

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Motion to)	
Modify the December 2, 2009 Opinion)	
and Order and the September 7, 2011)	Case No. 12-2637-GA-EXM
Second Opinion and Order in)	
Case No. 08-1344-GA-EXM.)	

INITIAL COMMENTS OF OHIO PARTNERS FOR AFFORDABLE ENERGY

Ohio Partners for Affordable Energy ("OPAE") hereby submits to the Public Utilities Commission of Ohio ("Commission") the following comments regarding the Joint Motion to Modify the December 2, 2009 Opinion and Order and the September 7, 2011 Second Opinion and Order in Case No. 08-1344-GA-EXM. The joint motion and an accompanying stipulation and recommendation were filed by Columbia Gas of Ohio, Inc., ("Columbia"), the Staff of the Public Utilities Commission of Ohio ("Staff"), the Ohio Gas Marketers Group, the Retail Energy Supply Association, and Dominion Retail, Inc., (together, "Marketers") on October 4, 2012. These comments are filed pursuant to the Attorney Examiner's Entry of October 18, 2102.

I. Procedural History

The joint motion seeks to modify the orders of the Commission approving the October 7, 2009 Stipulation in Case No. 08-1344-GA-EXM. The application in that case sought approval of an alternative regulation plan authorized under Sec. 4929.04, O.R.C. The plan involved an extension of certain pipeline contracts and a sharing arrangement for revenue produced by off system sales ("OSS") of unused pipeline capacity paid for by Columbia customers. The plan also modified operational and financial aspects of

Columbia's Choice program. Finally, the plan eliminated gas cost recovery ("GCR") service, replacing it with a standard service offer ("SSO"), a wholesale offer determined by an auction which set the price for default service at the monthly NYMEX close plus a retail price adjustment, the latter of which was established through the declining clock auction. The plan also provided that after two SSO auctions, Columbia would transition default service to a standard choice offer ("SCO"), a retail product under which customers that had not exercised Choice were assigned to retail marketers at a price determined by the monthly NYMEX close plus a retail price adjustment, which was again determined through a declining clock auction process. Columbia was permitted to make this change unless any party to the stipulation filed a petition to continue the SSO.

The plan had additional contingencies as well. The OSS revenue sharing mechanism described in the stipulation terminates on March 31, 2013. Unless an extension is agreed to by Columbia, the Office of the Ohio Consumers' Counsel ("OCC"), and the Staff of the Commission ("Staff"), the revenue sharing of OSS defaults to 80% of the revenues to customers and 20% to Columbia. Any of those three parties may petition to change the revenue sharing split caused by the lack of an agreement on the extension. In addition, "[a]ll parties reserve the right to propose changes to the plan to become effective after the initial term." Case No. 08-1344-GA-EXM, Stipulation at 8.

The stipulation also includes the following language:

Columbia has not expressed a present intent to, nor does this Agreement contemplate that Columbia seeks to, exit the merchant function. In succeeding auctions all customers who are not participating in the CHOICE program or a governmental aggregation group will be part of the next auction. Any customer who is in CHOICE and whose contract

ends must either find a new supplier or be placed back in the then current auction program (SSO or SCO service).

Stipulation (October 7, 2009) at 9.

On April 15, 2011, Columbia filed a Revised Program Outline which modified the original plan in order to transition to SCO service pursuant to the previously approved stipulation. The Commission issued an entry on April 27, 2011 requesting parties file petitions/objections on the revised plan. On May 9, 2011, Ohio Partners for Affordable Energy ("OPAE") filed a petition and objections to transitioning to the SCO, and the Ohio Consumers' Counsel filed objections regarding transition to the SCO. Per the terms of the stipulation, a hearing was held to determine whether the transition to an SCO should be stayed or denied. In a Second Opinion and Order issued on September 7, 2011 the Commission denied OPAE's petition and affirmed its earlier approval of the stipulation permitting the transition from the SSO auction to the SCO auction.

On October 11, 2012, Columbia, the Marketers, and the Staff filed the joint motion in the instant docket to modify the stipulation entered into in Case No. 08-1344-GA-EXM. A stipulation was filed in conjunction with the joint motion. The case caption used in the Entry of October 18, 2012 now identifies this docket as an application to modify the exemption granted in Case No. 08-1344-GA-EXM. Regardless of the nature of this docket, OPAE hereby submits the following comments pursuant to the Attorney Examiner's Entry.

