

Michael L. Nicholson,
Complainant,
v.
The East Ohio Gas Company
d/b/a Dominion East Ohio,
Respondent.

The East Ohio Gas Company
d/b/a Dominion East Ohio,
Respondent.

before Kerry K. Sheets, Hearing Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-F, Columbus, Ohio, called at 10:03 a.m. on Thursday, May 21, 2009.

6-5-09 Transcript docketed electronically

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

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2009 JUN -5 PM 12:17

RECEIVED-DOCKETING DIV

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FILE

PUCO EXHIBIT FILING

Date of Hearing: 5/21/09

Case No. 08-78-GA-PSS

PUCO Case Caption: _____

Michael L. Nicholson

v

East Ohio Gas Co d/b/a Dominion

List of exhibits being filed:

Complainant 1-6

DOE 1.3 - 1.8

1.0

PUCO

RECEIVED-DOCKETING DIV
2009 JUN -5 PM 12:17

Reporter's Signature: _____

Date Submitted: _____

Compl. Ex. I



The Public Utilities
Commission of Ohio

Case Number

Public Utilities Commission of Ohio
Attn: Docketing
180 E. Broad St.
Columbus, OH 43215

Formal Complaint Form

MICHAEL L. NICHOLSON

Customer Name

715 E. MIDLOTHIAN BLVD

Customer Address

YOUNGSTOWN OHIO 44502

City

State Zip

Against

94211 0491 2569

Account Number

DOMINION GAS

Utility Company Name

Customer Service Address (if different from above)

City

State Zip

Please describe your complaint. (Attach additional sheets if necessary)

I TRIED TO GO TO MX ENERGY FOR A 36 MONTH 899 MCF
CONTRACT IN 2005 BUT WAS DENIED BY DOMINION GAS STATING
I WAS 60 DAYS IN ARREARS WHEN I WAS ACTUALLY PAID
UP. I WAS GETTING ESTIMATES SOMETIMES FOR FOUR MONTHS
AND THEN GET A CREDIT FOR HUNDREDS OF DOLLARS.
SEE ATTACHED INFO

THANK YOU

DOMINION COST 15.42 PER
MX COST - 8.99 MCF

SAVING 6.53

ANNUAL UNITS X 207

135171 ANNUAL SAVINGS

X3 YEARS

405513 TOTAL SAVINGS

Signature

(330) 788-1616

Customer Telephone Number

mxenergy

596 Summer Street, Suite 300
Stamford, CT 06901-1407
Tel: 203 356 1318
Fax: 203 425 9562
www.mxenergy.com

December 28, 2005

Michael Nicholson
715 East Midlothian Blvd.
Youngstown, OH 44502
Acct. No. 9421104912569

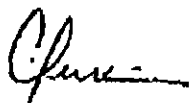
Re: MxEnergy Account Status

Dear Mr. Nicholson:

You requested enrollment in MxEnergy Inc.'s 36 month \$8.99/mcf Fixed Rate plan on 12/23/04. All enrollments require 1 - 2 billing cycles and are subject to approval by the utility company. Dominion East Ohio rejected the enrollment on 2/22/05 because the account was 60 days in arrears. Dominion East Ohio requires customers to maintain a current account status to participate in the Choice program.

If you require additional account information, please contact Dominion East Ohio for further assistance.

Regards,



Crystal Perkins
Compliance Analyst

DATE
OF REJECTION

$$\begin{array}{r} 15.42 \\ 8.99 \\ \hline 6.53 \\ \times 207 \text{ ANNUAL UNITS} \\ \hline 1351.71 \\ \times 3 \\ \hline 4055.13 \end{array}$$

MICHAEL L NICHOLSON

715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44502-2569

Account Number Date Prepared
9 4211 0491 2569 December 21, 2005

Next Billing Date
January 23, 2006

shows credit AGAIN
Dominion
For questions about Dominion East Ohio charges call 330-746-7611.

Credits And Charges Since Your Last Bill

Balance from last bill
Payment on Nov 29, 2005 - Thank You
Balance

\$636.29
836.29 CR
\$0.00

Current Charges

General Sales Service Rate

Monthly Service Charge \$5.70

Gas Usage Charge 34.4 MCF @ \$15.4203 530.48

Total Current Charges \$536.16

Total Account Balance \$536.16

This bill includes \$448.02 for gas cost recovery at \$13.024 per thousand cubic feet (MCF) and \$21.93 for Gross Receipts Tax.

You may be able to save on the gas cost recovery portion of your bill by shopping for an alternative gas supplier.

SHOWS PRICE

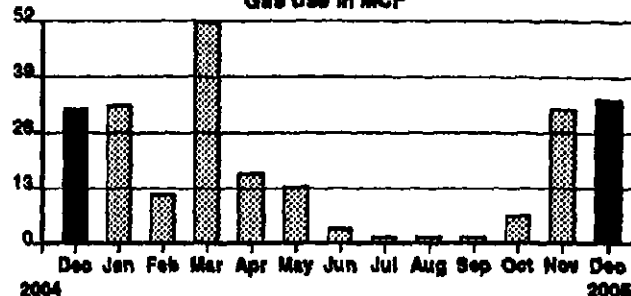
Monthly Usage Comparison

Average Daily Temperature
For This Billing Period

2004
41°F

2005
29°F

Gas Use in MCF



Average monthly use: 17.5 MCF.
Total annual use: 209.9 MCF.

Billing Period And Meter Readings

Date	Meter Number	Reading	Difference
Dec 19, 2005	13822476	336.6	
Nov 16, 2005	Remote	301.2	34.4
MCF Used in 33 Days			34.4

ANOTHER ESTIMATE

Please Pay **Account Balance of \$536.16 by January 6, 2006**

It's Our Pleasure to Serve You

All of us at Dominion East Ohio thank you for your business. You could choose another form of energy, but you put your trust in us to deliver economical, clean-burning natural gas to your home or business. We're committed to doing everything we can to honor that trust.

If you have a question, please call the number listed on the top of this bill. Our customer information phone hours are 7 a.m. to 7 p.m., Monday through Friday. If you have an emergency, you can call us anytime, day or night. (It is an emergency when you smell gas or when all of your gas appliances are out.)

ENERGYSHARE: Help people without heat by donating to EnergyShare. Add \$1, \$2, \$6, \$12, \$18 or \$36 to your payment or mail a separate check payable to EnergyShare, Salvation Army, P.O. Box 5847, Cleveland, OH 44101.

Please detach and return this coupon with a check made payable to Dominion East Ohio. Please see reverse side for mailing address change instructions.

PLEASE PAY BY Jan 6, 2006 **Account No.** 9 4211 0491 2569

Account Balance

\$536.16

Amount Enclosed

Removing Yourself from Customer Listing

We are required to include your name, address and usage information on a list of eligible customers that is made available to other retail natural gas suppliers or governmental aggregators. If you do not wish to be included on this list, please call Dominion East Ohio at 1-800-362-7557 or write us at P.O. Box 26666, Richmond, VA 23261-6666, or complete the appropriate form on the www.dom.com web site.

#BWNDLFZ
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44502-2569

DOMINION EAST OHIO
PO BOX 26785
RICHMOND VA 23261-6785

0194211049125690000000053616000000536169

DEF - DOLLAR ENERGY FUND	DEP - DEPOSITS	CIA - CONT IN AID OF CONST	NSC - INSUFFICIENT FUNDS CHARGE
BUD - BUDGET PLAN			
DFA - DEFERRED AGREEMENT	LPN - LATE PMT CHARGE (NONUTILITY)	PCC - RECONNECTION CHARGE	NSA - INSUFFICIENT FUNDS AMOUNT
INT - INTEREST	UTG - UTILITY	DISCNT - DISCOUNT	CNT - CONTRACT
	NSN - INSUFFICIENT FUNDS (NONUTILITY)		

MICHAEL L NICHOLSON715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44502-2569

Account Number 4211 0491 2569 Date Prepared November 21, 2007 Next Meter Reading 01/24 - 01/29/2008

For questions about Dominion East Ohio charges call 1-800-362-7567. estimate-enter a read between 12/21 & 5 p.m. on 12/27/2007 at www

**Dominion****Credits And Charges Since Your Last Bill**

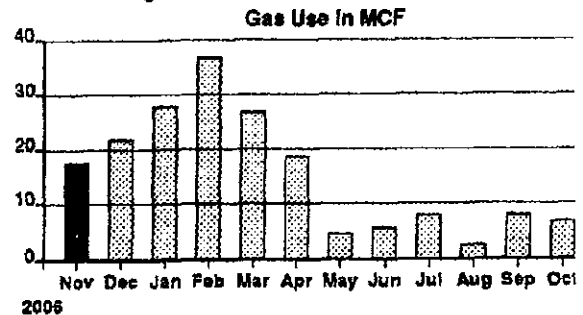
Balance from last bill \$108.18
 Payment on Nov 14, 2007 - Thank You 108.18 CR
 Transfer Debit 1,401.38
 Transfer Credit 202.12 CR
Balance \$1,199.26

Current Charges

Dominion East Ohio Distribution Charges
 Monthly Service Charge \$5.70
 Gas Transportation Charge 24.34
Total Dominion East Ohio Charges \$30.04
 For questions about transportation (delivery) charges, call Dominion East Ohio at 1-800-362-7557.

Dominion East Ohio Energy Charges
 Gas Cost 8.3 MCF @ \$10.49 \$87.07
 Sales Tax 5.66
Total Dominion East Ohio Energy Charges \$92.73
 For questions about gas supply costs, contact Dominion East Ohio Energy (acct# 1295178616102006) at 1-800-990-4090 or P. O. Box 298 Pittsburgh, PA 15230 or www.dom.com.

Total Current Charges \$122.77
Total Account Balance \$1,322.03

Monthly Usage ComparisonAverage Daily Temperature 2006 43°F 2007 43°F
For This Billing PeriodAverage monthly use: 14.8 MCF.
Total annual use: 178.0 MCF.**Billing Period And Meter Readings**

Date	Read Type	Reading	Difference
Meter Number	13822476		
Nov 21, 2007	Remote	675.0	
Oct 22, 2007	Estimate	666.7	
MCF Used in 30 Days			

Please Pay Account Balance of \$1,322.03 by December 11, 2007**MICHAEL L NICHOLSON**715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44502-2569

Account Number 9 4211 0491 2569 Date Prepared December 27, 2007 Next Meter Reading 01/24 - 01/29/2008

For questions about Dominion East Ohio charges call 1-800-362-7557. A estimate-enter a read between 01/25 & 5 p.m. on 01/29/2008 at www.dom

**Dominion****Credits And Charges Since Your Last Bill**

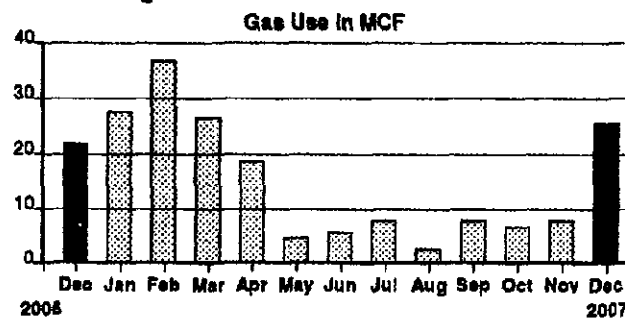
Balance from last bill \$1,322.03
 Payment on Dec 4, 2007 - Thank You 122.77 CR
Balance \$1,199.26

Current Charges

Dominion East Ohio Distribution Charges
 Monthly Service Charge \$5.70
 Gas Transportation Charge 76.80
Total Dominion East Ohio Charges \$82.50
 For questions about transportation (delivery) charges, call Dominion East Ohio at 1-800-362-7557.

Dominion East Ohio Energy Charges
 Gas Cost 26.2 MCF @ \$10.49 \$274.84
 Sales Tax 17.86
Total Dominion East Ohio Energy Charges \$292.70
 For questions about gas supply costs, contact Dominion East Ohio Energy (acct# 1295178616102006) at 1-800-990-4090 or P. O. Box 298 Pittsburgh, PA 15230 or www.dom.com.

Total Current Charges \$375.20
Total Account Balance \$1,574.46

Monthly Usage ComparisonAverage Daily Temperature 2006 40°F 2007 32°F
For This Billing PeriodAverage monthly use: 15.2 MCF.
Total annual use: 181.8 MCF.**Billing Period And Meter Readings**

Date	Read Type	Reading	Difference
Meter Number	13822476		
Dec 21, 2007	Estimate	701.2	
Nov 21, 2007	Remote	675.0	26.2
MCF Used in 30 Days			

Please Pay Account Balance of \$1,574.46 by January 14, 2008

Compl. Ex. 3

18. Delinquent Balance Transfer.

- a. Except as otherwise provided in subparagraph b., East Ohio shall have the right to transfer a delinquent commercial or industrial account balance, regardless of the service address, to another non-delinquent commercial or industrial account in the name of or owned by the same customer or owner of that business or establishment. If the same customer or owner has more than one non-delinquent account, East Ohio shall transfer the delinquent balance to the non-delinquent account having the lowest balance due.

For purposes of this Rule 18, "customer" means the party in whose name the account is carried.

