

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 for Approval of Tariffs to Adjust its) Case No. 10-2853-GA-RDR
Automated Meter Reading Cost Recovery)
Charge to Recover Costs Incurred in 2010.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued October 15, 2008, in *In the Matter of the Application of East Ohio Gas Company d/b/a Dominion East Ohio for Authority to Increase Rates for its Gas Distribution Service*, Case No. 07-829-GA-AIR, *et al.*, the Commission approved a stipulation that, inter alia, provided that the accumulation by The East Ohio Gas Company d/b/a Dominion East Ohio (DEO) of costs for the installation of automated meter reading (AMR) technology may be recovered through a separate charge (AMR cost recovery charge). The opinion contemplated periodic filings of applications and adjustments of the rate under the AMR cost recovery charge. By opinion and order issued May 5, 2010, in *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio to Adjust its Automated Meter Reading Cost Recovery Charge and Related Matters*, Case No. 09-1875-GA-RDR, the Commission approved DEO's current AMR cost recovery charge, thereby allowing DEO to recover costs incurred during 2009.
- (2) On November 30, 2010, DEO filed a prefiling notice of an application supporting a rate adjustment for the AMR cost recovery charge to recover costs incurred during 2010. Subsequently, on February 28, 2011, DEO filed its application in the instant case. DEO filed corrections to its application on March 1, 2011.
- (3) On December 7, 2010, Ohio Partners for Affordable Energy (OPAE) filed a motion to intervene in this case. In support of its motion, OPAE asserts that it is a nonprofit organization with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans, and that it provides

energy assistance to low income customers of DEO. Some of OPAE's member agencies are also customers of DEO. OPAE asserts that the interests of its members may be directly impacted by this proceeding. 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 opposition to this motion. Accordingly, the attorney examiner finds that OPAE's motion to intervene is reasonable and should be granted.

- (4) A motion for admission *pro hac vice*, requesting that David C. Rinebolt be admitted to practice before the Commission in this proceeding, was also filed. Mr. Rinebolt represents 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. No memoranda contra were filed. The attorney examiner finds that the motion is reasonable and should be granted.
- (5) On December 20, 2010, the office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this case. In support of its motion, OCC states that it represents the residential utility customers of DEO and that this case may adversely affect these customers' interests. OCC further submits that its participation will not unduly prolong or delay the proceeding and that its advocacy will significantly contribute to the full development and equitable resolution of the issues. No party opposed the motion to intervene. The attorney examiner finds that OCC's motion to intervene is reasonable and should be granted.
- (6) In order to accomplish the review of DEO's proposed adjustment to the AMR cost recovery charge, the attorney examiner finds that the following procedural schedule should be established:
 - (a) March 30, 2011 - Deadline for the filing of motions to intervene.
 - (b) March 30, 2011 - Deadline for Staff and intervenors to file comments on the application.

- (c) April 6, 2011 - Deadline for DEO to file a statement, informing the Commission whether the issues raised in the comments have been resolved.
 - (d) April 7, 2011 - Deadline for the parties and Staff to file expert testimony.
 - (e) In the event that some or all of the parties enter into a stipulation resolving some or all of the issues in this case, the parties must file such stipulation with the Commission, by 9:00 a.m. on April 8, 2011.
 - (f) In the event that all of the issues are not resolved or the parties enter into a stipulation, a hearing shall commence on April 11, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215. Any party requesting a continuance of the hearing must file a motion to continue the hearing with the Commission, by 9:00 a.m. on April 8, 2011.
- (7) In light of the time frame for this proceeding, the attorney examiner requires that, in the event that any motion is made in this proceeding, any memorandum contra shall be filed within three business days after the service of such motion, and a reply memorandum to any memorandum contra will not be accepted. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.
- (8) In addition, the attorney examiner finds that response time for discovery shall be shortened to seven days. Unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming.

It is, therefore,

ORDERED, That the motion pro hac vice to admit David C. Rinebolt be granted. It is, further,

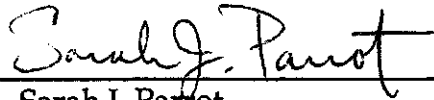
ORDERED, That the motions to intervene filed by OPAE and OCC be granted. It is, further,

ORDERED, That the procedural schedule set forth in finding (6) be adopted. It is, further,

ORDERED, That the parties adhere to the processes established in findings (7) and (8). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Sarah J. Parrot
Attorney Examiner

JPJ/sc

Entered in the Journal

MAR 03 2011



Renee J. Jenkins
Secretary