

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) Case No. 12-1842-GA-EXM
Granted to 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 (OGMG) (jointly referred to herein as the joint movants) 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 service (CRNGS) provider on a rotating list maintained by DEO pursuant to the CRNGS provider's applicable monthly variable rate. Along with the joint motion, DEO and the OGMG also filed a stipulation and recommendation (stipulation) signed by DEO, the OGMG, and the Ohio Consumers' Counsel (OCC).
- (5) By entry issued on July 27, 2012, *inter alia*, a motion to intervene filed by Ohio Partners for Affordable Energy (OPAE) was granted.
- (6) On August 30, 2012, OCC filed a motion to intervene, asserting that it represents the interests of residential customers in this proceeding. OCC explains that DEO is proposing to exit the merchant function for nonresidential customers only, indicating that the information gleaned from nonresidential customers will be informative as to whether DEO should exit the merchant function for residential customers as well. OCC also asserts that it negotiated, as part of the stipulation, to obtain certain data from DEO and also negotiated a process for any proposals to

exit the merchant function pertaining to nonresidential customers. On September 13, 2012, OPAE filed a memorandum contra OCC's motion to intervene. On October 9, 2012, OPAE withdrew its opposition to OCC's intervention. The attorney examiner finds that OCC's motion to intervene is reasonable and should be granted.

- (7) On August 30, 2012, the Retail Energy Supply Association (RESA) filed a motion to intervene in this case, asserting that it represents a broad group of energy suppliers, some of whom are certified as CRNGS providers that provide service to nonresidential customers. Accordingly, RESA asserts that some of its members have a direct interest in the outcome of this proceeding.
- (8) On September 13, 2012, OPAE filed a memorandum contra RESA's motion to intervene, in which it asserts that some of RESA members are also members of OGMG. OPAE concludes that RESA's interests are identical to the interests of OGMG and, therefore, RESA's motion to intervene should be denied.
- (9) On September 20, 2012, RESA filed a reply to OPAE's memorandum contra in which it asserts that RESA and OGMG are two different trade organizations, despite the fact that some of their membership is identical. Moreover, RESA points out that OGMG's and RESA's filings have indicated that they advocate organizational or consensus positions and do not speak on behalf of all of their members. Therefore, RESA asserts that it should be allowed to speak for itself, as well as its members who are not OGMG members.
- (10) The attorney examiner finds that RESA's motion to intervene is reasonable and should be granted.

It is, therefore,

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

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

By: Katie L. Stenman
Attorney Examiner

JRJ/sc

Entered in the Journal



Barcy F. McNeal
Secretary

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in

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

Summary: Attorney Examiner Entry granting motions to intervene filed by OCC and RESA. - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio