

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of Columbia )  
Gas of Ohio, Inc. for Approval of a General ) Case No. 08-1344-GA-EXM  
Exemption of Certain Natural Gas Commodity )  
Sales Services or Ancillary Services from )  
Chapters 4905, 4909, and 4935 except Sections )  
4905.10, 4935.01, and 4935.03, and from )  
specified sections of Chapter 4933 of the )  
Revised Code. )

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**MOTION OF  
COLUMBIA GAS OF OHIO, INC.  
FOR WAIVERS AND TO ESTABLISH A PROCEDURAL SCHEDULE  
AND  
MEMORANDUM IN SUPPORT**

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January 30, 2009

Attorneys for  
**COLUMBIA GAS OF OHIO, INC.**

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Now comes Columbia Gas of Ohio, Inc. ("Columbia"), Applicant herein, and respectfully moves that, pursuant to Rule 4901:1-19-03(C), Ohio Administrative Code, the Public Utilities Commission of Ohio ("Commission") grant certain waivers to the provisions of Rules 4901:1-19-04, 4901:1-19-06 and 4901:1-19-09, Ohio Adm. Code. Consistent with the provisions of the rule, Columbia submits that it has consulted with Staff regarding the waiver requests proposed herein. Additionally, Columbia requests that the Commission establish a procedural schedule for this proceeding. The details and reasons for these requests are set forth in the attached Memorandum in Support.

Respectfully Submitted,

**COLUMBIA GAS OF OHIO, INC.**



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**MEMORANDUM IN SUPPORT**

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Rule 4901:1-19-03, Ohio Adm. Code, provides that the Commission may waive any provision in Chapter 4901:1-19, Ohio Adm. Code, for good cause shown. Of the five criteria listed in the rule which may be considered by the Commission in judging good cause, four of them relate only to the nature and amount of information required to be provided with the filing; the fifth criterion permits a consideration of the public interest. Specifically, the waivers sought by Columbia seek relief, albeit temporary in some instances, from certain provisions required by Rules 4901:1-19-04, 4901:1-19-06, and 4901:1-19-09, Ohio Adm. Code.

As described below, the waivers sought herein are primarily related to the purpose of accommodating the timely implementation of the proposals made in the Application. The matters raised by the Application filed in this proceeding present substantially the same issues recently considered and decided by the Commission in Case Nos. 05-474-GA-ATA<sup>1</sup> ("Dominion Case")

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<sup>1</sup> See *In the Matter of the East Ohio Gas Company dba Dominion East Ohio for Approval of a Plan to Restructure Its Commodity Function*, Case No. 05-474-GA-ATA, Opinion and Order (May 26, 2006).

and 07-1285-GA-EXM<sup>2</sup> ("Vectren Case").

The proposed auctions for the services proposed in this Application will be conducted in substantially the same manner as that approved by the Commission for Dominion East Ohio Gas Company and Vectren Energy Delivery of Ohio, Inc. The Commission specifically stated that Dominion's auction proposal represented "a measured progression in the regulatory changes experienced since the implementation of the gas choice programs in Ohio" and agreed with Staff Witness Puican's testimony "that non-choice consumers would benefit from the purer market pricing of commodity service, thereby promoting more informed shopping, consumption and conservation choices by all end users ..."<sup>3</sup> The auctions proposed in this Application result in standard prices for customers and share the same attributes and rationale as that previously found by the Commission to be in the public interest.<sup>4</sup>

This Application is the result of a development process engaged in by Columbia Gas of Ohio, Inc.'s ("Columbia") Post-2010 Stakeholder Group, which has been meeting regularly since April 2007. The primary goal of the stakeholder group has been to develop a structure for gas services in Columbia's service territory following the expiration of the Transition Period<sup>5</sup>. Members of the Stakeholder group include all of Columbia's Choice and Transportation suppliers, other interested suppliers, the Ohio Farm Bureau Federation, the Office of the Ohio Consumers' Counsel, Ohio Partners for Affordable Energy, various industrial customers, schools, and the Commission Staff. While the Stakeholders have not yet reached a consensus to

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<sup>2</sup> See *In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc. for Approval of a General Exemption of Certain Natural Gas Commodity Sales, Services or Ancillary Services from Chapters 4905, 4909, and 4935 except Sections 4905.10, 4935.01, and 4935.03, and from specified sections of Chapter 4933 of the Revised Code*, Case No. 07-1285-GA-EXM, Opinion and Order (April 30, 2008).

<sup>3</sup> Dominion Case Opinion and Order at 19.

<sup>4</sup> *Id.* at 13-19.