II. Comments

A. The procedural schedule is unreasonable.

OPAE has previously objected to the extremely compressed litigation schedule established for this case. For a small nonprofit organization with limited resources, complying with the schedule will be extremely challenging. However, given the denial of the interlocutory appeal filed jointly by OPAE and OCC, OPAE will comply with the Commission's schedule because the issues are too important to consumers, particularly low income consumers not served through the Percentage Income Payment Plan ("PIPP") and the OPAE member anti-poverty agencies OPAE represents. OPAE does note that Columbia's assertion that OPAE should have been preparing for this case during the collaborative process is fundamentally at odds with the purposes of the collaborative, which is to seek common ground to resolve regulatory issues. OPAE held out hope until the end of that process that Columbia would come to its senses and that the greed inherent in the Marketers' position would not prevail. Unfortunately, the desire of Columbia and the Marketers to line one another's pockets prevailed over the public interest and the interest of vulnerable customers who are the pawns of the financiers of this agreement.

B. Bill impacts are an important consideration when reviewing the joint motion.

The impacts on customer bills should be the primary concern of the Commission as it reviews the joint motion. In testimony filed in Case No. 08-1344-GA-EXM, Mr. Richard A. Cahaan, testifying on behalf of the Ohio Gas Marketers Group, noted that "[t]he public interest responsibility of the PUCO, both analytically and historically, is to obtain the lowest supply price." Testimony of Richard A. Cahaan at Page 7, Line 13-14.

The Commission recognized this as well when it noted in its Opinion and Order in the same proceeding the substantial price benefits afforded to customers of the local distribution public utilities Dominion East Ohio and Vectren Energy Delivery as a result of the SCO auctions. See Case No. 08-1344-GA-EXM, Second Opinion and Order at 12.

All of Columbia's customers are served by competitive suppliers with a price set by the competitive market. The most recent monthly report issued by Columbia per the terms of the Case No. 08-1344-GA-EXM stipulation indicates that only 37% of residential customers are served through bilateral contracts with marketers; 49% of commercial customers are served through that same option; and (a mere) 25% of industrial customers have chosen bilateral contracts. See Attachment A. All other customers are served via a competitive SCO auction process. The signatories to the stipulation have previously acknowledged the competitive nature of the auction. See the Testimony and Exhibits cited by the Commission in its Second Opinion and Order in Case No. 08-1344-GA-EXM – Staff Ex. 1 at 3-5 (Testimony of Staff witness Puican), Tr. 1 at 196-210, 218-220, and OCC Exs. 4-6.

OPAE has consistently opposed the moves to the SSO and SCO because it was well known that the goal of Dominion East Ohio, the northeastern Ohio local distribution utility, which initiated this change in the regulatory paradigm, and the marketers was to have the utility exit the merchant function of providing natural gas commodity to retail customers. OPAE felt it necessary to ensure the Commission provided adequate consideration to the changes it was approving as policy moved closer to an exit. We are now at the edge of the precipice. The SSO and the SCO auctions have produced

prices that are extremely competitive with marketer offers by harnessing competition among those same marketers in a manner consistent with Ohio's energy policy. See R.C. 4929.02(A)(3) – “promote diversity of natural gas supplies and suppliers” -- R.C. 4929.02(A)(4) – “[e]ncourage innovation and market access for cost-effective supply-side natural gas services and goods” -- R.C. 4929.02(A)(6) – “[r]ecognize the continuing emergence of competitive natural gas markets....” – and, R.C. 4929.02(A)(8) – “[p]romote effective competition”. OPAE recognizes that the auction processes which underlay the SSO and SCO have been successful in providing just and reasonable prices to customers, as required by Sections. 4909.15 and 4929.02(A), O.R.C. While low prices are not the only benefit of this competitive approach, price is very important to cash-strapped Ohio families and businesses. Marketers, by and large, cannot compete with the SCO auctions on price, but must attract customers with other offers and services. For some customers price may not matter; for others it is the only thing that matters. The hundreds of thousands of Columbia customers that have chosen SSO/SCO service because of its low price should not be ignored.

The numbers from Columbia's shadow billing data, already submitted to the Commission in the form of the audit performed by Exeter Associates, Inc., docketed in Case No. 10-221-GA-GCR and with additional data supplied by Columbia through discovery in this docket, make clear that customers served through bilateral contracts since Choice began have paid \$884,587,332 more for natural gas, and during the period of the SSO/SCO those receiving service through bilateral contracts with marketers have paid \$316,477,450 more than those on the SSO or SCO. Case No. 12-2637-GA-EXM, Columbia Gas of Ohio, Inc., Response to OCC's First Request for

Production of Documents dated October 5, 2012, OCC Request for Production of Documents No. 65. Attachment B. The exit of the merchant function will undermine attempts to stimulate Ohio's economy because it will reduce the dollars available to Ohio families to purchase one of the necessities of life, natural gas service. Price may not be the only thing that matters, but it does matter, and it matters a great deal to low-income consumers. It also clearly matters to industrial customers as only 25% have chosen bilateral contracts with 75% preferring the low prices provided by the SSO/SCO. These are the sophisticated customers the marketers refer to; and in their sophistication, they are opting for the offer that consistently provides the least expensive price. As Mr. Cahaan noted, as stated above, it is a fundamental public policy to ensure customers the lowest possible price.

C. The instant case is not the appropriate docket for considering an exit from the merchant function.

The stipulation approved by the Commission in Case No. 08-1344-GA-EXM limits modifications to the program outline to amendments that are non-substantive. Case No. 08-1344-GA-EXM. Joint Exhibit 1 at 8. Columbia also indicated that it has "not expressed a present intent to, nor does this Agreement contemplate that Columbia seeks to, exit the merchant function." Id. At 9.

OPAE was a signatory to the October 7, 2009 stipulation. It agreed to enter into the stipulation based on the written commitments of Columbia not to modify the program substantively and not to propose to exit the merchant function as a part of the program. OPAE's faith in these commitments was clearly misplaced. While this is a separate docket, the filing is still an attempt to modify the stipulated program approved by the Commission in Case No. 08-1344-GA-EXM in direct contravention of the commitments

made by Columbia and the marketers which signed the stipulation, regardless of how the instant matter is captioned.

Not only is Columbia reneging on its previous commitment, but it is attempting to circumvent the requirements of Ohio law. There are only two ways to achieve the goal that Columbia and the Marketers espouse: 1) file a new application under R.C. 4929.04; or, 2) file a complaint under R.C. 4929.08. The statutes are clear. Moreover, the Commission has issued proposed rules governing applications to exit the merchant function. While these rules are not yet final, they establish a procedure and define the burden of proof adequate to ensure there is complete consideration of the full range of issues associated with such a massive change in the regulatory compact, a compact that makes protecting consumers the goal of regulation, not an afterthought. The joint motion seeks to bypass these requirements.

The Commission should dismiss this joint motion based on the arguments advanced by OPAE and OCC in the joint memorandum contra the joint motion filed on October 11, 2012. This is not an application. None of the triggers required by statute in order to file a complaint have been met: there are no changed circumstances; and no one has been harmed in any relevant manner. If marketers have been unable to raise their prices even further because the competitive SCO prevents it, this is of no concern to the Commission.

In addition, the Commission should follow its own decision in Case No. 08-1344-GA-EXM, Second Opinion and Order. In that case, the Commission found:

...in order to further understand the results of the SCO...it will be necessary to consider certain information. Therefore, we direct Columbia and the marketers to work with Staff to develop information on SCO customer migration from the SCO to the Choice program....In addition,

marketers must provide Staff a detailed explanation of the types of products and services offered to customers that provided added value to participating in the Choice program. *Upon receipt of the information, Staff shall compile a report and docket the report in the appropriate case docket by September 1, 2013.*

Second Opinion and Order at 13; emphasis added.

The Commission should follow its decision to methodically review the impacts of various competitive options available to customers. The information has not yet been produced. To rule in favor of the joint motion in this case would ignore the studied approach the Commission has demonstrated to this point in the evolution of the regulatory framework which determines the most effective competitive options to establish natural gas prices paid by customers.

D. The Commission should not artificially limit competitive options available to customers.

As noted above, it is the policy of the state of Ohio to utilize diverse approaches to competition to provide customers with "...adequate, reliable, and reasonably priced natural gas services and goods." R.C. 4929.02(A)(1). There is no dispute that SSO/SCO auctions are competitive. The competitive option established through the auctions has clearly been chosen by a majority of Columbia's customers. It is disingenuous of Marketers to argue that customers have not chosen simply because a customer continues to pick the SSO or SCO. A simple reading of the Apples-to-Apples chart is the only research a customer needs to find the lowest price. Given the barrage of advertising, phone calls, and door-to-door sales efforts by marketers, most consumers are well aware that there are bilateral contract options available to them, but they simply have not found marketer offers attractive. Eliminating a competitive option that customers obviously prefer is not promoting competition, it is thwarting competition.

Forcing customers to buy what they clearly do not want to buy is a governmental intervention in the marketplace that should be avoided. Marketers should not be enriched at the expense of the public interest.

E. The Commission should not approve extensions of the pipeline contracts and the extension of provisions related to the sharing of Off System Sales (“OSS”) revenues.

