

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application to Modify,)
in Accordance with Section 4929.08,)
Revised Code, the Exemption Granted to) Case No. 12-1842-GA-EXM
The East Ohio Gas Company d/b/a)
Dominion East Ohio in Case No. 07-1224-)
GA-EXM.)

ENTRY

The attorney examiner finds:

- (1) On April 8, 2005, The East Ohio Gas Company d/b/a Dominion East Ohio (DEO), filed an application requesting an exemption pursuant to Section 4929.04, Revised Code, and seeking approval of phase one of its plan to exit the merchant function. *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for Approval of a Plan to Restructure Its Commodity Service Function*, Case No. 05-474-GA-ATA (05-474). By opinion and order issued May 26, 2006, in 05-474, the Commission approved DEO's application, as modified by the stipulation filed in the case, to undertake phase one of its proposal to test alternative, market-based pricing of commodity sales.
- (2) On June 18, 2008, in *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for Approval of a General Exemption of Certain Natural Gas Commodity Sales Services or Ancillary Services*, Case No. 07-1224-GA-EXM (07-1224), the Commission authorized DEO to implement phase two of its plan to exit the merchant function, in which DEO implemented a standard choice offer (SCO), wherein suppliers bid for the right to supply gas in tranches to choice-eligible customers at a retail level.
- (3) Section 4929.08, Revised Code, provides, in pertinent part, that:

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

- (4) On June 15, 2012, DEO and the Ohio Gas Marketers Group (Marketers) filed a motion to modify the exemption pursuant to Section 4929.08, Revised Code, to allow DEO to discontinue the availability of its SCO to choice-eligible nonresidential customers beginning in April 2013. In its definition of nonresidential customers, DEO includes General Sales Service - Nonresidential, Large Volume General Sales Service, Energy Choice Transportation Service -Nonresidential and Large Volume Energy Choice Transportation Service customers. Joint movants propose that nonresidential customers receive commodity service from the next available competitive retail natural gas supplier (CRNGS) on a rotating list maintained by DEO pursuant to the CRNGS's applicable monthly variable rate. Along with the joint motion, DEO and the Marketers also filed a stipulation and recommendation (stipulation) signed by DEO, the Marketers, and the Ohio Consumers' Counsel.
- (5) To facilitate the Commission's timely review of the joint motion, as well as the stipulation, the attorney examiner finds it appropriate to set the following procedural schedule:
 - (a) August 30, 2012 - Deadline for the filing of motions to intervene.
 - (c) August 30, 2012 - Deadline for the filing of comments and/or memorandum contra the June 15, 2012, motion.
 - (d) September 13, 2012 - Deadline for the filing of reply comments, replies to memorandum contra the June 15, 2012, motion, and direct testimony by joint movants.
 - (e) September 27, 2012 - Deadline for the filing of testimony on behalf of Staff and intervenors.
 - (f) October 9, 2012 - A hearing on the stipulation shall commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio.
- (6) In accordance with Section 4929.08, Revised Code, the attorney examiner finds that notice of the hearing in this case shall be published one time in a newspaper of general circulation in

each county of DEO's service area. Such notice shall be published by August 15, 2012. The notice shall read as follows:

LEGAL NOTICE

The East Ohio Gas Company d/b/a Dominion East Ohio filed an application to discontinue providing commodity service to choice-eligible nonresidential customers, Case No. 12-1842-GA-EXM. As proposed, nonresidential customers would receive commodity service from a competitive retail natural gas supplier on a rotating list maintained by Dominion East Ohio at the supplier's monthly variable rate. Motions to intervene are due by August 30, 2012. A hearing is scheduled for October 9, 2012, 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, 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) On June 28, 2012, Ohio Partners for Affordable Energy (OPAE) filed a motion to intervene in the instant case, along with a motion to dismiss. According to OPAE, some of its member agencies are nonresidential DEO ratepayers, who will not have the opportunity of choosing SCO service if the motion is approved. OPAE asserts that its participation will not cause undue delay or undue prejudice to any party, and will aid in the just and expeditious resolution of this case.
- (8) On July 13, 2012, DEO and the Marketers filed responses to OPAE's motion to intervene and motion to dismiss. In response to OPAE's motion to intervene, DEO states that it is unclear whether OPAE has standing to represent its members, as ratepayers. In addition, the Marketers point out that OPAE's intervention should be limited to representing its own members, and that OPAE should not be allowed to act as a representative of all small commercial customers.

- (9) On July 19, 2012, OPAE filed a reply, in which it explains that it only intends to represent its member agencies who are DEO ratepayers. Moreover, OPAE asserts that it has standing to represent its member agencies, as does any group that files before the Commission to represent a certain set of customers, such as Marketers.
- (10) In considering OPAE's motion to intervene, the attorney examiner finds that it is reasonable and should be granted.

It is, therefore,

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 motion to intervene filed by OPAE be granted. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record in this case and all parties of record in 07-1224.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie L. Stenman

By: Katie L. Stenman
Attorney Examiner

sef/vrm

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in

Case No(s). 12-1842-GA-EXM

Summary: Attorney Examiner Entry scheduling hearing for 10/9/12 at 10:00 a.m. in 11-C and granting motion to intervene electronically filed by Vesta R Miller on behalf of Katie L. Stenman, Attorney Examiner, Public Utilities Commission of Ohio