

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The East)
Ohio Gas Company d/b/a Dominion East)
Ohio to Adjust its Pipeline Infrastructure) Case No. 09-458-GA-UNC
Replacement Program Cost Recovery)
Charge and Related Matters.)

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

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

ENTRY

The attorney examiner finds:

- (1) On August 30, 2007, The East Ohio Gas Company d/b/a Dominion East Ohio (DEO), *inter alia*, filed an application to increase its gas distribution rates (Case No. 07-829-GA-AIR) and on February 22, 2008, DEO filed an application requesting approval of tariffs to recover, through an automatic adjustment mechanism, costs associated with a pipeline infrastructure replacement (PIR) program (Case No. 08-169-GA-ALT). These applications were consolidated by the Commission and will be jointly referred to herein as the *DEO Distribution Rate Case*.
- (2) By opinion and order issued October 15, 2008, the Commission, *inter alia*, approved the joint stipulation and recommendation (stipulation) filed by the parties in the *DEO Distribution Rate Case*. Included in the stipulation approved by the Commission was a provision adopting, with some modifications, the Commission Staff's recommendations set forth in the Staff Report filed in the *DEO Distribution Rate Case* on May 23, 2008. The Staff Report set forth procedures to be followed for the

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annual updates to the PIR program cost recovery charge. Specifically, this process provides that DEO would file an annual application beginning in August 2009 supporting an initial charge and subsequent adjustments to the PIR cost recovery charge. The application is to be based on the costs incurred for the fiscal year ending June 30 of the same year. DEO is to file a prefiling notice 90 days prior to filing its application. Staff and other parties then may file comments, and DEO has until October 1 of each year to resolve the issues raised in the comments. If the issues raised in the comments are not resolved, then a hearing will be held. The goal of the process approved in the *DEO Distribution Rate Case* is for the proposed amendment to the PIR cost recovery rider to be effective in November.

- (3) In accordance with the procedure approved by the Commission in the *DEO Distribution Rate Case*, as explained in finding (2) above, DEO filed its prefiling notice on May 29, 2009, as supplemented on June 1, 2009, in the above-captioned cases. In order to facilitate the review of DEO's application, the attorney examiner finds that all future filings regarding DEO's request to adjust its PIR program cost recovery charge for fiscal year ending June 30, 2009, should be made in Case No. 09-458-GA-UNC (09-458), and not in the *DEO Distribution Rate Case*. Therefore, only those parties that have moved to intervene in 09-458 will be served with future filings regarding DEO's application in 09-458.

In addition, all future annual applications for adjustments to the PIR program cost recovery charge should be filed in a new UNC case, not in the *DEO Distribution Rate Case*. However, for all future annual filings, DEO shall file a letter in the *DEO Distribution Rate Case* citing the new UNC case number for the application requesting adjustment to the PIR program cost recovery charge and such letter shall be served upon all of the municipalities in DEO's service territory and all parties of record in the *DEO Distribution Rate Case*.

It is, therefore,

ORDERED, That, in accordance with finding (3), all future filings regarding DEO's request to adjust its PIR program cost recovery charge for fiscal year ending June 30, 2009, be made in 09-458, and not in the *DEO Distribution Rate Case*, and all future annual

applications for adjustments to the PIR program cost recovery charge be filed in a new UNC case. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



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Attorney Examiner

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/vrm

Entered in the Journal

JUN 29 2009



Renee J. Jenkins
Secretary