

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbia Gas of Ohio, Inc., for Approval)
of a General Exemption of Certain Natural) Case No. 08-1344-GA-EXM
Gas Commodity Sales Services or Ancillary)
Services.)

ENTRY

The Commission finds:

- (1) By opinion and order issued December 2, 2009, the Commission approved the terms of a stipulation and recommendation (stipulation) entered into by the parties in this proceeding on October 7, 2009. The stipulation provided, *inter alia*, that Columbia would hold an auction to secure natural gas supplies, initially through a standard service offer (SSO) structure, and subsequently through a standard choice offer (SCO) structure. The initial SSO rate was to be in effect for the period April 1, 2010 through March 31, 2011. A second auction-based SSO would be in effect from April 1, 2011 through March 31, 2012. The initial SCO period would be for the 12-month period beginning April 1, 2012.
- (2) In addition, the stipulation provided that, prior to the SCO auction date, any party may petition the Commission to suspend the SCO auction in favor of another SSO auction. In the event a party files an objection to an SCO auction, the parties supporting the SCO auction agreed to present evidence intended to demonstrate the anticipated benefits from an SCO auction.
- (3) On April 15, 2011, Columbia filed a Revised Program Outline, which the company explains reflects the changes necessary to implement the initial SCO auction in February 2012.
- (4) By entry issued April 27, 2011, the Commission established May 9, 2011, as the deadline for interested parties to file comments on the Revised Program Outline. In addition, the Commission gave parties until May 9, 2011, to file a petition/objection requesting that the Commission suspend the

SCO auction in favor of another SSO auction, as provided for in the stipulation approved on December 2, 2009.

- (5) On May 9, 2011, North Coast Gas Transmission, LLC (North Coast) filed a motion to intervene in this case. In support of its motion, North Coast states it is an Ohio-regulated intrastate pipeline company and that the Revised Program Outline reflects North Coast's anticipated future participation in Columbia's SCO program. No one filed memorandum contra North Coast's motion to intervene. The Commission finds that the motion to intervene filed by North Coast is reasonable and should be granted.
- (6) Comments on the Revised Program Outline were filed by North Coast and the Ohio Gas Marketers' Group (OGMG) on May 9, 2011.
- (7) The Commission finds it appropriate, at this time, to permit parties to file replies to the comments filed by North Coast and OGMG by June 16, 2011.
- (8) On May 9, 2011, the Ohio Consumers' Counsel and the Ohio Partners for Affordable Energy filed objections to the SCO auction and requested that the Commission suspend Columbia's proposal to conduct an SCO auction in favor of conducting an SSO auction.
- (9) In accordance with the process set forth in the stipulation and approved by the Commission on December 9, 2009, the Commission finds that a hearing should be scheduled in this matter so that the parties supporting the SCO auction may present evidence supporting their position regarding the anticipated benefits from an SCO auction. Likewise, parties against an SCO auction may present evidence in opposition.¹ Accordingly, the Commission finds that the following procedural schedule should be implemented:
 - (a) June 23, 2011 - Deadline for Columbia, intervenors, and Staff to file testimony.

¹ The Commission will consider the pending issues regarding the Revised Program Outline at a later time; however, those issues will not be adjudicated at the hearing regarding the SCO auction.

- (b) June 29, 2011 - The evidentiary hearing shall commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-A, Columbus, Ohio 43215-3793.
 - (c) In lieu of briefs, at the conclusion of the evidentiary hearing, each party will have an opportunity to make a closing statement.
- (10) In light of the time frame for this proceeding, the Commission requires that, in the event that any motion is made in this proceeding, any memorandum contra shall be filed within four calendar days and reply memorandum will not be accepted. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.
 - (11) In addition, the Commission finds that the response time for discovery shall be shortened to five 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. Given the time frames established for this proceeding, if the parties can not resolve a dispute regarding discovery, the party requesting such discovery must immediately notify the attorney examiner.
 - (12) As a final matter, the Commission notes that, on May 9, 2011, Columbia filed a motion to stay discovery until such time as it is determined whether further proceedings will be held in this matter. In addition, Columbia requests that, if the Commission determines that it is going to hold a hearing, any discovery be limited to only those relevant objections raised by the parties. OCC filed a memorandum contra Columbia's motion on May 27, 2011.
 - (13) The Commission finds that, in light of the fact that a hearing has been scheduled in this matter, the portion of the motion requesting a stay of discovery, unless and until the hearing determination is made, should be denied. With regard to Columbia's request that discovery be limited to the issues pertaining to the matters to be considered at the hearing, the

Commission finds that such request is well made and should be granted. Consequently, at this point in this proceeding, the Commission finds that discovery should be limited to information that is reasonably calculated to lead to the discovery of admissible evidence pertaining to the issues to be deliberated at the hearing. The issues to be deliberated at the hearing are: the parties' positions regarding the benefits of an SCO auction, as well as evidence in opposition to such positions; and the parties' positions regarding the benefits of an SSO auction, as well as evidence in opposition to such positions. Accordingly, Columbia's motion to stay is granted, in part, and denied, in part.

It is, therefore,

ORDERED, That the motion to intervene filed by North Coast be granted. It is, further,

ORDERED, That parties may file replies to the comments filed by North Coast and OGMG by June 16, 2011. It is, further,

ORDERED, That the procedural schedule and time frames set forth in findings (9) through (11) be adhered to by the parties. It is, further,


ORDERED, That, in accordance with finding (13), Columbia's motion to stay is granted, in part, and denied, in part. It is, further,

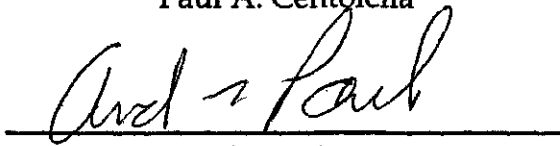
ORDERED, That copies of the entry be served upon all parties of record in this case.

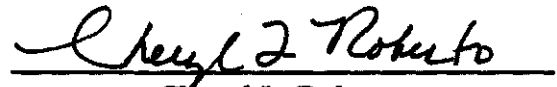
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Steven D. Lesser

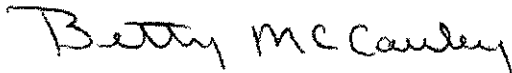

Andre T. Porter


Cheryl L. Roberto

CMTP/vrm

Entered in the Journal

JUN 01 2011


Betty McCauley
Secretary