- b. East Ohio may not transfer a delinquent commercial/industrial account to any account where any end user is a residential consumer.

Section III - Service Lines & Mainline Extensions

19. **Service Line Installation.** In the installation of a service line East Ohio will make all necessary connections with its distribution system and extend its service line from the distribution main to the service valve and will install the service valve and curb box enclosing the same without cost to the property owner or consumer. Where no service valve is installed in the service line East Ohio will install a valve Tee at the main and will extend its service line from the main to a tie-in coupling, to be located between approximately 4 to 6 feet from and to the coupling closest to the owner's property line in the direction toward the main. The property owner shall install and replace as necessary, at his expense, and shall be the owner of the service line extending from the service valve, or, where there is no service valve then from and including the tie-in coupling, to the meter on the owner's property. Before turning on gas East Ohio shall have the right to inspect the owner's service line and to refuse to turn on gas if in the opinion of East Ohio the service line is not properly constructed, fitted and laid. At the request of the property owner, and at his expense, East Ohio may, upon mutual agreement with the customer, install the service line from the service valve, or from tie-in coupling where there is no service valve, to the meter on the owner's property. The property owner shall promptly pay for all material furnished and labor used in the installation of such service line, of which he shall be the sole owner. Requests for the installation by East Ohio of a service line shall be made to the local office of East Ohio on a form to be furnished by East Ohio.

20. **Service Line Responsibilities.** The service line from the service valve to the meter, or where there is no service valve then from and including the tie-in coupling mentioned in Rule 19 to the meter, all gas lines on the outlet side of the meter, and all

Issued: April 11, 2001

Effective: Service rendered on or after April 11, 2001



Dominion®

Compl. Ex. 4

March 27, 2009

*****AUTO**SCH 3-DIGIT 444
20188 1 AT 0.346 T#000055
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44502-2569



ACCOUNT NO:
9500039871936
SERVICE ADDRESS:
2903 RUSH BLVD
YOUNGSTOWN OH 44507-1721

(FAX) 866-452-3940

Subject: Revert to Landlord

Our records indicate that you have an Automatic Transfer Agreement for 2903 Rush Blvd.

The customer at the above address requested that service be discontinued as of
04/09/2009. Per your agreement, the gas service will be transferred into your name.

If you have any questions regarding your Automatic Transfer Agreement or the current transfer, please call us at **(800)362-7557** Monday through Friday from 7:00 a.m. through 7:00 p.m.

Sincerely,

Customer Service Center
Dominion East Ohio

4/8/09

Isa009

MY NAME IS MIKE NICHOLSON
TURN THE GAS OFF - STILL PUT THE REVERT
ON THE PROPERTY FOR THE FUTURE

(330) 788-1616

2903 RUSH BLVD
YOUNGSTOWN OH 44507-1721

Account Number	Date Prepared
9 5000 3987 1936	April 29, 2009

Next Meter Reading
05/26 - 05/29/2009

For questions about Dominion East Ohio charges call 1-800-362-7557. estimate-enter a read between 05/27 & 5 p.m. on 05/29/2009 at www.don.com

Current Charges

Dominion East Ohio Distribution Charges

Basic Monthly Charge	\$12.50
Usage-Based Charges	
28.4 MCF @ \$2.7679	78.61
Gross Receipts Tax	4.20
Total Dominion East Ohio Charges	\$95.31

For questions about Dominion East Ohio charges, call us at 1-800-362-7557.

IGS ENERGY(INTERSTATE GAS SUPPLY) Charge

(See last page for important message)

Standard Choice Offer (SCO)

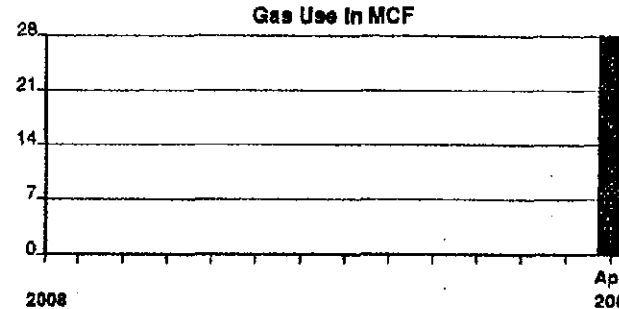
Gas Cost 28.4 MCF @ \$5.031	\$142.88
Sales Tax	9.64
Total IGS ENERGY(INTERSTATE GAS SUPPLY) Cha	\$152.52

For questions about gas supply costs, contact IGS ENERGY(INTERSTATE GAS SUPPLY) at 1-800-280-4474 or 5020 Bradenton Ave. Dublin, OH 43017 or www.igsenergy.com.

Total Current Charges	\$247.83
Total Account Balance	\$247.83

Monthly Usage Comparison

**Average Daily Temperature
For This Billing Period** 2009
47°F



Billing Period And Meter Readings

<u>Date</u>	<u>Head Type</u>	<u>Reading</u>	<u>Difference</u>
Meter Number	13942342		
Apr 27, 2009	Estimate	724.4	
Mar 28, 2009	Actual	696.0	28.4
MCF Used in 30 Days			28.4

Please Pay Account Balance of \$247.83 by May 15, 2009 to Avoid Late Payment Charge of 1.5% per month.

Doing business online with Dominion has never been easier!

Visit "Manage Your Account" at www.dom.com to make a payment, sign up for eBill and Automatic Bank Draft, view your billing and payment history, enter a meter reading, check your account information, and much more. Register or sign in to manage your Dominion account(s), at your convenience, 365 days a year on our secure Web site!
Call 1-877-542-2630 any hour, any day for emergency service. You may want to keep the number near your phone. (It is an emergency when you smell gas or when all of your gas appliances are out.)

ENERGYSHARE: Help people without heat by donating to EnergyShare. Add \$1, \$2, \$6, \$12, \$18 or \$36 to your payment or mail a separate check payable to EnergyShare, Salvation Army, P.O. Box 5847, Cleveland, OH 44101.

Please detach and return this coupon with a check made payable to Dominion East Ohio.

PLEASE PAY BY	May 15, 2009	Account No.	9 5000 3987 1936
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\$247.83

Account Balance

Amount Enclosed

Rate Component Change

In Case No. 07-1224-GA-EXM, the Public Utilities Commission of Ohio approved a new Standard Choice Offer (SCO) rate. Effective with this bill, the new SCO rate is \$1.40 plus the NYMEX month-end settlement price rate effective until April 2010. As a result of the variable monthly NYMEX settlement price, the SCO rate is a monthly variable rate.

*****AUTO**SCH 5-DIGIT 44502
23579 2 AV 0.449 T#000102
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44502-2569

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

DOMINION EAST OHIO
PO BOX 26785
RICHMOND VA 23261-6785

019500039871936000000000247830000000247830

MICHAEL L NICHOLSON

5263 SOUTH AVE
YOUNGSTOWN OH 44512-2449

Account Number Date Prepared
9 5000 3897 9463 March 26, 2009

For questions about Dominion East Ohio charges call 1-800-362-7557.



Dominion

Compl. Ex 5

Credits And Charges Since Your Last Bill

Balance from last bill

Cancel Billing

Balance

Current Charges

General Sales Service Rate

Basic Monthly Charge

Gas Usage Charges

3.3 MCF @ \$9.1696

Gross Receipts Tax

This bill includes \$21.07 for SSO gas cost at \$6.386 per

thousand cubic feet (MCF).

Total Current Charges

Total Account Balance

You may be able to save on the SSO gas cost portion of your bill by

shopping for an alternative gas supplier.

This is your Final Bill.

Please Pay Account Balance of \$44.73 by April 13, 2009

\$220.72
220.72 CR
\$.00

\$12.50

30.26

1.97

\$44.73
\$44.73

Monthly Usage Comparison

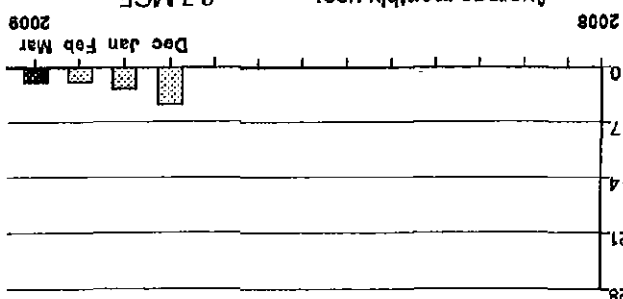
Average Daily Temperature

For This Billing Period

Gas Use in MCF

2008 30°F

2009 37°F



Average monthly use:
Total annual use:

2.7 MCF
10.7 MCF

Billing Period And Meter Readings

Date

Meter Number

19024961

Mar 19, 2009

Estimate

51.5

Actual

48.2

MCF Used in 22 Days

3.3

3.3

MICHAEL L NICHOLSON

5263 SOUTH AVE
YOUNGSTOWN OH 44512-2449

Account Number Date Prepared
9 5000 3897 9463 March 20, 2009

Credits And Charges Since Your Last Bill

Balance from last bill \$140.49
Current Charges \$140.49

General Sales Service Rate \$12.50
Basic Monthly Charge 64.20
Gas Usage Charges 3.53
7.0 MCF @ \$9.1714
Gross Receipts Tax
This bill includes \$44.70 for SSO gas cost at \$6.386 per thousand cubic feet (MCF).
Total Current Charges \$60.23
Total Account Balance \$220.72

You may be able to save on the SSO gas cost portion of your bill by shopping for an alternative gas supplier.

This is your Final Bill.

Please Pay Account Balance of \$220.72 by April 7, 2009

PLEASE PAY BY Apr 7, 2009 Account No. 9 5000 3897 9463
FINAL BILL
Account Balance \$220.72
Amount Enclosed

Please detach and return this coupon with a check made payable to Dominion East Ohio.

Late Payment Charge to Begin in April
Beginning April 14, 2009, Dominion East Ohio will add a 1.5% Late Payment Charge (LPC) on any past-due Dominion East Ohio charges or plan amounts. To avoid a late payment charge, you must pay at least the minimum amount due by the due date stated on each bill. This change is a result of Case No. 07-0829-GA-AIR approved by the Public Utilities Commission of Ohio.

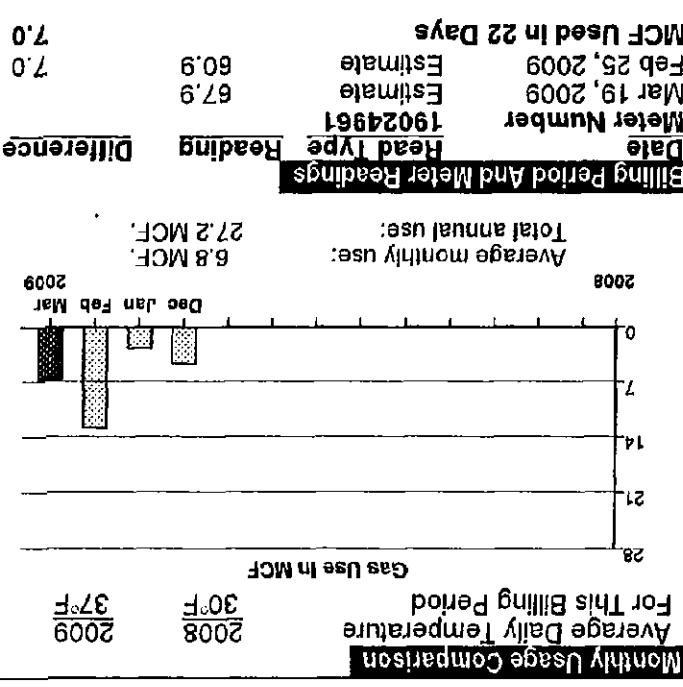
DOMINION EAST OHIO
PO BOX 26785
RICHMOND VA 23261-6785

.....AUTO.....SCH 3-DIGIT 444
26571 AT 0.346 T#000091
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44502-2569

0195000389794630000000008023000000220726



For questions about Dominion East Ohio charges call 1-800-362-7557.



MICHAEL L NICHOLSON

5263 SOUTH AVE
YOUNGSTOWN OH 44512-2449

Account Number Date Prepared
9 5000 3897 9463 February 27, 2009

Next Meter Reading
03/25 - 03/30/2009

For questions about Dominion East Ohio charges call 1-800-362-7557. Avoid
estimate-enter a read between 03/26 & 5 p.m. on 03/30/2009 at www.dom.com



Credits And Charges Since Your Last Bill

Balance from last bill
Payment on Feb 6, 2009 - Thank You
Balance \$46.29
46.29 CR
\$0.00

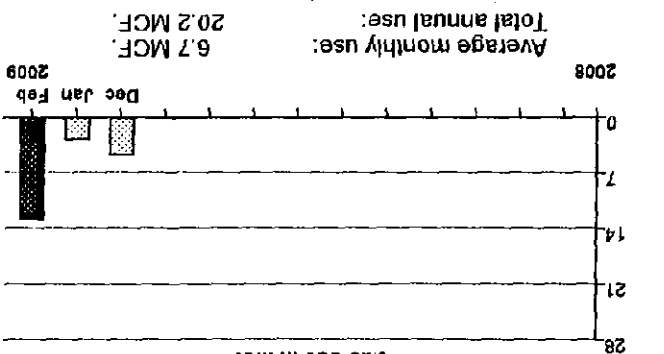
Current Charges

General Sales Service Rate \$12.50
Basic Monthly Charge
Gas Usage Charges 12.7 MCF @ \$9.5913
Gross Receipts Tax 6.18
This bill includes \$86.44 for SSO gas cost at \$6.806 per
thousand cubic feet (MCF).
Total Current Charges \$140.49
Total Account Balance \$140.49

You may be able to save on the SSO gas cost portion of your bill by
shopping for an alternative gas supplier.

