

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 its 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, a procedural schedule was established and this matter was set for hearing on November 2, 2010. However, by entry issued on September 24, 2010, the procedural schedule was revised and the hearing was rescheduled for January 11, 2011, due to an

unavoidable conflict with another matter pending before the Commission.


- (3) Subsequently, on October 20, 2010, new counsel for Cutter Exploration filed a notice of appearance and substitution of counsel. On October 22, 2010, Cutter Exploration's original counsel filed a notice of withdrawal.
- (4) In order to allow both parties adequate preparation time, 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) May 4, 2011 - Deadline for the service of discovery requests. Parties will respond to discovery requests within 15 calendar days.
  - (b) May 4, 2011 - Deadline for filing list of witnesses each party anticipates calling at the hearing.
  - (c) May 25, 2011 - Deadline for the filing of stipulations of facts, and direct expert and non-expert testimony by the parties.
  - (d) June 1, 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.
- (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 as set forth in finding  
(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

ST/sc

Entered in the Journal

NOV 19 2010

  
\_\_\_\_\_

Renee J. Jenkins  
Secretary