Columbia, Staff and the Marketers claim that it is in the public interest for the Commission to permit Columbia to maintain flexibility, *particularly with regard to interstate pipeline capacity, while the market for shale gas develops*. Joint Motion, Memorandum in Support at 8 (October 4, 2012 [emphasis added]). The Memorandum in Support of the Joint Motion in this matter is even more explicit in explaining the evolution of the natural gas marketplace:

While there is now less uncertainty about the auction process, since the 2009 Stipulation was approved in December 2009, the introduction of Marcellus shale gas into the marketplace has created greater uncertainty about Columbia’s best use of interstate pipeline capacity. The introduction of Marcellus shale gas, and subsequently Utica shale gas, has created the potential for new gas supply opportunities in Ohio. How these opportunities will develop is unknown, but the opportunities could potentially impact Ohio utilities’ use of interstate pipeline capacity. It will likely take several years to fully assess the full impacts of shale gas on Ohio markets, and until all market participants can assess these impacts it makes sense not to make long-term interstate pipeline capacity contract decisions that could adversely impact Columbia’s ability to make the best use of all pipeline capacity available to it.

Memorandum in Support at 8.

However, despite this acknowledgement, Columbia, Staff and the Marketers have agreed to extend the upstream interstate contracts -- including Columbia’s affiliate contracts -- for five years. Columbia, Staff and the Marketers may argue that five years

is not long term; however, a simple look back five years in the natural gas industry supports a contrary conclusion.

Should the shale gas industry prosper, as numerous state officials including the Governor are contending, extension of the pipeline contracts will have two impacts. First, the existence of these contracts and the 'take or pay' nature of the Revised Program Outline filed on October 31, 2012, will choke off the use of shale gas at a time when state policy is to promote markets for that commodity. Second, should marketers choose to 'pay' for unnecessary gulf pipeline capacity and access the shale resources, Columbia will have even more excess capacity to market and will receive a huge financial boon by selling the capacity paid for by customers. The sharing of revenues from OSS does not eliminate the taint of unjust enrichment from this arrangement.

OPAE acknowledges that it previously signed a settlement that resulted in the sharing of revenues from OSS between customers and Columbia. However, the settlement represented a compromise, and as the Commission is well aware:

...the Joint Stipulation and Recommendation does not necessarily reflect the position any of the Parties would have taken if all the issues addressed herein had been fully litigated, and the Parties believe that, as a package, the Joint Stipulation and Recommendation strikes a reasonable balance among the various interests....

Case No. 08-1344-GA-EXM, Joint Stipulation at 18 (October 7, 2009).

F. The extension of pipeline contracts is anti-competitive.

Competition occurs at multiple levels throughout the marketplace regardless of the product. Steel manufacturers use competition to price and source raw materials; automakers squeeze suppliers on component prices and the suppliers, in turn, squeeze their suppliers; food manufacturers push farmers

for cheaper raw materials to process. Sometimes producers thwart competition with murky agreements to fix prices and ensure competition exists in name only, a violation of antitrust laws. Competition at all levels of production is necessary for a capitalist economy to function efficiently and effectively.

The stipulation as submitted erects significant barriers to competition by preventing marketers from competing on balancing costs and transportation pricing. Extension of the pipeline contracts is anti-competitive in contravention of the state policies laid out in R.C. 4929.02. Marketers are forced to purchase capacity from Columbia, despite the fact that the interstate pipelines were the first component of the natural gas supply system to be deregulated. There is an open and competitive market for pipeline capacity. Capacity is available to meet every level of demand...at a price. Columbia itself is using this market to sell excess capacity, its OSS program.

The stipulation denies marketers the opportunity to compete based on transportation costs, and denies customers the benefits that could result from this additional level of competition. The price customers pay for competitive natural gas service is based on the price of the commodity and transportation (and balancing fees). Eliminating competition for pipeline fees limits competition. The fact that the transportation prices are competitively neutral as to the marketers does not rectify the anti-competitive impact of taking transportation prices off the table; the fact that marketers were willing to trade off potential pipeline margins for the huge returns resulting from the exit from the merchant function does not mean that barriers to competition are consistent with state policy.

Shifting responsibility for balancing fees from marketers to customers also reduces the potential for competition. Sellers often discount prices for the various elements that make up product costs. If marketers are not paying the balancing fee, it is yet another component of the customer cost that is not subject to competition. This is because the balancing fees are no longer part of the bundled price that marketers can set to attract customers. A competitively neutral fee is, in effect, anti-competitive. Responsibility for balancing fees should remain with the marketers to ensure that competition determines the prices consumers ultimately pay.