Monthly Usage Comparison

Average Daily Temperature For This Billing Period
2008 27°F
2009 26°F



Billing Period And Meter Readings

Date	Meter Number	Head Type	Reading	Difference
Feb 25, 2009	19024961	Estimate	60.9	
Jan 26, 2009		Actual	48.2	
				12.7

MCF Used in 30 Days 12.7

Please Pay Account Balance of \$140.49 by March 17, 2009

Please Use Our Return Envelope

We provide a return envelope for customers who like to pay their gas bills by mail.
If you pay your bill by a different method, please do not use our envelope for other mail.
You can pay this bill with an electronic check, ATM/debit card with a Pulse, Star, NYCE or Accell logo,
or a Visa, MasterCard, or Discover credit card at www.dom.com or at 1-800-573-1153. BillMatrix
provides this service. A service fee applies.
Thank you for your cooperation.

ENERGYSHARE: Help people without heat by donating to EnergyShare. Add \$1, \$2, \$6, \$12, \$18 or \$36 to your
payment or mail a separate check payable to EnergyShare, P.O. Box 5847, Cleveland, OH 44101.

Please detach and return this coupon with a check made payable to Dominion East Ohio.

LEASE PAY BY Mar 17, 2009 **Account No.** 9 5000 3897 9463

Account Balance

\$140.49

Amount Enclosed

*****AUTO**SCH 5-DIGIT 44502
272321 AV 0.324 T#000103
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44502-2569

DOMINION EAST OHIO
PO BOX 26785
RICHMOND VA 23261-6785

Removing Yourself from Customer Listing
We are required to include your name, address and
usage information on a list of eligible customers that
is made available to other retail gas suppliers
or governmental aggregators. If you do not wish to
be included on this list, please call Dominion East
Ohio at 1-800-362-7557 or write us at P.O. Box
26666, Richmond, VA 23261-6666, or complete the
appropriate form on the www.dom.com web site.

0195000389794630000000014049000000140495

MICHAEL L NICHOLSON

520 YOUNGSTOWN POLAND RD
STRUTHERS OH 44471-1103

Account Number 9 5000 3886 6383 Date Prepared March 5, 2009

Next Meter Reading 03/31 - 04/03/2009

For questions about Dominion East Ohio charges call 1-800-362-7557. Avoid estimate-enter a read between 04/01 & 5 p.m. on 04/03/2009 at www.dom.com



Dominion

Credits And Charges Since Your Last Bill

Balance from last bill Payment on Feb 11, 2009 - Thank You

\$42.69
42.69 CR
\$0.00

Current Charges

General Sales Service Rate
Basic Monthly Charge
Gas Usage Charges

7.3 MCF @ \$9.5904
Gross Receipts Tax
This bill includes \$49.68 for SSO gas cost at \$6.806 per thousand cubic feet (MCF).

Total Current Charges \$86.31
Total Account Balance \$86.31

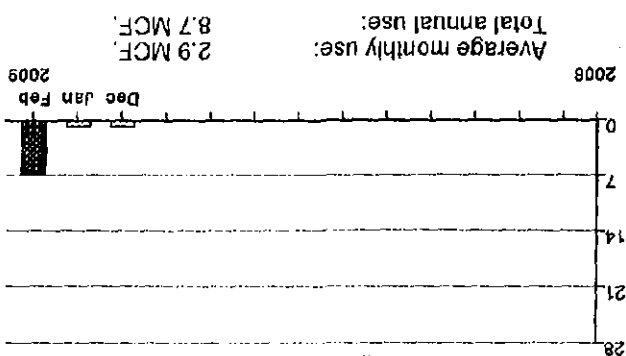
You may be able to save on the SSO gas cost portion of your bill by shopping for an alternative gas supplier.

Monthly Usage Comparison

Average Daily Temperature For This Billing Period

2008 26 F
2009 27 F

Gas Use in MCF



Billing Period And Meter Readings

Date Read Type Reading Difference
Meter Number 14178887
Mar 3, 2009 Estimate 40.2
Jan 30, 2009 Remote 32.9
MCF Used in 32 Days 7.3

Please Pay Account Balance of \$86.31 by March 23, 2009

Please Use Our Return Envelope

We provide a return envelope for customers who like to pay their gas bills by mail. If you pay your bill by a different method, please do not use our envelope for other mail. You can pay this bill with an electronic check, ATM/debit card with a Pulse, Star, NYCE or Accell logo, or a Visa, MasterCard, or Discover credit card at www.dom.com or at 1-800-573-1153. BillMatrix provides this service. A service fee applies. Thank you for your cooperation.

ENERGYSHARE: Help people without heat by donating to EnergyShare. Add \$1, \$2, \$6, \$12, \$18 or \$36 to your payment or mail a separate check payable to EnergyShare, P.O. Box 5847, Cleveland, OH 44101.

Please detach and return this coupon with a check made payable to Dominion East Ohio.

LEASE PAY BY Mar 23, 2009 Account No. 9 5000 3886 6383

\$86.31

Amount Enclosed

*****AUTO**SCH 3-DIGIT 444
303321 AT 0.346 T#000110
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44602-2569

DOMINION EAST OHIO
PO BOX 26785
RICHMOND VA 23261-6785

Removing Yourself from Customer Listing
We are required to include your name, address and usage information on a list of eligible customers that is made available to other retail natural gas suppliers or governmental aggregators. If you do not wish to be included on this list, please call Dominion East Ohio at 1-800-362-7557 or write us at P.O. Box 26666, Richmond, VA 23261-6666, or complete the appropriate form on the www.dom.com web site.

01950003886383000000008631000000086317

YOUNGSTOWN POLAND RD
STRUTHERS OH 44471-1103
AEL L NICHOLSON

Account Number 9 5000 3886 6383
Date Prepared April 1, 2009

Next Meter Reading 06/01 - 06/04/2009

For questions about Dominion East Ohio charges call 1-800-362-7557. Avoid estimate-enter a read between 05/01 & 5 p.m. on 05/05/2009 at www.dom.co



Dominion

Credits And Charges Since Your Last Bill

Balance from last bill \$86.31
Current Charges \$86.31
General Sales Service Rate \$12.50
Basic Monthly Charge 2.75
Gas Usage Charges .70
Gross Receipts Tax \$15.95
This bill includes \$1.92 for SSO gas cost at \$6.386 per thousand cubic feet (MCF).
Total Current Charges \$102.26
Total Account Balance \$102.26
You may be able to save on the SSO gas cost portion of your bill by shopping for an alternative gas supplier.

Monthly Usage Comparison

Average Daily Temperature For This Billing Period
2008 33°F
2009 39°F
Gas Use in MCF
Average monthly use: 2.3 MCF.
Total annual use: 9.0 MCF.

Billing Period And Meter Readings			
Date	Meter Number	Read Type	Reading
Mar 31, 2009	14178887	Remote	40.5
Mar 3, 2009		Estimate	40.2
MCF Used in 28 Days			
			.3
			.3
Difference			

Please Pay Account Balance of \$102.26 by April 17, 2009

This is a Reminder Notice.

Did you forget to pay last month's bill?

As of Apr 1, 2009, we haven't received your payment of \$86.31. If you've already paid it, thank you. If not, please pay the total balance of \$102.26 by Apr 17, 2009. If you have questions, please call toll-free 1-800-950-7989. To participate in the Energy Choice program, you must pay the amount due on time each month. ENERGYSHARE: Help people without heat by donating to EnergyShare. Add \$1, \$2, \$6, \$12, \$18 or \$36 to your payment or mail a separate check payable to EnergyShare, Salvation Army, P.O. Box 5847, Cleveland, OH 44101.

Please detach and return this coupon with a check made payable to Dominion East Ohio.

PLEASE PAY BY	Jan 21, 2009	Account No.	9 5000 3886 6383
Account Balance			
Amount Enclosed			

Removing Yourself from Customer Listing
We are required to include your name, address and usage information on a list of eligible customers that is made available to other retail natural gas suppliers or governmental aggregators. If you do not wish to be included on this list, please call Dominion East Ohio at 1-800-362-7557 or write us at P.O. Box 26666, Richmond, VA 23261-6666, or complete the appropriate form on the www.dom.com web site.

DOMINION EAST OHIO
PO BOX 26785
RICHMOND VA 23261-6785

*****AUTO**SCH 3-DIGIT 444
277141 AT 0346 T#000104
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44602-2568

019500036863630000003337200000333727

MICHAEL L NICHOLSON

715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44402-2569

Account Number 9 4211 0491 2569 Date Prepared December 20, 2004
Next Billing Date January 20, 2005

For questions about Dominion East Ohio charges call 330-746-7611.

DEO EXHIBIT
13

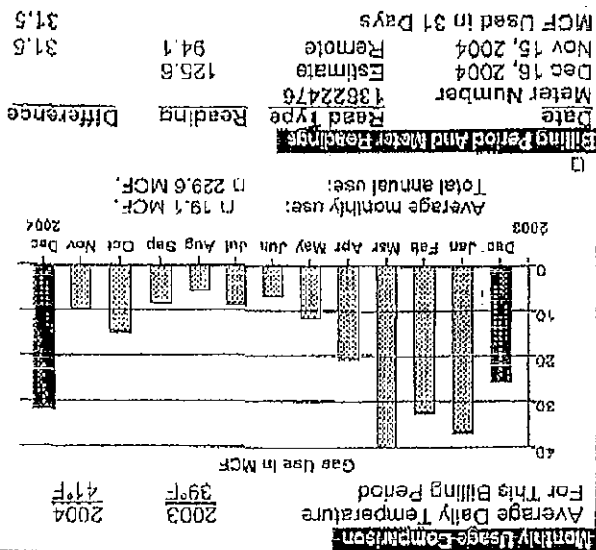
Balance and Charges Since Last Bill
Balance from last bill
Payment on Nov 22, 2004 - Thank You

\$278.37
278.37 CR
\$4.00

Current Charges

General Sales Service Rates
Monthly Service Charge
Gas Usage Charge
31.6 MCF @ \$11.752
Total Current Charges
Total Account Balance
\$367.17
\$367.17

This bill includes \$296.174 for gas cost recovery at \$9.325 per thousand cubic feet (MCF) and \$14.3 for Gross Receipts Tax.
You may be able to save on your gas cost recovery portion of your bill by shopping for an alternative gas supplier.



Please Pay Account Balance of \$367.17 by January 5, 2005

It's Our Pleasure to Serve You

All of us at Dominion East Ohio thank you for your business. You could choose another form of energy, but you put your trust in us to deliver economical, clean-burning natural gas to your home or business. We're committed to doing everything we can to honor that trust.

If you have a question, please call the number listed on the top of this bill. Our customer information phone hours are 7 a.m. to 7 p.m. Monday through Friday. If you have an emergency, you can call us anytime, day or night. (It is an emergency when you smell gas or when all of your gas appliances are out.)

ENERGYSHARE: Help people without heat by donating to EnergyShare. Add \$1, \$2, \$5, \$12, \$18 or \$36 to your payment or on all a separate check payable to EnergyShare, Salvation Army, P.O. Box 5847, Cleveland, OH 44101.

Please detach and return this coupon with a check made payable to Dominion East Ohio. Please see reverse side for mailing address change instructions.

PLEASE PAY BY Jan 5, 2005 **Account No.** 9 4211 0491 2569

Amount Enclosed

Account Balance

\$367.17

Removing Yourself from Customer Listing
We are required to include your name, address and usage information on a list of eligible customers that is made available to other retail gas suppliers or governmental aggregators. If you do not wish to be included on this list, please call Dominion East Ohio at 1-800-362-7557 or write us at P.O. Box 25668, Richmond, VA 23261-8666, or complete the appropriate form on the www.dom.com web site.

DOMINION EAST OHIO
P.O. BOX 26785
RICHMOND VA 23261-6785

#BWMG.FZ
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44402-2569

019421101912569000000003671721

MICHAEL L NICHOLSON

715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44603-2569
Account Number Date Prepared
9 4211 0491 2569 January 24, 2005

Next Billing Date
February 18, 2005

For questions about Dominion East Ohio charges call 330-746-7611.

