

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Self-Complaint of)
Suburban Natural Gas Company) Case No. 11-5846-GA-SLF
Concerning its Existing Tariff Provisions.)

ENTRY

The Commission finds:

- (1) On December 1, 2011, Suburban Natural Gas Company (Suburban) filed the above-referenced self-complaint requesting that the Commission approve a demand-side management (DSM) rider in its tariff. According to Suburban, under its current tariff, customers who desire a DSM program are unjustly deprived of a competitive option for a provider of such a program and the market is deprived of another program that facilitates energy-efficient measures being taken in construction projects. As a result, there currently exists an unjust, unreasonable, and uneven competitive playing field, other natural gas companies having DSMs and Suburban not having one, and this is inequitable and unjust to Suburban and all of its customers. The proposed DSM will apply only where a customer or potential customer already has an opportunity to utilize a competitor's DSM program for residential construction. In addition, the DSM rider will apply only when the customer has an offer to provide DSM assistance from another natural gas distribution company. Further, the recovery under the proposed DSM would be limited to costs incurred to meet, not exceed, the assistance offered by another natural gas company. Lastly, Suburban would recover costs associated with the DSM rider by charging an additional amount per month, per account, regardless of the amount of gas consumed.
- (2) Section 4905.26, Revised Code, provides that, upon complaint of a public utility as to any matter affecting its own product or service, if it appears that reasonable grounds for complaint are stated, the Commission shall fix a time for hearing.
- (3) Historically, the Commission has found it appropriate to consider the reasonableness of a charge in the context of a self-complaint under Section 4905.26, Revised Code. However, in most cases, the impact of these rate changes have been limited

in duration or directed to particular customer classes. Further, the Commission has, in prior cases, found that, if the proposed charges are not a general, across-the-board rate increase, which would affect all of the company's customers, and if the self-complaint mechanism will protect the company's customers' interests, it is appropriate to consider the reasonableness of charges proposed by the utility. See, *In the Application of Akron Thermal Limited Partnership*, where the Commission approved a fuel cost surcharge rider, subject to refund, pending the determination of a base rate case of the company, Case No. 04-1298-HT-SLF, Finding and Order (November 3, 2004); *In the Matter of the Self-Complaint of Paramount Natural Gas Company Concerning its Existing Tariff Provisions Regarding Charges for Installing a Positive Shut Off Drip*, where the Commission approved a charge applicable solely to those customers requiring installation of a positive shutoff drip device, Case No. 98-1590-GA-SLF Finding and Order (January 1, 1999); *In the Matter of the Self-Complaint of Columbia Gas of Ohio, Inc. Concerning Certain of its Existing Tariff Provisions*, where the Commission approved the transfer and exchange of certain facilities between Suburban and Columbia, but without any cost to customers, Case No. 93-1569-GA-SLF, Entry (December 7, 1995); *In the Matter of the Application of Ohio Gas Company to Establish a Charge for Bad Checks and a Charge for Reconnection of Service After Regular Business Hours*, where the Commission approved a \$10.00 charge to be applied to customers who issue checks or other instruments backed by insufficient funds, Case No. 87-2068-GA-SLF, Entry (November 22, 1988).

- (4) In its filing, Suburban states that notice of the case should be published, that the Commission should not schedule an oral hearing unless it receives a request for one, and the Commission should decide the case on the basis of the information contained in the complaint and exhibits attached to the complaint. Upon review of Suburban's filing and the attached exhibits and the historical treatment of self-complaint cases, the Commission finds that it would be appropriate to allow Suburban to move forward with its case while affording due process to all interested parties. Accordingly, an evidentiary hearing should be held in this case and, in accordance with Section 4905.26, Revised Code, Suburban shall have the burden of proof to demonstrate that its current rates, charges, and tariff are unjust, unreasonable, insufficient, or inadequate and that not having a DSM rider in its tariff is inequitable and unjust to Suburban and all of its customers.

Therefore, the attorney examiner assigned to this case should schedule an evidentiary hearing and establish a deadline for intervention and the filing of expert testimony.

- (5) We also note that, in previous self-complaint proceedings, the Commission determined that it was appropriate to schedule local hearings throughout the service area of the companies. See, *In the Matter of the Self-complaint of Columbus Southern Power Company and Ohio Power Company Regarding the Implementation of Programs to Enhance Distribution Service Reliability*, Case No. 06-222-EL-SLF, (November 27, 2008). Upon review, the Commission finds that it may be appropriate to schedule local public hearings on Suburban's filing throughout its service area.

It is, therefore,

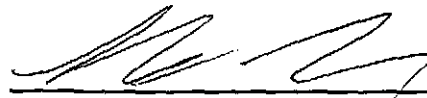
ORDERED, That the attorney examiner schedule an evidentiary hearing in this matter. It is, further,

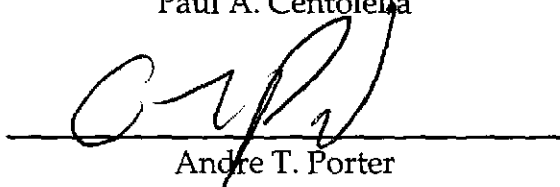
ORDERED, That a copy of this entry be served all interested persons of record in this docket.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Steven D. Lesser

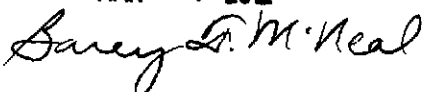

Andre T. Porter


Cheryl L. Roberto

SEF/sc

Entered in the Journal

MAR 07 2012



Barcy F. McNeal
Secretary