G. The new fee proposed for SSO/SCO suppliers undermines competition.

The stipulation includes a provision that would impose a charge of \$0.10/Mcf for no readily apparent reason. Marketers supplying SCO service are the same marketers that sell gas via bilateral contracts. SCO customers are retail customers, just like customers in bilateral contracts. There is no apparent purpose for the new fee added to SCO service other than to make it possible for marketers selling bilateral contracts to better compete with the price set in an SCO.

Marketers will argue that the SCO is subsidized, with all customers paying the cost which benefits only the customers choosing the SCO. This is absurd. The cost of an auction is well under \$100,000, less than a penny per customer. The auction process minimizes customer acquisition costs, as do governmental aggregations, but the suppliers of these aggregation pools are not being charged the \$0.10/Mcf. Besides, all customers often pay utility costs that benefit only a few. Most customers pay the Percentage of Income Payment Plan ("PIPP") rider, which only directly benefits a few.

Still, the insurance policy that is PIPP is available to all residential customers if they need it. Commercial customers paying the PIPP rider are benefited because PIPP customers have a little more of their already meager income to spend on food, shelter, and health care, etc., which benefits commercial establishments. On the electric side, customers pay riders to support rate reductions for the largest electricity users in the form of interruptible tariffs and, in the case of the huge industrial customer Ormet and other such companies, straight subsidies. Gas and electric customers pay for economic development programs, the benefits of which may trickle down to those paying the tab.

Treating SCO customers and suppliers differently from customers served through bilateral contracts is discriminatory. Marketers have long contended that SCO customers are served in the same way customers are served under bilateral contracts. The provider base is the same. The security requirements are the same. Adding an additional security deposit that applies only to one type of gas service is discriminatory. There has never been a default by an SSO or SCO supplier. There have been defaults by marketers in bilateral contracts, so following the principal of cost causation, the extra security requirement should be assessed on those marketers who could fail and force SCO suppliers to absorb a large number of customers. If Columbia is so concerned about defaults and its risk analysts are incapable of making sound judgments, it should assess the extra deposit on all suppliers, thus ensuring a level playing field among all competitive options and competitive suppliers.

The requirement that SCO suppliers post a cash security deposit in addition to the standard security requirements applicable to marketers is discriminatory and is a blatant attempt to reduce the price advantage available to customers through the SCO.

It will also serve to exclude smaller, more innovative marketers from gaining a critical mass of customers to better compete with large national firms.

H. Subsidization of marketers by customers should cease.

Columbia seeks to continue its “CHOICE/SCO Reconciliation Rider (“CSRR”), which recovers the costs of implementing the CHOICE education program, the pre-exit-the-merchant-function education programs, and the billing system changes.” Jt. Exhibit 1 at 12. This violates the principle of cost causation. Educating customers on Choice and exiting the merchant function benefits only marketers. Modifying billing systems to the benefit of marketers is just that: a benefit to marketers. Customers should not pay these costs. These expenses should be borne by marketers and become a component of the costs which are recovered through the competitive market. Customers are choosing the SCO option. They should not be forced to pay for Choice-related costs that do not benefit them.

III. Conclusion

The point of this joint motion and attached stipulation is to squelch competition and harm consumers. It would deny customers a competitive option -- the SCO auction – which has proven to be the least-cost supply option. Customers that are interested in non-price benefits like a fixed rate or other bangles and baubles that come with bilateral contracts can find those in the market already. The SCO auction harnesses a type of competition that differs from the competition among those who offer bilateral contracts, but Ohio law does not limit the definition of competition to bilateral contracts. The authority for governmental aggregation makes clear that the General Assembly wants a

diverse marketplace that harnesses competition in a variety of ways to the benefit of consumers.

Preventing competition for pipeline capacity is also counter to state and federal energy policy. The Federal Energy Regulatory Commission deregulated pipeline costs years ago. Customers have benefited from the competition. Columbia will benefit from the competition through sales of excess capacity. Why should marketers and their customers be denied the benefits of a mature competitive market? Apparently, creating a barrier to competition is critical to Columbia so it can execute long-term contracts with its own affiliates for capacity that may well be unnecessary if local shale gas production matches expectations. Given that shale gas is in Northeastern Ohio, not on the Gulf Coast, why would the Commission permit Columbia to sign long-term contracts for potentially useless capacity, thwart competition, and violate state law and policy? It is unclear why the Commission would permit this.

Shifting the cost of balancing to customers also limits competition. Competitors in vibrant marketplaces see prices driven down to the level of marginal costs. Sometimes, for strategic reasons, competitors are willing to accept less than cost in order to gain market share. That is what competition is all about. When responsibility for paying balancing fees is shifted to customers, discounting balancing costs is off the table. Eliminating competition of any aspect of supply prices is counter to state policy. The fee should stay on the marketers.