DEO EXHIBIT
1.4

Credits and Charges Since Last Bill	
Balance from last bill	\$367.17
Payment on Dec 23, 2004. Thank You	200.00 CR
Balance	\$167.17
Charges	
General Sales Service Rate	\$5.70
Monthly Service Charge	
Gas Usage Charge	
32.7 MCF @ \$11.2204	
Total Current Charges	\$372.51
Total Account Balance	\$539.78
This bill includes \$296.99 for gas cost recovery at \$9.082 per thousand cubic feet (MCF) and \$145.41 for Gross Receipts Tax.	
You may be able to save on your gas cost recovery portion of your bill by shopping for an alternative gas supplier.	
Billing Period and Meter Readings	
Date	Meter Number
Jan 20, 2005	13822476
Dec 16, 2004	Estimate
Jan 20, 2005	Estimate
Dec 16, 2004	Estimate
MCF Used in 35 Days	
32.7	
32.7	
Monthly Usage Comparison	
Average Daily Temperature	For This Billing Period
30°F	2004
29°F	2005
Gas Use in MCF	
Average monthly use: □ 18.8 MCF, □ 226.8 MCF.	
Total annual use:	
Date	
Reading	
Difference	
MCF Used in 35 Days	
32.7	
32.7	

Please Pay Account Balance of \$539.78 by February 9, 2005

This is a Reminder Notice.

Did you forget to pay last month's bill?

As of Jan 24, 2005, we haven't received your payment of \$167.17. If you've already paid it, thank you. If not, please pay the total balance of \$539.78 by Feb 9, 2005. If you have questions, please call toll-free 1-800-950-7909. To participate in the Energy Choice program, you must pay the amount due on time each month. ENERGYSHARE: Help people without heat by donating to EnergyShare. Add \$1, \$2, \$5, \$12, \$18 or \$36 to your payment or mail a separate check payable to EnergyShare, Salvation Army, P.O. Box 5847, Cleveland, OH 44101.

Please detach and return this coupon with a check made payable to Dominion East Ohio. Please see reverse side for mailing address change instructions.

PLEASE PAY BY Feb 9, 2005	Account Number 9 4211 0491 2569
Amount Enclosed	\$539.78

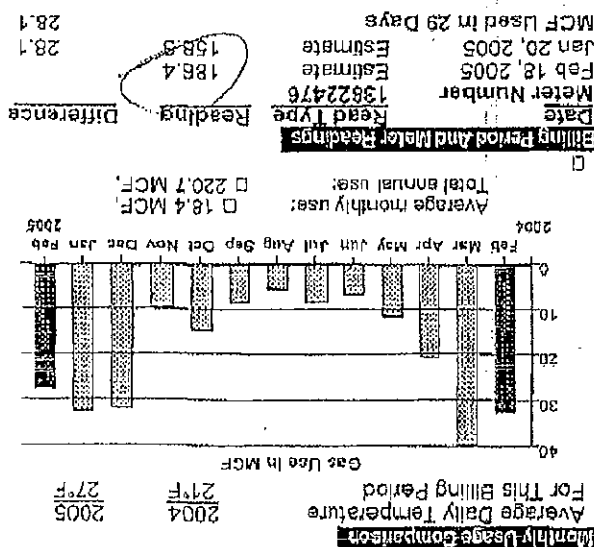
Get more from your regular paycheck! The Earned Income Credit is a special tax benefit for people who work full or part-time. If you qualify, you owe less in taxes and may get cash back. Even if you don't owe a federal tax return, for information about Earned Income and Child Tax Credits, plus help filing your taxes, call the Internal Revenue Service at 1-800-829-1040.

DOMINION EAST OHIO
PO BOX 26785
RICHMOND VA 23261-0785

#BXND.FZ
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44602-2569

01942110-9135490000000372610000005397789

For questions about Dominion East Ohio charges call 330-746-7611.



Amount Enclosed

#BWNCFZ
MICHAEL L NICHOLSON
715 E ARDLOVE LN BLDG
YOUNGSTOWN OH 44502-2569

TE80980000005072E0000000069 12TBH0T2H6TO

MICHAEL L NICHOLSON

715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44132-2569

Account Number 9 4211 0491 2569 Date Prepared February 25, 2005
Next Billing Date March 21, 2005

For questions about Dominion East Ohio charges call 330-746-7611.

DFO EXHIBIT
1.6

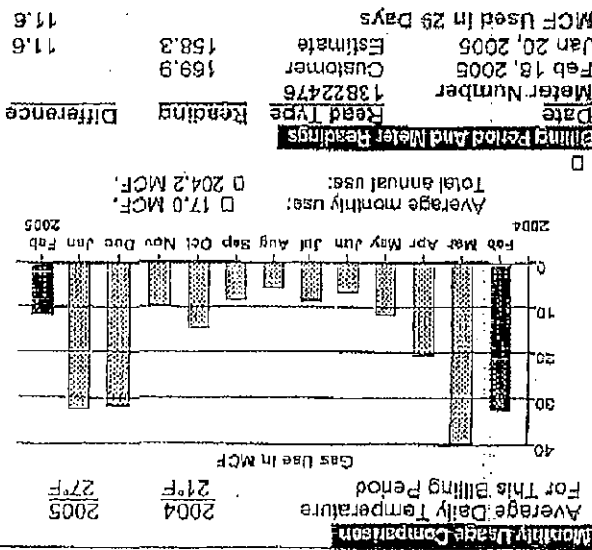
Credit and Charges Since Last Bill

Balance from last bill \$660.83
Cancel Billing 321.05 CR
Balance \$339.78

Current Charges

General Sales Service Rate \$5.70
Monthly Service Charge 130.20
Gas Usage Charge \$675.68
11.6 MCF @ \$11.12/MCF
Total Current Charges \$135.90
Total Account Balance \$675.68

This bill includes \$10.29 for gas cost recovery at \$9.085 per thousand cubic feet (MCF) and \$5.16 for Gross Receipts Tax.
You may be able to give a gas cost recovery portion of your bill by shopping for an alternative gas supplier.



Please Use Our Return Envelope

We provide a return envelope for customers who like to pay their gas bills by mail. If you pay your bill by a different method, please do not use our envelope for other mail. You can pay this bill with an electronic check, ATM/debit card with a Pulse, Star, NYCE or Accell logo, or a Visa, MasterCard, or Discover credit card at www.dom.com or at 1-800-573-1153. BillMatrix provides this service and charges a transaction fee of \$3.50. Thank you for your cooperation.

ENERGYSHARE - Help people without heat by donating to EnergyShare. Add \$1, \$2, \$5, \$12, \$18 or \$36 to your payment or mail a separate check payable to EnergyShare, Salvation Army, P.O. Box 5847, Cleveland, OH 44101.

Please detach and return this coupon with a check made payable to Dominion East Ohio. Please see reverse side for mailing address change instructions.

Please Pay

Account Balance of \$675.68 by March 15, 2005

Account Balance \$675.68

Amount Enclosed

PLEASE PAY BY: Mar 15, 2005 Account No: 9 4211 0491 2569

View and Pay Your Bill On-Line
You can start saving the time associated with writing checks and the cost of buying stamps. Best of all, eBill is a free service when your payment is made from your bank account. Learn more by visiting www.dom.com. It's worth the trip!

DOMINION EAST OHIO
PO BOX 26795
RICHMOND VA 23261-6795

#BXNDJFZ
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44132-2569

019421049125690000001359000000675688

MICHAEL L NICHOLSON

715 E MIDLOTHIAN BLVD

YOUNGSTOWN OH 44502-2569

Account Number Date Prepared
9 4211 0491 2569 March 11, 2005

Next Billing Date
April 20, 2005

For questions about Dominion East Ohio charges call 330-746-7611.

DFO EXHIBIT
1.7

Credits And Charges Since Last Bill

Balance from last bill
Payment on Mar 7, 2005 - Thank You
Payment on Mar 7, 2005 - Thank You

Balance \$675.68
135.90 CR
\$5.00

General Charges

General Sales Service Rate

Monthly Service Charge

Gas Usage Charge

52.2 MCF @ \$11.5016

Total Current Charges

\$590.68

Total Account Balance

\$590.68

This bill includes \$47.40 for gas cost recovery at \$9.069 per thousand

cubic feet (MCF) and \$23.91 for Gross Receipts Tax.

You may be able to give credit for gas cost recovery portion of your bill by

shopping for an alternative gas supplier.

Monthly Usage Comparison

Average Daily Temperature

For This Billing Period

Gas Use in MCF

2004 27°F

2005 27°F

2004 37°F

2005 27°F

2004 37°F

2005 27°F

2004 37°F

2005 27°F

2004 37°F

2005 27°F

2004 37°F

2005 27°F

2004 37°F

2005 27°F

2004 37°F

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2005 27°F

2004 37°F

2005 27°F

2004 37°F

2005 27°F

2004 37°F

2005 27°F

2004 37°F

2005 27°F

2071

Account Number	94211049123569
Master Number	13822476

For Questions Call (330) 748-7611
Hearing Impaired Customers Call TDD (800) 633-8903

BUD - BUDGET PLAN	DEF - COLLAR ENERGY FUND	DEP - DEPOSITS	CIA - CONT IN AID OF CONST	NSC - INSUFFICIENT FUNDS CHARGE
DFA - DEFERRED AGREEMENT	LPN - LATE PMT CHRG (NONUTILITY)	LPC - LATE PMT CHRG	RCC - RECONNECTION CHARGE	NSA - INSUFFICIENT FUNDS AMOUNT
INT - INTEREST	NSN - INSUFFICIENT FUNDS (NONUTILITY)	UTG - UTILITY	DISCNT - DISCOUNT	CNT - CONTRACTS

2009 MAY 13 PM 4: 47

0000

Case No. 09-78-GA-CSS

[illegible]

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

DEO EXHIBIT 1.0

I.	INTRODUCTION.....	1
II.	BACKGROUND AND QUALIFICATIONS.....	1
III.	RESPONSE TO COMPLAINT.....	2

TABLE OF CONTENTS

3 I. INTRODUCTION

4 Q1. Please state your name, occupation and business address.

5 A1. My name is Margaret Callahan. I am employed by The East Ohio Gas Company d/b/a

6 Dominion East Ohio ("DEO" or "Company") as a Customer Service Center Supervisor in DEO's

7 Akron office. My business address is 2100 Eastwood Avenue, Akron, Ohio 44305.

8
9 Q2. What is the purpose of your testimony?

10 A2. In my testimony, I respond to Mr. Nicholson's allegations that DEO improperly denied

11 his request to enroll with MX Energy under DEO's Energy Choice Program. My testimony

12 concludes: (1) Mr. Nicholson was ineligible to enroll with MX Energy because his account with

13 DEO was over 60 days in arrears; (2) DEO accurately calculated the arrearage; and (3) DEO

14 complied with the meter reading requirements contained in Revised Code Section 4933.09 and

15 DEO's tariff.

16
17 II. BACKGROUND AND QUALIFICATIONS

18
19 Q3. Please describe your work history.

20 A3. I have been employed by DEO since 1990 in various positions related to customer

21 service. These positions included serving as a call center agent from 1990 to 1996, a service

22 order business process expert from 1996 to 1999, and a customer service relations

23 specialist/trainer from 1999 to 2000. From 2000 through 2006, I was a representative on DEO's

1 PUCO/Ohio Consumer Counsel help desk. Starting in 2006, I worked as a customer relations
 2 program specialist. I was promoted in 2008 to the position of Supervisor of the Customer
 3 Service Center, which is the position I currently hold.

4

5 Q4. What are your current job responsibilities?

6 A4. I am responsible for the training, development and supervision of call center employees.
 7 I also often deal directly with DBO customers regarding a variety of issues related to their
 8 accounts with DBO. Through my job responsibilities currently and throughout my 19 years with
 9 DBO, I have personal knowledge of DBO's metering and billing practices and procedures, DBO's
 10 Energy Choice Program, and applicable statutes, regulations and tariff provisions. I also have
 11 personal knowledge of Mr. Nicholson's account with DBO at a property located at 715 East
 12 Midlothian in Youngstown, Ohio, which is at issue in this case.

13

14 III. RESPONSE TO COMPLAINT

15

16 Q5. What is your understanding of the dispute that gives rise to Mr. Nicholson's
 17 Complaint?

18 A5. Mr. Nicholson alleges that he attempted to enroll in an MX Energy gas program in
 19 December 2004, with service effective in February 2005, for a property located at 715 East
 20 Midlothian in Youngstown, Ohio. DBO denied the enrollment because the account was over 60
 21 days in arrears. Mr. Nicholson disputes that the account was in arrears. He seeks money
 22 damages for the difference between the rates charged by DBO during the period February 2005

1 through February 2008 and the rate he would have received from MX Energy had his enrollment
2 been accepted.

3
4 Q6. Does Mr. Nicholson have more than one account with DEO?

5 A6. Yes. According to DEO's records, as of May 4, 2009, Mr. Nicholson has 3 active
6 accounts with DEO. He also has a number of closed accounts and charged-off accounts. The
7 allegations in the Complaint in this matter, however, are specifically limited to the account at
8 715 East Midlothian, which is classified as a small commercial account because Mr. Nicholson
9 operates his insurance business from this location.

10
11 Q7. What is DEO's Energy Choice Program?

