

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The East)
 Ohio Gas Company d/b/a Dominion East) Case No. 07-829-GA-AIR
 Ohio for Authority to Increase Rates for its)
 Gas Distribution Service.)

In the Matter of the Application of The East)
 Ohio Gas Company d/b/a Dominion East) Case No. 07-830-GA-ALT
 Ohio for Approval of an Alternative Rate)
 Plan for its Gas Distribution Service.)

In the Matter of the Application of The East)
 Ohio Gas Company d/b/a Dominion East) Case No. 07-831-GA-AAM
 Ohio for Approval to Change Accounting)
 Methods.)

In the Matter of the Application of The East)
 Ohio Gas Company d/b/a Dominion East)
 Ohio for Approval of Tariffs to Recover)
 Certain Costs Associated with a Pipeline) Case No. 08-169-GA-UNC
 Infrastructure Replacement Program)
 Through an Automatic Adjustment Clause)
 and for Certain Accounting Treatment.)

In the Matter of the Application of The East)
 Ohio Gas Company d/b/a Dominion East)
 Ohio for Approval of Tariffs to Recover) Case No. 06-1453-GA-UNC
 Certain Costs Associated with Automated)
 Meter Reading and for Certain Accounting)
 Treatment.)

ENTRY

The attorney examiner finds:

- (1) The East Ohio Gas Company d/b/a Dominion East Ohio (DEO) is a natural gas company as defined by Section 4905.03(A)(6), Revised Code, and a public utility as defined by Section 4905.02, Revised Code. Accordingly, DEO is subject to the jurisdiction of this Commission pursuant to Sections 4905.04, 4905.05, and 4905.06, Revised Code.

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- (2) On August 30, 2007, DEO filed applications for an increase in gas distribution rates, for approval of an alternative rate plan, and for approval to change accounting methods, in Case Nos. 07-829-GA-AIR, 07-830-GA-ALT, and 07-831-GA-AAM, respectively (rate case proceedings).
- (3) On December 13, 2006, DEO filed an application, in Case No. 06-1453-GA-UNC, requesting approval of tariffs to recover, through an automatic adjustment mechanism, costs associated with the deployment of automated meter reading (AMR) equipment and the necessary accounting authority to permit deferral of those costs for subsequent recovery through an automatic adjustment mechanism (AMR case). By entry issued April 9, 2008, the Commission, *inter alia*, granted DEO's motion to consolidate the AMR case with the rate case proceedings. In light of the consolidation, future references to the rate case proceedings also refer to the AMR case.
- (4) On February 22, 2008, DEO filed an application, in Case No. 08-169-GA-UNC, pursuant to Section 4929.11, Revised Code, requesting approval of tariffs to recover, through an automatic adjustment mechanism, costs associated with a pipeline infrastructure replacement (PIR) program; its proposal to assume responsibility for and ownership of the curb-to-meter service lines; and the accounting authority to defer the costs associated with the PIR program for subsequent recovery (PIR case).
- (5) By entry of April 9, 2008, the Commission, *inter alia*, denied a motion by the Office of the Ohio Consumers' Counsel (OCC) to dismiss the PIR case and granted DEO's motion to consolidate the PIR case with the rate case proceedings.
- (6) On April 18, 2008, OCC filed an application for rehearing of the Commission's April 9, 2008, entry contesting the Commission's decisions to deny OCC's motion to dismiss the PIR case and consolidate the PIR case with the rate case proceedings. On May 9, 2008, Ohio Partners for Affordable Energy similarly filed an application for rehearing of the Commission's April 9, 2008, entry. On May 14, 2008, the Commission issued an entry on rehearing granting OCC's application for rehearing for further consideration of the matters raised by OCC.

- (7) A written report of the staff's investigation into the rate case proceedings was filed on May 23, 2008. Staff did not include any findings on the PIR case in the staff report. Copies of the staff report were mailed to the company, the mayor of each municipal corporation affected by the application, and other persons deemed to be interested in the case.
- (8) Objections to the staff report should be filed in accordance with Section 4909.19, Revised Code, and Rule 4901-1-28(B), Ohio Administrative Code (O.A.C.), which requires that the objections be specific. Any objection that is not specific enough to convey what is actually being placed at issue may be struck pursuant to Rule 4901-1-28(B), O.A.C.
- (9) Motions to strike objections shall be filed by July 7, 2008, and memoranda contra motions to strike objections shall be filed by July 14, 2008. Unless an objection is struck or withdrawn, each objection must be discussed in the initial post-hearing brief of the objecting party. In accordance with Rule 4901-1-28(D), O.A.C., if an objection is not discussed in the initial brief, the objection will, without further action, be deemed withdrawn.
- (10) Each party filing objections should also file a brief summary of the issues that it designates as major issues, in order of importance, for purposes of the notice required by Section 4903.083, Revised Code. Pre-filed testimony should be filed in accordance with Rule 4901-1-29(A)(1), O.A.C.
- (11) Persons wishing to intervene in the rate case proceedings will have until June 22, 2008, to file a motion to intervene.
- (12) In a subsequent entry, the attorney examiner will schedule the prehearing conference, the evidentiary hearing and the local public hearings, and provide the requisite publication of notice.
- (13) As a final matter, the attorney examiner finds that good cause exists to modify the response times for motions in these cases which was established by entry issued March 19, 2008. The modification will require responses be provided in the time required pursuant to calendar days, rather than business days as set forth in the March 19, 2008, entry. Accordingly, unless otherwise ordered, henceforth the response times in the rate case proceedings and the PIR case shall be as follows:

- (a) Any party wishing to file a memorandum contra a pending motion must do so within seven calendar days after service of a motion.
- (b) Any party wishing to file a reply to a memorandum contra a pending motion must do so within four calendar days after service of the memorandum contra.
- (c) The parties will serve motions by electronic means.
- (d) Rule 4901-1-07, O.A.C., which provides an additional three days' time, where service is made by mail, will not apply.

It is, therefore,

ORDERED, That objections be handled in accordance with Findings (8) and (9). It is, further,

ORDERED, That summaries of major issues be filed in accordance with Finding (10). It is, further,

ORDERED, That any person wishing to intervene file a motion to intervene by June 22, 2008. It is, further,

ORDERED, That the response times for motions filed in these proceedings be modified in accordance with finding (13). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record in these proceedings.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Scott E. Farkas
Attorney Examiner

RJG/vrm

Entered in the Journal

MAY 23 2008



Renee J. Jenkins
Secretary