

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 to ) Case No. 11-2401-GA-ALT  
Modify and Further Accelerate its )  
Pipeline Infrastructure Replacement )  
Program and to Recover the Associated )  
Costs. )

In the Matter of the Application of The )  
East Ohio Gas Company d/b/a )  
Dominion East Ohio for Approval of )  
Tariffs to Recover Certain Costs ) Case No. 08-169-GA-ALT  
Associated with a Pipeline Infrastructure )  
Replacement Program Through an )  
Automatic Adjustment Clause and for )  
Certain Accounting Treatment. )

ENTRY

The attorney examiner finds:

- (1) On August 30, 2007, in *In the Matter of the Application of The 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 East Ohio Gas Company d/b/a Dominion East Ohio (DEO), *inter alia*, filed an application to increase its gas distribution rates. On February 22, 2008, DEO filed an application in *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for Approval of Tariffs to Recover Certain Costs Associated with a Pipeline Infrastructure Replacement Program Through an Automatic Adjustment Clause and for Certain Accounting Treatment*, Case No. 08-169-GA-ALT (08-169), pursuant to Chapter 4929, Revised Code, requesting approval of tariffs to recover, through an automatic adjustment mechanism, costs associated with a pipeline infrastructure replacement (PIR) program. These cases were consolidated and will be jointly referred to herein as the *DEO Distribution Rate Case*.
- (2) By opinion and order issued October 15, 2008, the Commission approved a stipulation and recommendation filed in the *DEO Distribution Rate Case*, which, *inter alia*, approved the creation of the

PIR program and PIR cost recovery mechanism for an initial five-year period, or until DEO's next base rate case.

- (3) Section 4929.08, Revised Code, provides, in pertinent part, that:

the commission...upon the motion of any person adversely affected by...alternative regulation authority, and after notice and hearing and subject to this division, may abrogate or modify any order granting such... authority....

- (4) On March 31, 2011, DEO filed, in 08-169, a motion to modify the order approving the PIR program, pursuant to Section 4929.08, Revised Code, a motion to convene a prehearing conference, and a motion to waive or defer the filing of memoranda contra. At this time, the attorney examiner finds that, in order to facilitate the Commission's timely review of the issues set forth in DEO's motion to modify its PIR program the docketing division should file copies of the motion and supporting testimony filed by DEO in 08-169 on March 31, 2011, in a new case reserved for the Commission's consideration of DEO's request, Case No. 11-2401-GA-ALT (11-2401). In addition, all future filings regarding DEO's request to modify its PIR program should be made in 11-2401, and not in 08-169.

- (5) With respect to DEO's motion to waive or defer the filing of memorandum contra, DEO explains that requiring parties to file memorandum contra without sufficient time to conduct discovery will result in the expenditure of unnecessary time and expense. In considering DEO's request, the attorney examiner does not believe that parties should be precluded from filing memorandum contra. However, the attorney examiner agrees that memorandum contra should not be required before discovery has been conducted. Accordingly, DEO's motion to defer the filing of memorandum contra should be granted, and memorandum contra and replies to memorandum contras shall be due as set forth in the procedural schedule below. Accordingly, at this time, the attorney examiner finds it appropriate to set the following procedural schedule:

- (a) Tuesday, April 26, 2011 - A technical conference will be held at 9:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio.

- (b) Wednesday, May 25, 2011 – Deadline for the filing of motions to intervene.
  - (c) Wednesday, May 25, 2011 – Deadline for the filing of comments and/or memorandum contra DEO's March 31, 2011, motion.
  - (d) Friday, June 3, 2011 – Deadline for the filing of reply comments or replies to memorandum contra DEO's March 31, 2011, motion.
  - (e) Friday, June 24, 2011 – Deadline for the filing of testimony on behalf of Staff and intervenors.
  - (f) Wednesday, July 6, 2011 – The evidentiary hearing shall commence at 9:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio.
- (6) In accordance with Section 4929.08, Revised Code, the attorney examiner finds that notice of the hearing in 11-2401 shall be published one time in a newspaper of general circulation in each county of the company's service area. Such notice shall be published by May 10, 2011. The notice shall read as follows:

#### LEGAL NOTICE

The East Ohio Gas Company d/b/a Dominion East Ohio filed an application for approval to modify and further accelerate its pipeline infrastructure replacement program and to recover the associated costs through a rider, Case No. 11-2401-GA-ALT. Motions to intervene are due by May 23, 2011. The evidentiary hearing is scheduled for July 6, 2011, 9:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio. Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793, viewing the Commission's web page at <http://www.puc.state.oh.us> or contacting the Commission's hotline at 1-800-686-7826.

- (7) The attorney examiner finds that, in the event any motion is filed in this proceeding, any memoranda contra shall be filed within five calendar days after the service of such motion, and reply memoranda to any memorandum contra shall be filed within three calendar days. 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 calendar 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, in accordance with finding (3), the docketing division file copies of the motion and supporting testimony filed in 08-169 by DEO on March 31, 2011, in 11-2401. It is, further,

ORDERED, That all future filings regarding DEO's request to modify its PIR program be made in 11-2401, and not in 08-169. It is, further,

ORDERED, That the procedural schedule set forth in finding (5) be observed. It is, further,

ORDERED, That notice of the hearing be published as set forth in finding (6). 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 in 08-169 and in the instant case.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman  
By: Katie L. Stenman  
Attorney Examiner

/dah PTD

Entered in the Journal

APR 11 2011

Betty McCauley  
Betty McCauley  
Secretary