12 A7. DEO's Energy Choice Program allows eligible customers to purchase natural gas from a
13 Competitive Retail Natural Gas ("CRNG") supplier. CRNG suppliers must be registered with
14 the Commission in order to serve customers. The relationship between DEO and CRNG
15 suppliers is governed by DEO's General Terms and Conditions of Energy Choice Pooling

16 Service, which are part of DEO's tariffs. Customers who wish to buy gas from a CRNG supplier
17 continue to receive their delivery service from DEO under DEO's Energy Choice Transportation

18 Service ("ECTS") Tariff. A copy of the ECTS tariff in effect during the 2004/2005 time period

19 is attached to my testimony as Exhibit DEO.1.1. The tariff provision reflected on DEO Exhibit

20 1.1 was replaced by a new tariff filed on December 20, 2008 pursuant to DEO's last rate case.

21 However, the eligibility criteria for participation in Energy Choice is essentially the same under

22 both the current and prior tariff.

23

1 Q8. What are the eligibility criteria for customers to participate in Energy Choice?

2 A8. As indicated in DBO Exhibit I.1, there are two main criteria for eligibility under the

3 ECTS rate schedule. First, the customer must have purchased or otherwise arranged to receive

4 all of their natural gas requirements from a qualified CRNG supplier. Second, the customer must

5 have no arrears for 30 days or more, or, if eligible, be on a current payment plan to discharge an

6 arrearage. The account at 715 East Midlothian was a commercial account, however, and thus was

7 not eligible to be placed on a payment plan.

8

9 Q9. Please describe the enrollment process for the Energy Choice program.

10 A9. The CRNG supplier sends DBO an electronic file regarding the customer's request for

11 enrollment. Based on the information in the electronic file, DBO verified whether the customer

12 contained in its system to verify if the customer is eligible for service under the ECTS rate

13 schedule. DBO then notifies the CRNG supplier accordingly.

14

15 Q10. How long does the enrollment process take?

16 A10. Ordinarily, one to two billing cycles.

17

18 Q11. Did Mr. Nicholson attempt to enroll with MX Energy for the 715 E. Midlothian

19 address through the Energy Choice Program?

20 A11. Yes. Based on my review of the Accounts Transaction History and Supplier Order Panel

21 in DBO's account records, DBO received a request from MX Energy on December 23, 2004 to

22 enroll Mr. Nicholson in an MX Energy Program, effective February 23, 2005, for account

23 number 9421104912569.

1
2 Q12. Did DEO accept the enrollment?
3 A12. No. DEO rejected the enrollment on February 22, 2005.
4
5 Q13. Why did DEO reject the enrollment?
6 A13. Mr. Nicholson's account was over 60 days in arrears. Because of the arrearage, Mr.
7 Nicholson was ineligible under the ECTS tariff to participate in Energy Choice.
8
9 Q14. How was this arrearage incurred?
10 A14. I have prepared a chart, DEO Exhibit 1.2, which shows the charges and payments on Mr.
11 Nicholson's account from November 15, 2004 through March 7, 2005. As shown on DEO
12 Exhibit 1.2, between November 15, 2004 and December 16, 2004, Mr. Nicholson incurred
13 charges of \$367.17. Payment was due by January 5, 2005. Mr. Nicholson paid only \$200 on
14 December 29, 2004, leaving an arrearage of \$167.17. This information is documented in DEO
15 Exhibits 1.3 and 1.4, which are copies of Mr. Nicholson's bills for December 2004 and January
16 2005, respectively. As shown on Exhibits 1.3 and 1.4, these bills were based on estimated meter
17 readings.
18
19 Q15. Did Mr. Nicholson pay the arrearage the next month?
20 A15. No. DEO Exhibit 1.2 shows that between December 16, 2004 and January 20, 2005, Mr.
21 Nicholson incurred charges of \$372.61. Payment was due on February 9, 2005, but Mr.
22 Nicholson paid nothing. This left an arrearage of \$539.78 as of February 9, 2005 (\$167.17 in
23 arrearage from the December 2004 bill + \$372.61 from the January 2005 bill). This information

1 is documented in DBO Exhibit 1.5, which is a copy of Mr. Nicholson's bill prepared on February 22, 2005. The February 22, 2005 bill also shows that between January 20, 2005 and February 18, 2005, Mr. Nicholson incurred additional charges of \$321.05. The February 22, 2005 bill is also based on an estimated read.

6 Q16. Did DBO subsequently issue a second bill in February 2005?

7 A16. Yes. DBO Exhibit 1.6 is a copy of a second bill for February 2005, issued on February 25, 2005. The February 25, 2005 bill is based on a customer meter reading which, if accurate, showed that Mr. Nicholson incurred charges of \$135.90 between January 20, 2005 and February 18, 2005, rather than \$321.50. The charges for February 2005 were revised from \$321.05 to

11 \$135.90 and this revision is reflected in the February 25, 2005 bill. Accordingly, the total bill amount for February 2005 was \$675.68 (\$167.17 in arrearage from the December 2004 bill + \$372.61 arrearage from the January 2005 bill + 135.90 from the revised February 2005 bill).

14 DBO mailed Mr. Nicholson both the original February 22, 2005 and revised February 25, 2005 bills.

17 Q17. Did Mr. Nicholson finally pay the arrearage in March 2005?

18 A17. Yes. As shown on the March 2005 bill, attached as DBO Exhibit 1.7, On March 7, 2005, DBO received payment of \$675.68. This payment was received after Mr. Nicholson's enrollment with MX Energy had been denied. Mr. Nicholson paid with two separate checks, one in the amount of \$539.78 and the other for \$135.90. As explained above, the \$135.90 amount was for usage between January 20, 2005 and February 18, 2005, and therefore was not in arrears. The \$539.78 balance, however, was in arrears.

1
2 Q.18 How long had Mr. Nicholson's account been in arrears before it was paid?
3 A.18 Mr. Nicholson did not pay his December 2004 bill in full until March 7, 2005. As such,
4 as of February 22, 2005, when DBO denied his enrollment with MX Energy, Mr. Nicholson was
5 64 days in arrears on his December 2004 bill.
6
7 Q19. Mr. Nicholson attached to his Complaint a "Statement of Account," a copy of which
8 is also attached to your testimony as DBO Exhibit 1.8, which he claims shows his account
9 was not in arrears as of February 22, 2005. Is Mr. Nicholson correct?
10 A.19 No. DBO Exhibit 1.8 is a Statement of Account for 715 East Middletown for the period
11 November 15, 2004 to November 16, 2005. This document was prepared by DBO at Mr.
12 Nicholson's request in December 2005. I am informed by counsel that Mr. Nicholson stated at
13 his deposition that the handwriting on the document is his. The Statement of Account attached
14 as DBO Exhibit 1.8 shows the proper billing and payment application reflected in the bills sent to
15 Mr. Nicholson for December 2004 through March 2005, which are attached as DBO Exhibits 1.3
16 through 1.7. The references to "\$0.00" under the column labeled "ADJ" simply mean no
17 adjustments were required to be made to the account in addition to application of the payments
18 received from Mr. Nicholson, which payments are properly reflected in the "PMT AMOUNT"
19 column. The references to "\$0.00" under the columns captioned "PLAN AMT DUE" and
20 "TOTAL PLAN AMT DUE" are used only for accounts eligible for DBO's Percentage of Income
21 Payment Plan ("PIPP"), or similar DBO alternative payment plan arrangements. During 2004
22 and 2005, Mr. Nicholson's account at 715 East Middletown was ineligible for PIPP or any other
23 DBO alternative payment plan arrangement because his account was a commercial account.

1 Finally, any blanks in the "ACCT BALANCE" column merely reflect that the corresponding
2 transaction to the left of the chart did not result in a new bill being issued on the account. The
3 presence of the blank does not mean the account was not in arrears or that the account balance
4 was zero.

5

6 **Q20. Does DBO have any interest in whether customers choose to shop with a CRNG**
7 **supplier?**

8 A20. No. Since implementing its Energy Choice Pilot Program in 1997, DBO has always
9 supported eligible customers' right to choose their natural gas supplier. Because DBO earns a
10 profit only on the delivery of natural gas, and not on the supply of natural gas, DBO is indifferent
11 to whether customers choose to exercise their right to shop for an alternative supplier. In fact, in
12 each of the bills discussed above (DBO Exhibits 1.3 through 1.7), DBO included a message on
13 the bill stating: "You may be able to save on the gas cost recovery portion of your bill by
14 shopping for an alternative supplier."

15

16 **Q21. Is DBO required to render bills based on an actual meter read?**

17 A21. No. DBO's tariff in effect during 2004/2005 required only that DBO use its "best efforts"
18 to obtain an actual read once every twelve months. A copy of the Rules and Regulations section
19 of DBO's Tariff dealing with meter reading, which was in effect during the time period covered
20 in Mr. Nicholson's Complaint, is attached to my testimony as DBO Exhibit 1.9.

21

22

23

1 Q22. With respect to Mr. Nicholson, did DBO comply with the tariff provision requiring
2 DBO to make its best efforts to obtain an actual read at least once every twelve months?
3 A22. Yes. I reviewed DBO's electronic order completion panels and statements of account for
4 Mr. Nicholson's 715 E. Midlothian account and determined that actual reads were obtained by
5 DBO on March 11, 2004, July 20, 2004, February 10, 2005, March 16, 2005 and December 15,
6 2005. The records I reviewed, which are kept in the ordinary course of business at DBO, are
7 attached to my testimony collectively as DBO Exhibit 1.10.

8

9 Q23. What methodology does DBO use to estimate customers' gas usage?
10 A23. DBO has used two related methodologies for estimating customer usage: (1) the
11 "standard method", and (2) the "enhanced method." Under the standard method, which was
12 exclusively used prior to December 20, 2004, usage is estimated based on a formula with three
13 factors: base load, degree days and degree day factor. Base load represents the average non-
14 heating gas consumption during a one month period. Base load is determined by examining the
15 historical usage at the premises. Degree day information is obtained from the National Weather
16 Service and represents the extent to which the daily average temperature for the period in
17 question was below 65 degrees. The colder the temperature, the greater the number of degree
18 days in the billing period. The degree day factors represent the amount of gas used to heat for
19 each degree day, and is calculated by dividing the historical actual usage by the number of
20 degree days for the billing period. Thus, if an account has a base load of 2 mcf, a degree day
21 factor of .0175 and the billing cycle is assigned 1540 degree days, the estimated billing for a 30
22 day period would be 29 mcf ($1540 \text{ degree days} \times .0175 \text{ degree day factor} = 26.95 \text{ mcf}$ (rounded
23 to 27) + 2 mcf base load = 29 mcf). DBO began to use the enhanced method on certain accounts

1 on December 20, 2004. The enhanced method varies from the standard method by considering a
2 customer's historical heating gas consumption at a particular account, rather than relying solely
3 on National Weather Service daily temperature averages.

4

5 **Q24. Did DEO use these methods during the months when it was necessary to estimate Mr.**
6 **Nicholson's usage?**

7 A24. Yes.

8

9 **Q25. Has Mr. Nicholson ever requested DEO to test the accuracy of the meter at 715 East**
10 **Midlothian?**

11 A25. No. DEO's records show no such request.

12

13 **Q26. Does DEO have any reason to believe that the meter at 715 East Midlothian does not**
14 **comply with the meter accuracy standards contained in Revised Code Section 4933.09?**

15 A26. No.

16

17 **Q27. Does this conclude your testimony?**

18 A27. Yes.

Energy Choice Transportation Service (ECTS)

DEO EXHIBIT
1.1

1. Applicability

Transportation service pursuant to this rate schedule is available to Customers throughout East Ohio's service area who:

- a) have purchased or otherwise arranged to receive all of their natural gas requirements from a qualified Supplier that is receiving service under the terms of East Ohio's Energy Choice Pooling Service;

- b) qualify for transportation service under the PUCO Gas Transportation Program Guidelines; and

- c) have no arrears of 30 days or more or are current on a payment plan to discharge such arrears for service rendered under this or any other of East Ohio's PUCO-approved rate schedules. Other Customers may begin receiving service pursuant to this rate schedule provided they have not broken a prior payment plan more than once during the preceding 12-month period. Such Customers shall be placed on a new payment plan upon enrollment and must remain current on that plan in order to continue receiving service pursuant to this rate schedule.

2. Character of Service

- 2.1 The gas received by East Ohio on any Day for the account of the Customer shall be delivered by East Ohio on a firm basis. East Ohio's obligation to deliver gas to the Customer on any Day is limited to the Daily Available Volume provided by the Customer's Supplier on behalf of the Customer.

- 2.2 In the event the Customer no longer desires to receive transportation service, the Customer must purchase and receive all of its natural gas requirements from East Ohio pursuant to East Ohio's General Sales Service or Large Volume General Sales Service rate schedules.

3. Measurement of Deliveries

Delivery Points shall be equipped with monthly gas measurement equipment or real-time electronic gas measurement capability.

4. Rates and Charges

- 4.1 The volumetric charge for each Customer at each Delivery Point served under this rate schedule shall be the rate set forth below plus the riders, as specified in 4.3, applicable to service rendered under this rate schedule:

Energy Choice Transportation Service (ECTS)

\$1.2355 per Mcf for all consumption each month.

4.2 In addition to the volumetric charge, each Customer shall be charged a Customer charge of \$5.70 per Delivery Point per month.

