

FILE

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Regulation of the)
Purchased Gas Adjustment Clauses Contained)
Within the Rate Schedules of)

Eastern Natural Gas Company) Case No. 09-207-GA-GCR
Pike Natural Gas Company) Case No. 09-214-GA-GCR
Southeastern Natural Gas Company) Case No. 09-215-GA-GCR

JOINT MOTION FOR WAIVER AND
REQUEST FOR FINDING OF SUBSTANTIAL COMPLIANCE

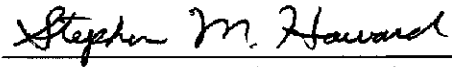
Eastern Natural Gas Company ("Eastern"), Pike Natural Gas Company ("Pike"), and Southeastern Natural Gas Company ("Southeastern") respectfully file this Joint Motion requesting the Attorney Examiner or the Commission to waive that portion of Rule 4901:1-14-08(C) of the Ohio Administrative Code and a portion of Finding 6 of the January 21, 2009 Entry in these matters which requires notice of the hearing to be published in a section of the newspaper other than the legal notice section. Notice of the December 15 Hearing was in fact timely published in local newspapers, but appeared in the Legal Notice sections. The reasons in support of the Joint Motion are set forth in the accompanying memorandum in support.

WHEREFORE, Eastern Natural Gas Company, Pike Natural Gas Company, and Southeastern Natural Gas Company respectfully request that the Attorney Examiner or the Commission waive that portion of Rule 4901:1-14-08(C) of the Ohio Administrative Code and that portion of Finding 6 of the January 21, 2009 Entry requiring that notice of the hearing be published in a portion of the newspaper other than the legal notices section and that the Attorney Examiner or the Commission find that Eastern, Pike, and Southeastern have substantially

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complied with Rule 4901:1-14-08(C) of the Ohio Administrative Code and Finding 6 of the January 21, 2009 Entry.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

Eastern, Pike, and Southeastern are natural gas companies as defined by Sections 4905.03(A)(6), Revised Code, and public utilities by reason of Section 4905.02, Revised Code. Eastern, Pike, and Southeastern are subject to the jurisdiction of this Commission in accordance with Sections 4905.04 and 4905.05, Revised Code.

By Entry of January 21, 2009, the Commission established a hearing date of December 15, 2009 for the Gas Cost Recovery ("GCR") clause hearing of Eastern, Pike, and Southeastern.

Rule 4901:1-14-08(C), OAC, specifies that notice of the hearing must be published between 15 and 30 days prior to the date set for hearing. The notice may be provided by display ad in a newspaper(s) of general circulation, bill message or bill insert included in customer bills, or separate direct mailing to the customers. The Entry set forth the form of the

Legal Notice to be published and required that if notice were published by newspaper, that the notice appear in a section other than the Legal Notice Section.

The joint movants published notice of the December 15, 2009 hearing in the various newspapers of general circulation in their respective service territories. However, these notices were published in the Legal Notice sections of each of the newspapers for all three companies. This was an inadvertent error which was just discovered by Eastern, Pike, and Southeastern. The joint movants regret this error and will take steps to assure that publication of notices in future GCR cases will not appear in the Legal Notice section. Eastern, Pike, and Southeastern have in fact timely published notice of the December 15 hearing. If the recent history in the GCR hearings of Eastern, Pike and Southeastern is any guide, public testimony is not anticipated at the December 15, 2009 hearing. There is insufficient time to republish notice prior to the December 15 hearing within the required 15-30 day time window required by the rule and the January 21, 2009 Entry. If Eastern, Pike, and Southeastern were required to republish the notice in a section other than the Legal Notice section, the December 15, 2009 hearing would have to be postponed. While it is certain that additional costs would be incurred by re-publishing notice, it is uncertain that re-publication of the notice would have any impact on the likelihood of public testimony.

Eastern, Pike, and Southeastern respectfully request that for these cases the Commission waive that portion of the rule and Entry which required it to publish notice in a section of a newspaper other than in the Legal Notice section. Further, Eastern, Pike, and Southeastern respectfully requests that the Commission find that notice of the December 15, 2009 hearing was timely published in newspapers of general circulation in the service territories

of each company and that substantial compliance with the rule and the Entry has been achieved.
Good cause exists for granting this waiver.

WHEREFORE, Eastern Natural Gas Company, Pike Natural Gas Company, and Southeastern Natural Gas Company respectfully request that the Commission waive that portion of Rule 4901:1-14-08(C) of the Ohio Administrative Code and that portion of Finding 6 of the January 21, 2009 Entry which requires notice of the hearing to be published in a section other than the Legal Notice section of a newspaper. Further, Eastern, Pike and Southeastern respectfully request that the Commission find that each has substantially complied with the notice of the December 15 Hearing requirements contained in Rule 4901:1-14-08(C) of the Ohio Administrative Code and Finding 6 of the January 21, 2009 Entry.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Joint Motion was served upon the following person
this 2nd day of December, 2009 via electronic mail and via hand delivery.

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