

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Cutter Exploration, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 09-1982-GA-CSS
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On December 21, 2009, Cutter Exploration, Inc. (Cutter Exploration) filed a complaint against The East Ohio Gas Company d/b/a Dominion East Ohio (DEO), alleging that DEO has failed to accurately measure gas at Cutter Exploration's production receipt points and discriminated against Cutter Exploration by artificially restricting complainant's ability to flow gas from its intermittent wells into DEO's distribution system. DEO filed its answer to the complaint on January 11, 2010, denying the material allegations of the complaint. DEO maintains that it has fully complied with all applicable statutes, rules, orders, and tariffs.
- (2) By entry issued on June 11, 2010, this matter was set for hearing on November 2, 2010. The entry also established deadlines for service of discovery requests and for filing stipulations of facts and pre-filing direct testimony.
- (3) Due to an unavoidable conflict with another matter pending before the Commission, the attorney examiner finds that the hearing in this matter needs to be rescheduled. Accordingly, the following revised procedural schedule shall apply to this case:


- (a) December 13, 2010 - Deadline for the service of discovery requests. Parties will respond to discovery requests within 15 calendar days.
 - (b) December 13, 2010 - Deadline for filing list of witnesses each party anticipates calling at the hearing.
 - (c) January 4, 2011 - Deadline for the filing of stipulations of facts, and direct expert and non-expert testimony by the parties.
 - (d) January 11, 2011 - The hearing will commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.
- (4) Response times for motions filed by parties will be as follows:
- (a) Any party wishing to file a memorandum contra a motion must do so within four business days after service of a motion.
 - (b) Any party wishing to file a reply to a memorandum contra a motion must do so within three business days after service of the memorandum contra.
 - (c) The parties will serve motions by electronic means.
 - (d) Rule 4901-1-07, Ohio Administrative Code, which provides an additional three days time, where service is made by mail, will not apply.
- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That the parties adhere to the schedule and processes set forth in findings (3) and (4). It is, further,

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

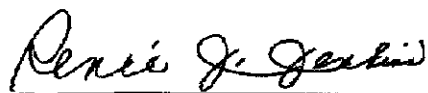
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Henry H. Phillips-Gary
Attorney Examiner

grg/sc

Entered in the Journal

SEP 24 2010


Renee J. Jenkins

Renee J. Jenkins
Secretary