

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the City of)
Holland, Ohio, for Certification to Provide) Case No. 02-2554-GA-GAG
Natural Gas Governmental Aggregation)
Service in Ohio.)

ENTRY

The attorney examiner finds:

- (1) On October 4, 2002, the city of Holland, Ohio, (Holland) filed an application for certification to provide natural gas governmental aggregation services in Ohio. On November 1, 2002, the Commission issued Certificate No. 02-42(1) to Holland, allowing it to provide government aggregation service. The expiration date for Certificate 02-42(1) was November 3, 2004.
- (2) Rule 4901:1-27-09(A), Ohio Administrative Code, provides that a governmental aggregator wishing to renew a certificate shall file a renewal application "[n]o less than thirty and no more than one hundred twenty days prior to the expiration date . . ."
- (3) On August 19, 2004, Holland filed an application for renewal of its certificate. On November 19, 2004, the Commission issued Certificate No. 02-42(2), with an expiration date of November 3, 2006.
- (4) On December 11, 2006, after its then-current certificate had expired, Holland filed an application for renewal of its certificate. On December 18, 2006, Holland filed a motion for extension of the expiration date of its prior certificate. On January 16, 2007, the Commission issued Certificate No. 02-42(3), with an expiration date of January 11, 2009.
- (5) On December 26, 2008, Holland filed a motion, under consideration here, for an extension of the expiration date of Certificate No. 02-42(3). On January 5, 2009, Holland filed an application for renewal of its certification.
- (6) In its 2008 motion for an extension, Holland admits that its current certificate expired on November 19, 2008, but that, as a

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed JAN 07 2009

result of an inadvertent oversight, it failed to file its renewal application within the required time frame. Holland committed to file its renewal application on or before January 9, 2009, and explains that failure to grant the extension would put its residents at a disadvantage and cause them irreparable harm. Holland also states that there have been no material changes in the operation of its aggregation program and that, except for the automatic expiration date of its certificate, it has done nothing to warrant suspension or rescission of its authority.

- (7) The examiner first notes that Holland is in error as to the expiration date of Certificate No. 02-42(3). Although it states, in its motion, that the certificate expired on November 19, 2008, the face of the certificate actually reflects an expiration date of January 11, 2009. Nonetheless, as Holland did not file its renewal application at least 30 days prior to January 11, 2009, an extension of the certificate would still be necessary.
- (8) The examiner believes that an extension of the expiration date of Certificate No. 02-42(3) to February 5, 2009, is warranted, so that Holland's aggregation participants will not be adversely affected while its renewal application is under consideration.
- (9) The examiner also notes that this is not the first time that Holland has failed to conform to the filing requirements for renewal applications. The examiner would stress that filing an application for renewal on a timely basis is important. Subsequent renewal filings should be made in compliance with the governing rule.

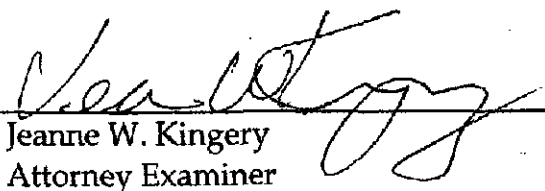
It is, therefore,

ORDERED, That Holland's motion for an extension of the certificate expiration date be granted to the extent set forth herein. It is, further,

ORDERED, That the January 11, 2009, expiration date of Certificate No. 02-42(3) be extended to February 5, 2009. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Jeanne W. Kingery
Attorney Examiner

grg
gb

Entered in the Journal

JAN 07 2009



Renee J. Jenkins
Secretary