Finally, the levying of a \$0.10/Mcf surcharge on certified marketers whose bids have been competitive enough to have won an SCO tranche through the auction process is simply unfair. The SCO is not subsidized in any significant way. Shifting the

cost of the auction only to customers receiving SCO service would have only a marginal impact on price. By comparison, the proposed fee, which purchases nothing, is not in the public interest and is anti-competitive.

Subsidizing the costs of marketer operations also inhibits competition. All costs associated with marketer efforts to attract and bill customers should be embedded in marketer rates. Forcing customers to subsidize marketer costs is in direct contravention to the policy of the state of Ohio to harness competitive forces to price the commodity supply. O.R.C. Section 4929.02(A).

Blocking competition is the primary thrust of the joint motion and the attached stipulation filed in this state. Limiting competition only benefits marketers and costs customers hundreds of millions of dollars. This is not consistent with the policy of the State of Ohio. O.R.C. Section 4929.02(A). The Commission should recognize this joint motion for what it is; a deal that benefits only marketers and Columbia at the expense of customers. No customer groups have signed this agreement because it does nothing to ensure that prices are just and reasonable and that competition is enhanced. The Commission should dismiss the joint motion.

/s/Colleen Mooney
David C. Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
P.O. Box 1793
Findlay, OH 45839-1793
Telephone: (419) 425-8860
Or (614) 488-5739
FAX: (419) 425-8862
e-mail: cmooney@ohiopartners.org
drinebolt@ohiopartners.org

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served electronically upon the parties identified below on this 5th day of November 2012.

/s/Colleen L. Mooney
Colleen L. Mooney

Stephen Reilly
Assistant Attorney General,
Public Utilities Section
Ohio Attorney General Mike DeWine
180 East Broad Street, 6th Floor
Columbus, Ohio 43215-3793
stephen.reilly@puc.state.oh.us

M. Howard Petricoff
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008
mhpetricoff@vorys.com

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3927
BarthRoyer@aol.com

Dane Stinson, Esq.
Bailey Cavalieri LLC
10 West Broad Street, Suite 2100
Columbus, Ohio 43215
Dane.Stinson@BaileyCavalieri.com

Larry S. Sauer
Joseph P. Serio
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
sauer@occ.state.oh.us
serio@occ.state.oh.us

A. Brian McIntosh
McIntosh & McIntosh
1136 Saint Gregory Street, Suite 100
Cincinnati, Ohio 45202
brian@mcintoshlaw.com

Glenn S. Krassen
Bricker & Eckler LLP
1001 Lakeside Ave. East, Suite 1350
Cleveland, OH 44114
gkrassen@bricker.com

John L. Einstein, IV
Volunteer Energy Services, Inc.
790 Windmill Drive
Pickerington, OH 43147
jeinstein@volunteerenergy.com

Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215
mwarnock@bricker.com

Matthew White
Interstate Gas Supply.
6100 Emerald Parkway
Dublin, OH 43016
mswhite@igsenergy.com

Joseph Clark
Direct Energy
6641 North High Street, Suite 200
Worthington, OH 43085
Joseph.Clark@directenergy.com

Stephen B. Seiple
Brooke E. Leslie
Columbia Gas of Ohio, Inc.
200 Civic Center Drive
P. O. Box 117
Columbus, Ohio 43216-0117
sseiple@nisource.com
bleslie@nisource.com

Date: October 22, 2012
Reporting Month: September 2012

SCO Rider: **4.1640**

SCO Suppliers: 5

SCO Supplier Defaults: 0

Number of SCO Customers						SCO Volumes (Mcf)					
Residential	Commercial	Industrial	Other	Public Utility	Total	Residential*	Commercial	Industrial	Other	Public Utility	Total Mcf
686,203	47,264	318	0	1	733,786	925,048	246,497	21,969	0	7,684	1,201,197

Number of DSS Customers					DSS Volumes (Mcf)						
Residential*	Commercial	Industrial	Other	Public Utility	Total	Residential*	Commercial	Industrial	Other	Public Utility	Total Mcf
138,087	4,911	748	1	0	143,747	199,246	37,955	14,240	0	0	251,441

* Residential DSS includes 73, 320 PIPP Customers & 118,949 Mcf PIPP Volumes.

Suppliers	Tranche Number	Volumes Dth	Non Compliance	Dollars
IX	4	0		\$0
IX	4	0		\$0
NA	4	0		\$0
Q	2	0		\$0
IVA	2	0		\$0
Total	16	0		\$0

Note: Includes Choice non compliance charges for Suppliers in both programs.