4.3 Customers receiving transportation service under this rate schedule shall be responsible for charges pursuant to East Ohio's Excise Tax Rider, Interim Emergency and Temporary PIP Plan Rider, Uncollectible Expense Rider and Transportation Migration Riders as applicable.

5. Billing

East Ohio shall bill for all services provided by East Ohio. Pursuant to a separate Billing Agreement, Supplier shall have the option of East Ohio rendering a combined bill for both distribution and commodity service, or the Supplier may bill for commodity service independently. All customer bills and payments will be handled in accordance with OAC rule 4901:1-29-12.

6. Resumption of Service after Interruption

If service is interrupted as a result of the Customer's failure to make payment or at the same Customer at the same premises unless East Ohio shall have received, in addition to the Customer's request, East Ohio shall not be under any obligation to resume service to the payment for all gas received by the Customer under this rate schedule, a reconnection payment of \$20.

7. Reversion To Company Sales Service Upon Non-payment

Where East Ohio is rendering a combined bill for both distribution and commodity service, the agreement between the Supplier and the Customer may be terminated for non-payment of the Supplier gas commodity portion of the bill if the account is past due. East Ohio shall give no less than 14 days written notice that the Customer will be switched from the Supplier and revert to East Ohio's General Sales Service, effective with the Customer's next scheduled meter reading, unless the past due amount is paid by the Supplier if the Customer is dropped for non-payment. If the past due amount is paid by Customer's next scheduled bill due date after receipt of the notice, the Customer will not revert to East Ohio's General Sales Service and will remain with the Supplier.

8. Regulations

All gas service provided by East Ohio is rendered under and subject to the Rules and Regulations contained in its tariff.

Energy Choice Transportation Service (ECTS)

9. Definitions

Customer – any individual, governmental, or corporate entity taking transportation service hereunder.

Daily Available Volume – the quantity of gas available to be redelivered by East Ohio to the Customer on any given Day.

Day – a 24-hour period beginning at 10:00 a.m. Eastern Standard Time or other such time as specified by East Ohio.

Delivery Point – the billing determinant for the application of Customer charges represented by the meter location at which gas is redelivered to the Customer.

Energy Choice Pooling Service – a gas pooling service in which Suppliers can aggregate demand and supplies for redelivery to Customers under East Ohio's Energy Choice Transportation Service and Large Volume Energy Choice Transportation Service rate schedules.

OAC – Ohio Administrative Code.

PUCO – the Public Utilities Commission of Ohio.

Supplier – any entity which has in effect an Energy Choice Pooling Service agreement with East Ohio.

**NICHOLSON ACCOUNT NOVEMBER 15, 2004 - MARCH 7, 2005
(ARREARAGE ON ACCOUNT FROM DECEMBER 20, 2004 UNTIL MARCH 7, 2005)**

Usage Period	Bill Issued	Bill Amount	Due Date	Date Paid	Amount Paid	Outstanding
Nov. 15, 2004-Dec. 16, 2004	Dec. 20, 2004	\$367.17	Jan. 5, 2005	Dec. 29, 2004	\$200.00	\$167.17
Dec. 16, 2004-Jan. 20, 2005	Jan. 24, 2005	\$539.78 (\$167.17 arrearage plus \$372.61 in new charges)	Feb. 9, 2005	No Payment	\$0.00	\$539.78
Jan. 20, 2005-Feb. 18, 2005	Feb. 25, 2005	\$675.68 (\$539.78 arrearage plus \$135.90 in new charges)	March 15, 2005	March 7, 2005	\$675.68	\$0.00

MICHAEL L NICHOLSON

715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44131-2569

Account Number 04211 0491 2569
Date Prepared December 20, 2004

Next Billing Date
January 20, 2005

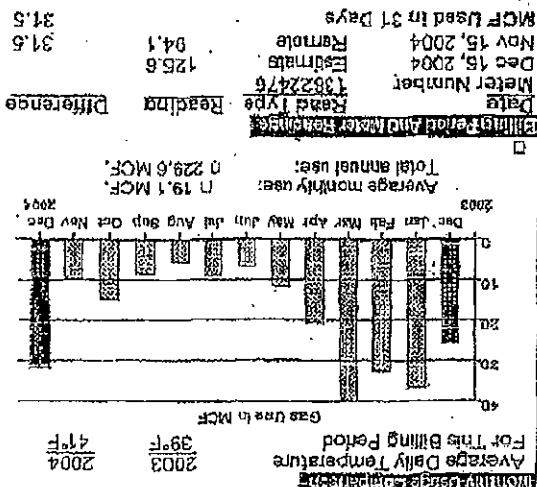
For questions about Dominion East Ohio charges call 330-748-7611.

DEO EXHIBIT
13

Charges and Credits Since Last Bill

Balance from last bill
Payment on Nov 22, 2004 - Thank You
Balance \$278.37 CR
\$0.00

Current Charges
General Sales Service Fee
Monthly Service Charge
Gas Usage Charge
31.5 MCF @ \$1.752
Total Current Charges
361.47
Total Account Balance
\$367.17
This bill includes \$267.14 for cost recovery at \$8.926 per thousand
cubic feet (MCF) and \$14.3 for Gross Receipts Tax.
You may be able to receive a credit in gas cost recovery portion of your bill by
shopping for an alternative gas supplier.



Please Pay Account Balance of \$367.17 by January 5, 2005

It's Our Pleasure to Serve You
All of us at Dominion East Ohio thank you for your business. You could choose another form of energy, but you put your trust in us to deliver economical, clean-burning natural gas to your home or business. We're committed to doing everything we can to honor that trust.
If you have a question, please call the number listed on the top of this bill. Our customer information phone hours are 7 a.m. to 7 p.m., Monday through Friday. If you have an emergency, you can call us anytime, day or night. (It is an emergency when you smell gas or when all of your gas appliances are out.)
ENERGYSHARE: Help people without heat by donating to EnergyShare, Salvation Army, P.O. Box 6947, Cleveland, OH 44101. Payment or not a separate check payable to EnergyShare. Add \$1, \$2, \$5, \$12, \$18 or \$36 to your

Please detach and return the pre-printed check made payable to Dominion East Ohio. Please see reverse side for mailing address change instructions.

PERMITS: JAN 5, 2005 04211 0491 2569

Account Balance \$367.17

Amount Enclosed

88WIND PZ
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44131-2569

DOMINION EAST OHIO
PO BOX 26788
RICHMOND VA 23261-6788

Removing yourself from Customer Listing
We are required to include your name, address and usage information on a list of eligible customers that is made available to other retail natural gas suppliers or governmental agencies. If you do not wish to be included on this list, please call Dominion East Ohio at 1-800-362-7557 or write us at P.O. Box 26666, Richmond, VA 23261-6666, or complete the appropriate form on the www.dom.com web site.

019421107912569000000003671773

MICHAEL L NICHOLSON

716 E MADISON BLVD
YOUNGSTOWN OH 44502-2559

Account Number Date Prepared
9 4211 0491 2559 January 24, 2005

Next Billing Date
February 19, 2005

For questions about Dominion East Ohio charges call 330-748-7611.

Credits and Charges Since Last Bill
Balance from last bill
Payment on Dec 23, 2004: Thank You

\$367.17
200.00 CR
\$167.17

Current Charges

General Sales Service Charge

Monthly Service Charge

Gas Usage Charge

32.7 MCF @ \$11.25/MCF

Total Current Charges

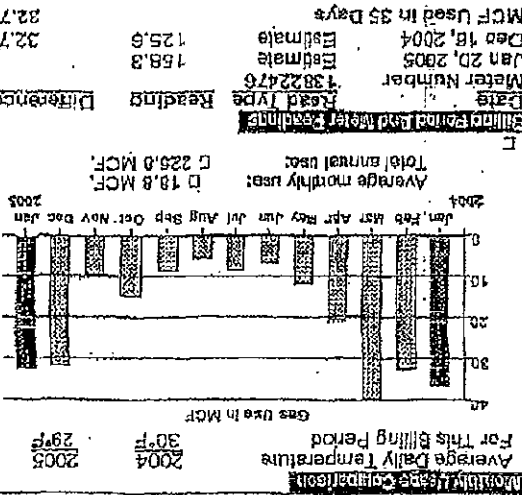
\$372.61

Total Account Balance

\$539.78

This bill includes \$205.98 for gas cost recovery at \$9.02 per thousand cubic feet (MCF) and \$14.21 for Grace Receipts Tax.

You may be able to save on the gas cost recovery portion of your bill by shopping for an alternative gas supplier.



Account Balance of \$539.78 by February 8, 2005

This is a Reminder Notice.

Did you forget to pay last month's bill?

As of Jan 24, 2005, we haven't received your payment of \$167.17. If you've already paid it, thank you. If not, please pay the total balance of \$539.78 by Feb 8, 2005. If you have questions, please call toll-free 1-800-950-7889.

To participate in the Energy Choice program, you must pay the amount due on time each month. ENERGYSHARE: Help people without heat by donating to EnergyShare. Add \$1, \$2, \$5, \$12, \$18 or \$36 to your payment or mail a separate check payable to EnergyShare, Salvation Army, P.O. Box 5847, Cleveland, OH 44101.

PLEASE PAY BY Feb 8, 2005
9 4211 0491 2559

Account Balance

\$539.78

Amount Enclosed

#BAND RZ
MICHAEL L NICHOLSON
716 E MADISON BLVD
YOUNGSTOWN OH 44502-2559

DOMINION EAST OHIO
PO BOX 26785
RICHMOND VA 23261-6785

Claim Earned Income, Child Tax Credits
Get more from your regular paycheck! The Earned Income Credit is a special tax benefit for people who work full or part-time. If you qualify, you owe less in taxes and may get cash back. Even if you don't owe a federal tax return, for information about Earned Income and Child Tax Credits, plus help filing your taxes, call the Internal Revenue Service at 1-800-829-1040.

MICHAEL L NICHOLSON

715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44603-2568

Next Billing Date
March 21, 2005

For questions about Dominion East Ohio charges call 330-746-7614.

Account Number Date Entered
9 4211 0481 2569 February 22, 2005

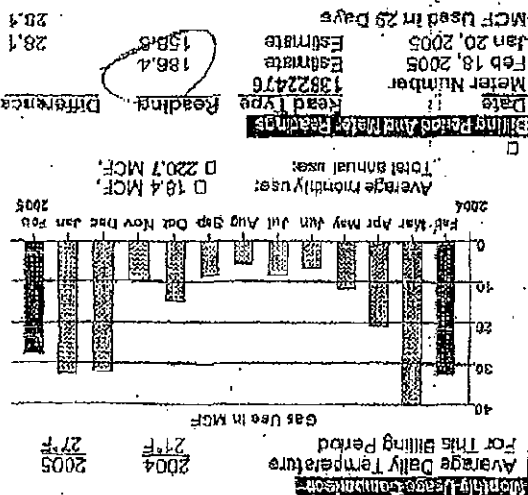
Balance from last bill
\$539.78

\$539.78

Current Charges

General Sales Service Rate
Monthly Service Charge
Gas Usage Charge
28.1 MCF @ \$1.1271
Total Current Charges
\$321.06
Total Account Balance
\$860.83

This bill includes \$26.28 for gas cost recovery at \$9.085 per thousand cubic feet (MCF) and \$12.49 for Gross Receipts Tax.
You may be able to save on the gas cost recovery portion of your bill by shopping for an alternative gas supplier.



THIS IS A SHUT-OFF NOTICE

Unless we receive your past-due amount of \$539.78 by Mar 10, 2005, your gas may be shut off. If you have any questions about this pending shutoff, please call toll-free 1-800-850-7399. If your gas service is shut off, you must pay all past-due amounts, a new security deposit and a reconnection fee. Before we can turn the gas back on, if you are on Energy Choice and do not pay the required amount in full, you will be dropped from the program and scheduled to receive your gas supply from Dominion East Ohio at the current Gas Cost Recovery rate.

To participate in the Energy Choice program, you must pay the amount due on time each month.

Please detach and return this bill with a check made payable to Dominion East Ohio. Please see reverse side for mailing address change instructions.

Mar 10, 2005 9 4211 0481 2569

Amount Enclosed

Account Balance

\$860.83

View and pay your bill on-line
You can start saving the time associated with writing checks and the cost of buying stamps. Best of all, eBill is a free service when your payment is made from your bank account. Learn more by visiting www.dom.com. It's worth the trip!

Dominion East Ohio
PO BOX 26785
RICHMOND VA 23261-6785

BRAND FZ
MICHAEL L NICHOLSON
715 E MIDLOTHIAN BLVD
YOUNGSTOWN OH 44603-2568

017421049131690000000321050000008L0631

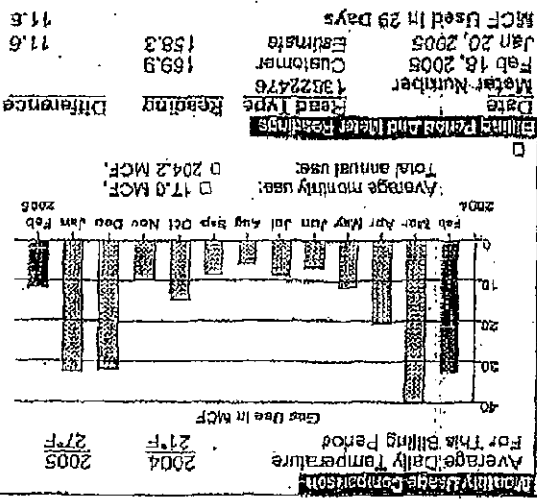
DEO EXHIBIT
1.6

For questions about Dominion East Ohio charges call 800-746-7611.

