(B)**

Rule 4901:5-25-06(B) contains several references to five-year periods. Because not all gas suppliers have access to historical consumption information for such a long period of time, the rule should be modified to add the phrase "or such period for which information is readily available" to address situations where a full five years' worth of information is not available.

For the reasons discussed above, East Ohio respectfully requests the Commission to modify its proposed energy emergency rules as reflected in these comments.

Dated: December 15, 2006

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Initial Comments of The East Ohio Gas Company d/b/a Dominion East Ohio was sent by ordinary U.S. mail to the following this 15th day of December, 2006.

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