Attachment A

**Columbia Gas of Ohio
NATURAL GAS CUSTOMER CHOICE PROGRAM DATA**

Date: October 22, 2012
Reporting Month: September 2012

Enrollment			
	Enrolled	Eligible	% of Eligible
Residential	447,200	1,205,621	37%
Commercial	51,772	106,156	49%
Industrial	276	1,089	25%
Total	499,248	1,312,866	38%

Choice Marketers: 24

Marketer	Number of Enrolled Customers & Market Share Ranking				Volumes (Mcf)			
	Residential	Commercial	Industrial	Total	Residential	Commercial	Industrial	Total Mcf
AZ	8,721	343	2	9,066	13,070	1,621	472	15,162
DA	85	1	0	86	115	0	0	115
ED	91,194	12,171	30	103,395	130,828	55,515	-119	186,224
EI	4,706	54	3	4,763	6,413	192	1	6,606
EM	1,878	1,434	10	3,322	3,131	17,776	110	21,016
FN	533	24	0	557	895	592	0	1,487
GP	371	148	0	519	651	575	0	1,226
IB	3	152	4	159	1	15,820	74	15,895
IX	172	1,096	15	1,283	508	17,633	517	18,659
K	226	31	6	263	429	363	5	797
LI	17,985	3,522	32	21,539	27,237	40,611	1,531	69,379
MA	9	218	2	229	23	5,956	178	6,157
MO	1,556	230	2	1,788	2,474	2,098	21	4,593
QR	15,220	756	3	15,979	25,506	3,318	13	28,836
QQ	84	663	9	756	371	14,895	530	15,796
Q	138,678	11,705	72	150,455	197,487	140,950	2,502	340,939
RA	80,052	4,317	15	84,384	119,560	16,106	667	136,333
RV	0	15	1	16	0	601	173	774
TA	32,961	600	2	33,563	41,876	2,758	0	44,634
TZ	12,247	943	2	13,192	17,237	5,575	0	22,812
U	426	4,214	30	4,670	1,245	106,067	1,356	108,668
VA	36,265	8,487	35	44,787	48,864	85,504	1,002	135,370
X	1,510	510	1	2,021	2,194	5,779	0	7,973
YV	2,318	138	0	2,456	3,662	3,323	0	6,986
Total	447,200	51,772	276	499,248	643,776	543,627	9,033	1,196,435

NOTE: All numbers above include Governmental Aggregation customers (details are listed below)

Includes Co-Ops served by Retail Natural Gas Suppliers

Governmental Aggregators	# of Customers
Canfield Township	402
City of Alliance	2,155
City of Bowling Green	2,881
City of Canfield	1,021
City of Clyde	416
City of Columbiana	605
City of Findley	5,668
City of Fostoria	711
City of Gallipolis	623
City of Marion	3,323
City of Mt Vernon	2,170
City of Pickerington	3,809
City of Rittman	422
City of Salem	1,500
Erie County	3,448
Fairfield Township	238
Stark County	1,241
St Clairsville	1,418
Village of Albany	168
Village of Barnesville	779
Village of Bethesda	148
Village of Bradner	19
Village of Brewster	217
Village of Bridgeport	437
Village of Cadiz	454
Village of Elmore	138
Village of Fredericktown	365
Village of Grafton	310
Village of McConnessville	338
Village of Milan	146
Village of Navarre	172
Village of Pomeroy	205
Village of Warsaw	99
Village of Woodville	187

PUCO Case No. 12-2637-GA-EXM
OCC Request For Production of Documents No. 65
Respondent: T. C. Heckathorn

COLUMBIA GAS OF OHIO, INC.
RESPONSE TO OCC'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
DATED OCTOBER 5, 2012

Request For Production of Document No. 65

Please provide all documents that show the Shadow Bill total Choice Program savings or losses, by month, since the inception of the Choice Program.

Response:

Please see the Savings Summary Worksheet denoted as Attachment A.