MICHAEL L NICHOLSON
715 E MIDLOTIAN BLVD
YOUNGSTOWN OH 44602-2569
Account Number Date Prepared
9 4211 0491 2569 February 26, 2005
Next Billing Date
March 24, 2005

Current Charges Summary (Last Bill)

Balance from last bill
Current Billing
Balance
General Sales Service Charge
Monthly Service Charge
Gas Usage Charge
Total Current Charges
Total Account Balance
This bill includes \$10.39 for gas cost recovery at \$8.05 per thousand cubic feet (MCF) and \$9.11 for Gross Receipts Tax.
You may be able to save on gas cost recovery portion of your bill by shopping for an alternative gas supplier.



Please Pay Account Balance of \$675.68 by March 15, 2005

We provide a return envelope for customers who like to pay their gas bills by mail. If you pay your bill by a different method, please do not use our envelope for other mail. You can pay this bill with an electronic check, A/TM/debit card with a Pulse, Star, NYC or Accell logo, or a Visa, MasterCard, or Discover credit card at www.dominion.com or at 1-800-573-1153, BillMatrix. provides this service and charges a transaction fee of \$3.50. Thank you for your cooperation. ENERGYSHARE: Help people without heat by donating to EnergyShare, Salvation Army, P.O. Box 5847, Cleveland, OH 44101. payment or mail a separate check payable to EnergyShare.

Please detach and return this envelope with a check made payable to Dominion East Ohio. Please see reverse side for mailing address change instructions.

PLEASE PAY BY Mar 15, 2005 **McGowan** 9 4211 0491 2569
Account Balance
Amount Enclosed

View and Pay Your Bill On-Line
You can start saving the time associated with writing checks and the cost of buying stamps. Best of all, eBill is a free service when your payment is made from your bank account. Learn more by visiting www.dominion.com. It's worth the trip!

MICHAEL L NICHOLSON
715 E MIDLOTIAN BLVD
YOUNGSTOWN OH 44602-2569
DOMINION EAST OHIO
PO BOX 28785
RICHMOND VA 23261-0785

01742101712569000000013570000000754588

DEO EXHIBIT
17

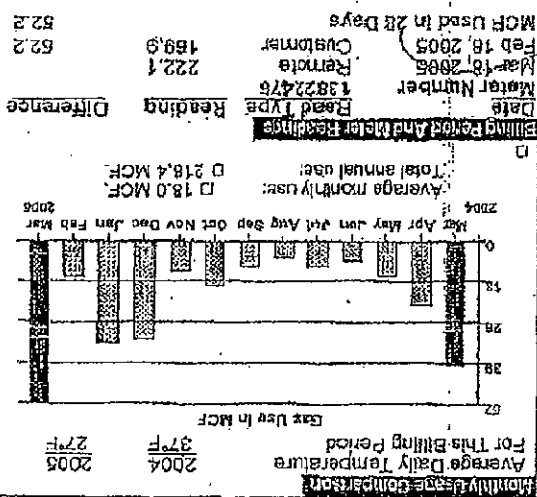
For questions about Dominion East Ohio charges call 330-745-7517.

Next Billing Date
April 26, 2005

MICHAEL L. NICHOLSON
715 E MIDLAND BLVD
YOUNGSTOWN OH 44432-2569
Account Number Date Prepared
9 4211 0491 2569 March 01, 2005

Balance from last bill
Payment on Mar 7, 2005 - Thank You
Balance \$675.68
Payment on Mar 7, 2005 - Thank You
135.80 CR
\$0.00

Charges
General Sales Service Rate
Monthly Service Charge
Gas Usage Charge
\$22.22 MCF @ \$11.80-16
Total Current Charges
\$590.68
Total Account Balance
\$590.68
The bill includes \$477.40 for gas cost recovery at \$8.069 per thousand
cubic feet (MCF) and \$23.50 for gross Receipts Tax.
You may be able to save on your gas cost recovery portion of your bill by
shopping for an alternative gas supplier.



Account Balance of \$590.68 by April 5, 2005

Join our Automatic Payment Plan and stop writing checks, buying money orders, paying postage or standing in line to pay your bill. Your financial institution can deduct your payment directly from your checking account and forward it to Dominion East Ohio. Once you're on the plan, we'll send you a bill each month that tells you how much to deduct from your checking account. To join, visit us at www.dominion.com or call us at the number at the top of this bill. You also can pay this bill with an electronic check, ATM/debit card with a Pulse, Star, NYCE or Access logo, or a Visa, MasterCard, or Discover credit card at www.dominion.com or at 1-800-573-1153. BillMatrix provides this service and charges a transaction fee of \$3.50. ENRGYSHARE - Help people without heat by donating to EnergyShare. Add \$1, \$2, \$5, \$12, \$18 or \$36 to your payment or mail a separate check payable to EnergyShare, Salvation Army, P.O. Box 6847, Cleveland, OH 44101.

Let Your Bank Pay Your Bills

Please detach and return the coupon with a check made payable to Dominion East Ohio. Please see reverse side for mailing address change instructions.

PLEASE PAY BY APR 5, 2005 ACCOUNT NO. 9 4211 0491 2569

Account Balance \$590.68
Amount Enclosed

Avoid Estimated Bills
Enter your meter reading - day - or - night -
meter for best results. You'll need your account number, zip code, a Personal ID number (usually the last four digits of your Social Security number) and your meter reading. Don't have a computer? Call in your reading anytime through our automated messaging service at 1-800-382-7537.

DOMINION EAST OHIO
PO BOX 26785
RICHMOND VA 23261-6785

#BXND.FZ
MICHAEL L NICHOLSON
715 E MIDLAND BLVD
YOUNGSTOWN OH 44432-2569

0174210101912569000000005906889

31005 1015
OF ESTIMATES
21005
2012
- 041

Name NICHOLSON, MICHAEL
Address 215 E. MELLOTTEMAN BLVD

2071

Account Number 9421104922555
Master Number 13922472

For Questions Call (330) 745-7611
Hearing Impaired Customers Call TDD (330) 533-8939

DOMINION EAST OHIO
Statement of Account

Year

DETAILS	READ DATE	BILL DATE	READ SOURCE	METER	ONLY	DEGREE	BILL	SALES	DUE	LATE	PAID	ADJ	ADJUST	PLAN	PLAN	TOTAL
						DAYS	AMT	TAX	DATE	CHARGE	AMOUNT	DATE	DESC	DESC	AMT	ACCT
11/18/2005	29	REMOTE	301.2	31.7	1.1	445	\$515.84	\$0.00	12/02/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$515.84
10/18/2005	27	SYSTEM EST	289.5	7.1	3	137	\$116.85	\$0.00	11/07/2005	\$0.00	\$22.35	09/28/2005	\$0.00	\$0.00	\$0.00	\$116.85
09/21/2005	34	REMOTE	282.4	2.0	1	3	\$32.93	\$0.00	10/07/2005	\$0.00	\$26.93	09/07/2005	\$0.00	\$0.00	\$0.00	\$32.93
08/18/2005	29	SYSTEM EST	285.1	8.5	2	0	\$-86.33	\$0.00	09/18/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$-86.33
07/27/2005	0	CLER READ	289.3	1.8	1	0	\$23.03	\$0.00	08/12/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23.03
06/18/2005	1	33 SYSTEM EST	285.1	6.5	2	0	\$88.33	\$0.00	08/07/2005	\$0.00	\$73.68	08/07/2005	\$0.00	CANCEL	\$0.00	\$88.33
07/27/2005	0	CLER READ	289.3	0.0	0	0	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
07/20/2005	30	SYSTEM EST	289.4	-7.9	3	0	\$-100.85	\$0.00	08/12/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$-100.85
07/20/2005	28	CLER READ	288.8	5.4	1	71	\$73.85	\$0.00	08/12/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$73.85
06/20/2005	28	SYSTEM EST	280.5	-7.3	3	-71	\$-88.19	\$0.00	08/02/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$-88.19
07/20/2005	30	SYSTEM EST	286.4	7.9	3	0	\$100.59	\$0.00	08/02/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100.59
06/20/2005	28	SYSTEM EST	280.5	7.3	3	71	\$88.19	\$0.00	07/09/2005	\$0.00	\$38.25	06/09/2005	\$0.00	CANCEL	\$0.00	\$88.19
05/20/2005	28	SYSTEM EST	289.2	31.1	5	114	\$382.30	\$0.00	08/02/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$382.30
04/20/2005	30	SYSTEM EST	281.6	-9.5	12	-837	\$-483.45	\$0.00	09/10/2005	\$0.00	\$50.68	04/31/2005	\$0.00	CANCEL	\$0.00	\$-483.45
03/18/2005	28	REMOTE	222.1	52.2	15	1080	\$290.38	\$0.00	04/09/2005	\$0.00	\$876.68	03/07/2005	\$0.00	CANCEL	\$0.00	\$290.38
02/27/2005	0	CLER READ	172.4	0.0	0	0	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
02/18/2005	28	SYSTEM EST	186.4	28.1	10	1087	\$195.80	\$0.00	09/18/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$195.80
02/18/2005	28	CLER READ	188.8	11.8	4	1087	\$195.80	\$0.00	09/18/2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$195.80
01/20/2005	1	35 SYSTEM EST	188.3	32.7	9	1248	\$372.81	\$0.00	02/09/2005	\$0.00	\$300.00	12/29/2004	\$0.00	CANCEL	\$0.00	\$372.81
12/16/2004	31	SYSTEM EST	185.8	31.5	10	742	\$367.17	\$0.00	01/08/2005	\$0.00	\$273.87	11/22/2004	\$0.00	\$0.00	\$0.00	\$367.17
11/19/2004	31	REMOTE	94.1	9.9	3	477	\$114.78	\$0.00	12/01/2004	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$114.78
10/18/2004	30	SYSTEM EST	84.2	15.2	5	197	\$164.59	\$0.00	11/04/2004	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$164.59
TOTALS				USAGE:	232.2		TAXES:	\$0.00	PAYMENTS:	\$2,281.87	LATE PAYMENT CHARGES:	\$0.00				
				DEGREE DAYS:	6882		BILL AMOUNTS:	\$2,887.96	ADJUSTMENTS:	\$0.00						

BUD - BUDGET PLAN DEF - DOLLAR ENERGY FUND DEF - DEPOSITS CA - CONT N/AID OF CONST
DFA - DEFERRED AGREEMENT LFN - LATE PNT CHRG (NONUTILITY) LFC - LATE PNT CHRG RCG - RECONNECTION CHARGE NSC - INSUFFICIENT FUNDS CHARGE
RIT - INTEREST NSN - INSUFFICIENT FUNDS (NONUTILITY) UTG - UTILITY DSCNT - DISCOUNT NSA - INSUFFICIENT FUNDS AMOUNT CNT - CONTRACTS

Rules and Regulations**SECTION I - SERVICE**

1. **Application for Service.** All applications for gas service shall be made to the local office of East Ohio.

2. **Security Deposit.** If a proposed consumer is not a financially responsible freeholder or cannot give a reasonably safe guaranty in an amount sufficient to secure the payment of bills for sixty days' supply of gas, the consumer may be required to deposit with East Ohio an amount sufficient to cover an estimate of the monthly average of the annual consumption by such consumer plus 30%, upon which deposit interest at the rate of not less than 5% per annum will be allowed and paid to the consumer, provided it remains on deposit for six consecutive months.

Security deposits shall be governed by the "Establishment of Credit for Residential Utility Customers" adopted by The Public Utilities Commission of Ohio and contained in Chapter 4901:1-17-05(C) of the Ohio Administrative Code, a copy of which is included as Section M of the East Ohio Gas Company Tariff.

3. **Service Turn On.** The consumer, after making proper application for gas, shall notify East Ohio when he desires gas turned on. In no case shall he or his agent or employee turn on the gas. East Ohio may discontinue the supply of gas to premises where persons other than East Ohio's authorized employees have turned on the gas.

4. **Service Continuity.** East Ohio will use its best efforts to furnish necessary and adequate service and facilities in compliance with Section 4905.22 of the Ohio Revised Code. East Ohio cannot and does not guarantee a sufficient supply of gas or an adequate or uniform gas pressure. East Ohio shall not be liable for any damage or loss directly or indirectly due or attributable to insufficiency of the gas supply, variation in the gas pressure, partial or total interruption of gas service, the use of gas appliances on the consumer's premises, or the presence thereon of any Company property. East Ohio will provide to customers, to the extent possible under the circumstances, prior notice of planned outages or interruptions in service.

5. **Service Disturbance.** No customer shall attach or use any appliance which may result in the injection of air, water, or other foreign matter into the Company's lines and, without prior approval from the Company, no customer shall attach or use any appliance which will increase or decrease the pressure in the Company's lines intermittently to such extent as to interfere with continuous service to other customers.