<sup>5</sup> The Transition Period is defined as November 1, 2008 through March 31, 2010. *In the Matter of the Regulation of the Purchased Gas Adjustment Clause Contained within the Rate Schedules of Columbia Gas of Ohio, Inc., and*

the matters addressed in the Application filed in this docket, continuing discussions of the Stakeholders may yet result in a consensus for sections of this Application. To the extent the Stakeholders subsequently reach agreement on any issues addressed in the Application, such agreements will be reflected in filings submitted to the Commission for approval. These documents which comprise the Application are in full compliance with the filing requirements of Section 4929.04, Revised Code, and Rule 4901:1-19-04, Ohio Adm. Code. Columbia seeks waivers only from the requirements of Rules 4901:1-19-04, 4901:1-19-06, and 4901:1-19-09.

Accordingly, Columbia seeks waivers as follows:

1. Rule 4901:19-06, Ohio Adm. Code

- a. Columbia seeks a waiver from the requirements of Rule 4901:1-19-06(A), Ohio Adm. Code, which requires the Commission to determine the date of acceptance for an exemption case. Columbia requests that the Commission accept the Staff's participation in the twenty-one month long process which resulted in the Application as demonstrative that the Application is in compliance and meets the filing requirements of Section 4929.04, Revised Code and Rule 4901:1-19-04, Ohio Adm. Code.
- b. Columbia seeks a waiver from the requirements of Rule 4901:1-19-06(B), Ohio Adm. Code, which requires the Commission to issue an entry upon acceptance of an exemption application. Columbia requests that the Commission rule that its entry granting this motion indicates explicitly that the Application satisfies the filing requirements of Section 4929.04, Revised Code, and Rule 4901:19-04, Ohio Adm. Code.

2. Rules 4901:1-19-04 and 4901:1-19-09, Ohio Adm. Code

Columbia seeks waivers from Rules 4901:1-19-04(B)(2), (C)(6) and (7), and 4901:1-19-09(C), (E), and (G), Ohio Adm. Code, which requires the applicant file all testimony supporting the application with the application; provide one scored copy each of all proposed tariff schedules and the underlying rationale thereof; and the establishment of a procedural schedule. As an alternative and responsive to the hearing requirements of Rule 4901:1-19-08, Ohio Adm. Code, Columbia requests that the Commission approve the procedural schedule below for its consideration of the Application in this proceeding. All parties to Columbia's Post-2010 Stakeholder Group support, and do not object to the proposed procedural schedule below, including Columbia's request to file direct testimony supporting the Application and all proposed tariff schedules on March 13, 2009.

	<u>Due Date</u>
Notice of Intent	December 31, 2008
Application of Columbia Gas of Ohio, Inc.	January 30, 2009
Deadline to File Direct Testimony Supporting Application	March 13, 2009
Deadline to File All Proposed Tariff Schedules	March 13, 2009
Local Hearings	March 16 – 27, 2009
Prehearing Conference and Technical Conference	April 17, 2009
Comments Concerning Application	April 27, 2009
Intervenor Direct Testimony	May 1, 2009
Intervention Deadline	May 1, 2009

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Deadline to Serve Discovery <sup>6</sup>	May 18, 2009
Reply Testimony	May 22, 2009
Evidentiary Hearing	June 8, 2009
Post-Hearing Briefs	June 19, 2009
Reply Briefs	June 26, 2009

This procedural schedule would provide sufficient time for Commission consideration and approval for the timely implementation of the proposed Standard Sales Offer Service ("SSO") so that suppliers would have a reasonable opportunity to refill storage with more of their own gas (rather than purchasing gas from Columbia) resulting in maximum utilization of storage which should be reflected in a lower retail price adjustment in the SSO auction.

Columbia submits that, for the reasons set forth above, this motion substantially meets the objectives of the Commission's rules.

**WHEREFORE**, for the reasons and on the basis set forth above, Columbia respectfully requests that the Commission, for good cause show, grant the waivers requested herein consistent with the discussions above.

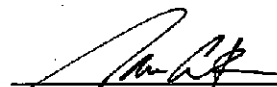
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<sup>6</sup> Deadline of all parties to serve discovery is consistent with 4901:1-19-09(G), Ohio Adm. Code. All parties shall submit responses to any and all discovery within 14 calendar days from the date of service, whether service is accomplished via electronic means or U.S. mail.



Respectfully Submitted,

**COLUMBIA GAS OF OHIO, INC.**



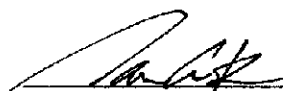
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Waivers and to Establish a Procedural Schedule and Memorandum In Support was served upon all interested entities and persons and parties of record by regular U. S. mail and electronic mail this 30<sup>th</sup> day of January, 2009.



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