

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of The East Ohio Gas     )  
Company d/b/a Dominion East Ohio     )     Case No. 10-604 -GA-PIP  
Percentage of Income Payment Plan     )  
Rider Audit.     )

FINDING AND ORDER

The Commission finds:

- (1) The East Ohio Gas Company d/b/a Dominion East Ohio (DEO) is a gas or natural gas company as defined by Section 4905.03(A)(4) and (5), Revised Code, and a public utility by reason of Section 4905.02, Revised Code. As such, DEO is subject to the jurisdiction of the Public Utilities Commission of Ohio (Commission), in accordance with Sections 4905.04 and 4905.05, Revised Code.
- (2) By entry issued May 19, 2010, the Commission initiated a financial audit of DEO's Percentage of Income Payment Plan (PIPP) Rider. The Commission directed that the PIPP audit be for the period February 2006 through December 2009, and be conducted by an external financial auditor selected by DEO. The auditor was directed to docket its findings for the audit in this case by September 24, 2010. Interested parties wishing to file comments and reply comments were directed to do so by October 25, 2010, and November 15, 2010, respectively.
- (3) On September 15, 2010, DEO filed a motion for an extension of the deadline for the filing of the auditor's report from September 24, 2010, to October 15, 2010. By entry issued September 17, 2010, the attorney examiner extended the deadline for the filing of the audit report until October 15, 2010; and the deadline for the filing of comments and reply comments to November 15, 2010, and December 6, 2010, respectively.
- (4) On October 5, 2010, a motion for admission *pro hac vice*, requesting that David C. Rinebolt be admitted to practice before the Commission in this proceeding was filed. Mr. Rinebolt represents Ohio Partners for Affordable Energy (OPAE). Mr. Rinebolt is an active member of the District of Columbia Bar, and has been granted permission to practice *pro hac vice* before the Commission

on numerous occasions. The Commission finds that the motion is reasonable and should be granted.

- (5) On October 5, 2010, OPAE filed a motion to intervene in this case. In support of its motion, OPAE asserts that it is a corporation that advocates for affordable energy policies for low and moderate income Ohioans. Furthermore, OPAE asserts that its participation will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of this matter. No memorandum contra was filed in response to OPAE's motion to intervene. The Commission finds that the motion to intervene should be granted.
- (6) On October 21, 2010, the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this case. In support of its motion to intervene, OCC asserts that residential customers may be adversely affected by this case if DEO is not properly determining its PIPP Rider rate. OCC further states that its significant experience in Commission proceedings will allow for the efficient processing of this matter with consideration of the public interest. No one filed a memorandum contra the motion to intervene filed by OCC. The Commission finds that OCC has set forth reasonable grounds for intervention. Accordingly, OCC's motion to intervene should be granted.
- (7) The audit report for the PIPP rider, for the period February 2006 through December 2009, was filed on October 15, 2010. The audit was performed by Deloitte & Touche LLP (D&T). The report details the procedures agreed to by DEO and Staff that were performed by D&T. In its report, D&T did not note any discrepancies in DEO's calculation of the PIPP Rider rate.
- (8) On November 15, 2010, OPAE filed comments on the audit report. In its comments, OPAE indicated its agreement with the conclusion of the audit report. OPAE also observed that the audit report confirmed that customers have been charged \$12,215,953 in carrying charges, which supports the conclusion that DEO must update its PIPP Rider annually. As noted by OPAE in its comments, DEO has committed to update its PIPP rider annually, to save consumers the expense of carrying charges.
- (9) Moreover, the Commission reminds DEO that it was ordered in *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for the Adjustment of its Emergency and Temporary*

*Percentage of Income Payment Plan Rider*, Case No. 09-2011-GA-PIP, to annually update its PIPP Rider.

- (10) The Commission has reviewed the report filed in this docket by D&T and noted that D&T found no discrepancies in DEO's calculation of the PIPP Rider. Therefore, the Commission concludes that the findings of D&T, as set forth in the audit report should be adopted by the Commission.

It is, therefore,

ORDERED, That the motion for admission *pro hac vice* of David C. Rinebolt be granted. It is, further

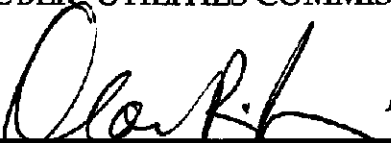
ORDERED, That the motions to intervene filed by OCC and OPAE be granted. It is, further,

ORDERED, That the findings of D&T, set forth in the audit report, be adopted. It is, further,

ORDERED, That nothing in this finding and order shall be binding upon this Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That a copy of this finding and order be served upon DEO and upon all other persons of record in this proceeding.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman

  
Paul A. Centolella

  
Valerie A. Lemmie

  
Steven D. Lesser

  
Cheryl L. Roberto

KLS/dah

Entered in the Journal **DEC 21 2010**

  
Renee J. Jenkins

Renee J. Jenkins  
Secretary