

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Columbia Gas of Ohio, Inc., for Approval )  
of a General Exemption of Certain Natural ) Case No. 08-1344-GA-EXM  
Gas Commodity Sales Services or Ancillary )  
Services. )

ENTRY

The attorney examiner finds:

- (1) On January 30, 2009, Columbia Gas of Ohio, Inc. (Columbia) filed an application pursuant to Section 4929.04, Revised Code, for approval of a general exemption of certain natural gas commodity sales services or ancillary services contained in Chapters 4905, 4909, and 4935, Revised Code. In addition, Columbia requests approval of a proposed rider pursuant to Section 4929.11, Revised Code.
- (2) Along with its application, Columbia filed a motion requesting a waiver of various rules contained in Chapter 4901:1-19, Ohio Administrative Code (O.A.C.), including, *inter alia*, paragraphs (B)(2), (C)(6), and (C)(7) of Rule 4901:1-19-04, O.A.C., which require the filing of testimony and tariff documentation as part of the application, and paragraphs (A) and (B) of Rule 4901:1-19-06, O.A.C., which require the Commission to determine the date of acceptance of an application and to issue an entry accepting the application. In addition, Columbia proposed a procedural schedule and requested a waiver of paragraphs (C), (E), and (G) of Rule 4901:1-19-09, O.A.C., relating to procedural requirements and deadlines.
- (3) By entry issued February 25, 2009, the attorney examiner found that it would not be appropriate to consider whether the application is in compliance with the filing requirements and set a procedural schedule in this case absent the filing of Columbia's testimony and tariff documentation. Therefore, the examiner determined that ruling on Columbia's waiver request would be withheld until after the testimony and tariff documentation is filed. Accordingly, the examiner concluded that the date on which the testimony and tariff documentation is filed should be considered the original filing date of this application for purposes of the computation of time in

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accordance with Rule 4901:1-19-06, O.A.C. Once this information is filed, Columbia's waiver request and proposed schedule will be considered, to the extent still applicable.

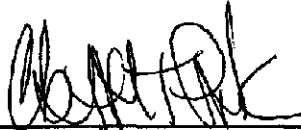
- (4) On March 9, 2009, Columbia filed another motion for a waiver and to establish a procedural schedule, reiterating its initial motion filed on January 30, 2009.
- (5) The attorney examiner finds that Columbia's March 9, 2009, motion is, in essence, a restatement of its prior motion, already addressed by the examiner. If Columbia wanted to contest the examiner's February 25, 2009, ruling, the correct approach would have been for Columbia to have filed an interlocutory appeal in accordance with Rule 4901-1-15, O.A.C. Therefore, the March 9, 2009, motion will be denied.

It is, therefore,

ORDERED, That Columbia's March 9, 2009, motion be denied. It is, further,

ORDERED, That a copy of this entry be served upon interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Christine M.T. Pirik  
Attorney Examiner

grg/vrm

Entered in the Journal

MAR 24 2009



Renee J. Jenkins  
Secretary