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6. Access to Premises. The authorized agents and employees of East Ohio shall at all reasonable times have access to any premises supplied with gas by East Ohio.

7. Customer's Request for Discontinuance of Service. The consumer shall notify East Ohio before vacating the premises where gas is used or before discontinuing the use of gas. The consumer shall be liable for all charges for gas consumed on such premises until 48 hours after such notice has been received, provided that access to the premises shall have been given East Ohio within such 48-hour period; and if access has not been given within such period then for all charges until such access has been given.

If a customer who is a Property Owner/Rental agent requests disconnection of service and, the Company through its best efforts has determined that there are remaining residential tenants at the premises, the Company is required to notify the tenants of the disconnection of service. This notification will be mailed to such tenants or posted in a conspicuous place at the premises at least 10 working days prior to the scheduled date for disconnection of service. The Property Owner/Rental Agent shall continue to be liable for all gas consumed during the 10-day notice period. This notice provision shall not preclude the Company from taking appropriate actions where safety or tampering issues are raised as cited in Rule 8, subparagraph b(4) and Rule 9 of these Rules and Regulations.

8. Company's Right to Disconnect Service.

a. East Ohio shall have the right to disconnect service of any consumer for any of the following reasons or purposes:

1. Refusing access for reading, testing, repairs or other purposes.
2. Violation of any applicable law or ordinance or any of these Rules and Regulations.

b. East Ohio shall have the right to disconnect and remove from the premises of any consumer the meter and any other property belonging to East Ohio for any of the following reasons or purposes:

1. Non-payment of bills for gas within the net payment period for such bills.
2. Non-use of gas.
3. Fraudulent representation or practice.
4. Whenever deemed necessary by East Ohio for the safety or integrity of the gas system (such as in instances of theft or vandalism).

Disconnection of service to residential consumers or customers pursuant to Rule 8, subparagraph a(1)-of these Rules and Regulations shall include, but not be limited to circumstances where despite its reasonable efforts to do so East Ohio has been unable to obtain an actual meter reading at least once within any full

calendar year of service. "Actual meter reading" shall be as defined in Rule 15 of these Rules and Regulations. The reconnection of service after disconnection pursuant to Rule 8, subparagraph a(1) of the Rules and Regulations shall be subject to prior payment of a fee of \$20.00 for the disconnection and reconnection costs.

Disconnection of service to residential consumers or customers pursuant to Rule 8, subparagraph b(1) of these Rules and Regulations shall be governed by the "Rules, Regulations and Practices Governing the Disconnection of Gas, Natural Gas or Electric Service to Residential Customers" adopted by The Public Utilities Commission of Ohio and contained in Chapter 4901:1-18 of the Ohio Administrative Code, a copy of which is included as Section L of the East Ohio Gas Company Tariff.

SECTION II - METERING & BILLING

9. Pressure Regulators, Gas Meters and Tampering. The gas meter and any pressure regulator to be installed on a service line and connected with East Ohio's distribution system will be furnished by East Ohio and will remain its property, and the Company shall have the right to replace them as the Company may deem necessary. When a customer is served from the Company's field or gathering lines, then the customer shall install and maintain, at his expense, a suitable regulator or regulators for reducing the pressure. The regulator or regulators shall be installed in the manner required by the Company. If any meter or regulator, or the pipes, fittings or connections used in supplying gas to such meter or regulator, is tampered with by a consumer, his agent or employee, East Ohio may remove such meter or regulator and may discontinue the supply of gas to such consumer until payment has been made for all unregistered gas, in an amount estimated by East Ohio, and for all damage to East Ohio's property, or, at East Ohio's option, it may discontinue gas service permanently to such consumer.

10. Meter Location. The Company shall determine the location of the meter. When changes in a building or arrangements therein render the meter inaccessible or exposed to hazards, the Company may require the customer, at the customer's expense, to relocate the meter setting together with any portion of the customer's service line necessary to accomplish such relocation.

11. Meter Connections. The owner or customer shall not permit anyone who is not an authorized agent of the Company to connect or disconnect the Company's meters, regulators or gauges or in any way alter or interfere with the Company's meters, regulators or gauges.

12. Bill Maturity Period. Pursuant to Section 4933.122 of the Ohio Revised Code, the date of maturity for each bill for gas is fourteen (14) days after the date of its mailing to the customer.

13. Billing Periods. Bills ordinarily are rendered regularly at monthly intervals, but may be rendered more or less frequently at the Company's option. Non-receipt of bills by customer does not release or diminish the obligation of customer with respect to payment thereof.

14. Payment of Bills. Bills shall be paid by the customer at any office of the Company during its regular office hours or to any one of the Company's authorized collecting agents during the regular office hours of such agent. Any remittance received by mail at any office of the Company bearing U.S. Postal Office cancellation date corresponding with or previous to the last date of the net payment period will be accepted by the Company as within the net payment period.

15. Meter Reading. East Ohio will use its best efforts to obtain an actual meter reading by Company personnel or agents at least once within each full calendar year of service. "Actual meter reading" shall mean reading of an indoor or outdoor meter. If the consumer has refused East Ohio access to its meter or other property, or if East Ohio has been unable to obtain an actual meter reading at least once within any calendar year, East Ohio may obtain a court order to gain access to its meter or other property. If consumption is billed pursuant to an applicant requesting East Ohio to provide lighting services on an unmetered basis, the estimates used to define consumption for billing purposes will be tested and adjusted at least once within each full calendar year of service.

16. Meter Testing. In accordance with Section 4933.09 of the Ohio Revised Code, gas meters in use shall be tested on the request of the consumer, in his presence if desired by him, with a tested and sealed meter-prover, by an authorized employee or agent of East Ohio. If the meter is found to be correct, and it is deemed correct if the variation is not greater than three percent, the party requesting the inspection shall pay a fee for the removal of the meter for the purpose of the test. The fee for a residential consumer is \$40; for all other consumers, the fee is \$100. If the meter is proved incorrect, no fees or expense shall be paid by the consumer, and East Ohio shall furnish a new meter without charge to the consumer.

17. Back Billing. East Ohio's policy on backbilling shall comply with the guidelines established by The Public Utilities Commission of Ohio and the Ohio legislature (Section 4933.28 of the Ohio Revised Code) as amended from time to time.

18. Delinquent Balance Transfer.

- a. Except as otherwise provided in subparagraph b, East Ohio shall have the right to transfer a delinquent commercial or industrial account balance, regardless of the service address, to another non-delinquent commercial or industrial account in the name of or owned by the same customer or owner of that business or establishment. If the same customer or owner has more than one non-delinquent account, East Ohio shall transfer the delinquent balance to the non-delinquent account having the lowest balance due.

For purposes of this Rule 18, "customer" means the party in whose name the account is carried.

- b. East Ohio may not transfer a delinquent commercial/industrial account to any account where any end user is a residential consumer.

Section III - Service Lines & Mainline Extensions**19. Service Line Installation.** In the installation of a service line East Ohio will make all

necessary connections with its distribution system and extend its service line from the distribution main to the service valve and will install the service valve and curb box enclosing the same without cost to the property owner or consumer. Where no service valve is installed in the service line East Ohio will install a valve Tee at the main and will extend its service line from the main to a tie-in coupling, to be located between approximately 4 to 6 feet from and to the coupling closest to the owner's property line in the direction toward the main. The property owner shall install and replace as necessary, at his expense, and shall be the owner of the service line extending from the service valve, or, where there is no service valve then from and including the tie-in coupling, to the meter on the owner's property. Before turning on gas East Ohio shall have the right to inspect the owner's service line and to refuse to turn on gas if in the opinion of East Ohio the service line is not properly constructed, fitted and laid. At the request of the property owner, and at his expense, East Ohio may, upon mutual agreement with the customer, install the service line from the service valve, or from the tie-in coupling where there is no service valve, to the meter on the owner's property. The property owner shall promptly pay for all material furnished and labor used in the installation of such service line, of which he shall be the sole owner. Requests for the installation by East Ohio of a service line shall be made to the local office of East Ohio on a form to be furnished by East Ohio.

20. Service Line Responsibilities. The service line from the service valve to the meter, or where there is no service valve then from and including the tie-in coupling mentioned in Rule 19 to the meter, all gas lines on the outlet side of the meter, and all

21. Installation and Inspection. Before applying to East Ohio to turn on gas it shall be the duty of the applicant to see that the service line and gas lines and fittings and connections mentioned in Rule 20 and all gas appliances and equipment connected thereto have been installed and tested and are maintained in accordance with governmental codes and regulations and with the reasonable requirements of East Ohio and are free of leaks.

leak detection of the service line up to and including the meter.

include, but not be limited to, East Ohio's responsibilities for cathodic protection and Chapter 4901:1-16 of the Ohio Administrative Code. Such responsibilities shall 49 U.S.C. 60101 et seq., 49 C.F.R. part 192 and all applicable federal regulations, and facilities in accordance with the applicable provisions of the Pipeline Safety Act, indirectly, from the escape of gas therefrom. East Ohio shall be responsible for these imperfections therein or for any damage, injury or loss resulting, directly or good repair and safe condition, and East Ohio shall not be liable for any under his exclusive control and shall be replaced as necessary and kept by him in fittings and connections, shall be the property of the owner of the premises, shall be

22. Service Line Extensions Prohibited. No service line supplying gas to any building shall be extended by the owner or consumer so as to furnish gas to any other building.

23. House Piping. The customer shall install and maintain, at the customer's expense, the house piping from the outlet of the meter to gas burning appliances.

24. Appliances. The customer shall install and maintain all appliances, at the customer's expense.

25. Inspections of Altered Piping. It shall be the duty of the customer to notify the Company promptly of any additions, changes, alterations, remodeling or reconstruction affecting gas piping on the customer's premises.

26. Extension of Distribution Mains. East Ohio will extend its distribution mains for the furnishing of natural gas on any dedicated street or highway without cost to the consumer whenever at least one consumer on an average of each 100 additional feet of pipe in the street or highway in which the extension is to be run shall first agree to take a supply of gas at the applicable rate, measurement to be taken from the end of the nearest distribution main. Upon application for a service extension of main in excess of an average of 100 feet for each applicant for such service East Ohio may enter into an extension agreement with the applicant or applicants providing for a deposit with East Ohio of a sum deemed adequate by East Ohio to cover the cost to be incurred by it for the excess of the extension over the average of 100 feet for each applicant to be served, such deposit to be refunded within a period of 10 years from the date of the agreement at a rate per each additional consumer thereafter connected with said extension, equivalent to the rate per 100 feet deposited, the total amount refunded not to exceed the amount deposited. No refund shall be made after 10 years

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from the date of the extension agreement and such deposit shall, after such period, become the property of East Ohio. Extension deposits shall bear no interest. Extensions of street and highway mains shall at all times be the property of East Ohio. Mainline extensions that are not installed in road right of way, or adjacent thereto, will be made only if the following guidelines are met:

- a. A minimum 20 foot legally described easement or blanket right of way is made and granted, provided, however, that all gas mainlines with a maximum allowable operating pressure at or above 100 psi must have a minimum 30 foot easement.
- b. Free and clear access to the gas mainline is maintained with no structures permitted on the easement.

East Ohio shall not be required to lay any service lines across paved streets or highways. East Ohio shall not be required to make any extensions of its mains or to lay any service lines during the months of December, January, February and March of any year.

Nothing contained herein shall be construed to prohibit East Ohio from making longer free extensions than herein prescribed, should the anticipated revenues exceed the anticipated costs over a period of twenty years, provided like free extensions are made to other applicants under similar conditions.

27. Right of Removal. No person or entity shall erect any structure within a Company easement or change the existing grade over a Company gas line without the express permission of East Ohio. East Ohio shall have the right to remove any such structure or grade change at the expense of the customer or responsible party.

28. Discontinuance of Supply on Notice of Defect in Customer's Property. If, at any time, in the opinion of East Ohio the property owner's service line, other gas lines, fittings, connections, gas appliances or equipment on a consumer's premises are defective or in such condition as to constitute a hazard, East Ohio, upon notice to it of such defect or condition, may discontinue the supply of gas to such appliances or equipment or to such service line or such other gas lines until such defect or condition has been rectified by the property owner or consumer in a manner satisfactory to East Ohio.

SECTION IV - MISCELLANEOUS

29. Tariff Disclosure. A full and complete copy of East Ohio's current tariff covering rates and charges for service and terms and conditions of service is available for public inspection at each of East Ohio's business offices during normal business hours. East Ohio shall comply with the tariff disclosure requirements established by The Public Utilities Commission of Ohio and set forth in Section 4901:1-03 of the Ohio Administrative Code, as amended from time to time.

30. PUCO Orders. These Rules and Regulations are subject to and include as part thereof all orders, rules and regulations applicable to East Ohio from time to time issued or established by The Public Utilities Commission of Ohio under its emergency powers.

31. Right to Modify. East Ohio reserves the right to modify, alter or amend the foregoing Rules and Regulations and to make such further and other rules and regulations as experience may suggest and as East Ohio may deem necessary or convenient in the conduct of its business.

DEO EXHIBIT
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