SAVINGS SUMMARY WORKSHEET ATTACHMENT A FOR PRODUCTION OF DOCUMENTS NO. 65					
Month	Total Monthly Choice Savings	Monthly PIPP Savings	Cumulative Savings (Incl PIPP)	Cumulative Savings (Excl PIPP)	
Apr-97	\$468,626	\$335,000	\$803,626	\$468,626	
May-97	\$382,061	\$305,627	\$1,491,314	\$850,687	
Jun-97	\$223,485	\$59,826	\$1,774,625	\$1,074,172	
Jul-97	\$106,537	\$57,698	\$1,938,860	\$1,180,709	
Aug-97	\$87,780	\$49,657	\$2,076,297	\$1,268,489	
Sep-97	\$96,045	\$47,863	\$2,220,205	\$1,364,534	
Oct-97	\$141,746	\$68,492	\$2,430,443	\$1,506,280	
Nov-97	\$434,702	\$238,592	\$3,103,737	\$1,940,982	
Dec-97	\$703,257	\$351,824	\$4,158,818	\$2,644,239	
Jan-98	\$1,088,035	\$488,246	\$5,735,099	\$3,732,274	
Feb-98	\$836,928	\$339,537	\$7,111,564	\$4,569,202	
Mar-98	\$709,949	\$516,279	\$8,337,792	\$5,279,151	
Apr-98	\$543,516	\$405,279	\$9,286,587	\$5,822,667	
May-98	\$418,261	\$269,582	\$9,974,430	\$6,240,928	
Jun-98	\$218,940	\$125,985	\$10,319,355	\$6,459,868	
Jul-98	\$108,418	\$89,153	\$10,516,926	\$6,568,286	
Aug-98	\$95,803	\$58,426	\$10,671,155	\$6,664,089	
Sep-98	\$100,121	\$67,518	\$10,838,794	\$6,764,210	
Oct-98	\$278,132	\$84,159	\$11,201,085	\$7,042,342	
Nov-98	\$1,246,551	\$241,897	\$12,689,533	\$8,288,893	
Dec-98	\$2,064,429	\$386,295	\$15,140,257	\$10,353,322	
Jan-99	\$4,366,822	\$595,015	\$20,102,094	\$14,720,144	
Feb-99	\$4,055,491	\$428,931	\$24,586,516	\$18,775,635	
Mar-99	\$2,990,806	\$491,930	\$28,069,251	\$21,766,441	
Apr-99	\$2,288,579	\$420,001	\$30,777,831	\$24,055,020	
May-99	\$341,600	\$171,237	\$31,290,668	\$24,396,620	
Jun-99	\$268,476	\$94,756	\$31,653,900	\$24,665,096	
Jul-99	\$123,796	\$67,171	\$31,844,866	\$24,788,892	
Aug-99	\$540,711	\$62,777	\$32,448,355	\$25,329,603	
Sep-99	\$589,023	\$55,638	\$33,093,016	\$25,918,626	
Oct-99	\$984,576	\$113,827	\$34,191,419	\$26,903,202	
Nov-99	\$4,275,310	\$269,173	\$38,735,902	\$31,178,512	
Dec-99	\$6,472,152	\$438,838	\$45,646,892	\$37,650,664	
Jan-00	\$8,269,874	\$696,339	\$54,613,105	\$45,920,538	
Feb-00	\$3,753,746	\$699,457	\$59,066,307	\$49,674,284	
Mar-00	\$3,728,859	\$457,115	\$63,252,281	\$53,403,143	
Apr-00	\$2,529,053	\$120,373	\$65,901,706	\$55,932,196	
May-00	\$3,057,481	\$150,316	\$69,109,503	\$58,989,677	
Jun-00	\$1,573,599	\$68,996	\$70,752,098	\$60,563,276	
Jul-00	\$1,154,313	\$46,821	\$71,953,232	\$61,717,589	
Aug-00	\$2,211,421	\$58,508	\$74,223,161	\$63,929,009	
Sep-00	\$2,315,744	\$51,350	\$76,590,255	\$66,244,753	
Oct-00	\$3,776,227	\$121,841	\$80,488,323	\$70,020,980	
Nov-00	\$8,309,251	\$208,106	\$89,005,680	\$78,330,231	
Dec-00	\$18,390,763	\$538,633	\$107,935,076	\$96,720,994	

Month	Total Monthly Choice Savings	Monthly PIPP Savings	Cumulative Savings (Incl PIPP)	Cumulative Savings (Excl PIPP)
Jan-01	\$18,245,197	\$752,288	\$126,932,560	\$114,966,191
Feb-01	\$21,791,360	\$723,181	\$149,447,101	\$136,757,550
Mar-01	\$18,760,884	\$693,255	\$168,901,239	\$155,518,434
Apr-01	\$12,719,894	\$571,992	\$182,193,125	\$168,238,328
May-01	\$3,121,496	\$155,768	\$187,470,389	\$173,359,824
Jun-01	\$3,761,313	\$114,641	\$191,346,342	\$177,121,136
Jul-01	\$2,210,356	\$69,621	\$193,626,319	\$179,331,492
Aug-01	(\$421,041)	\$48,501	\$193,253,779	\$178,910,452
Sep-01	(\$642,660)	\$44,301	\$192,655,420	\$178,267,791
Oct-01	(\$1,148,558)	\$95,536	\$191,602,398	\$177,119,233
Nov-01	(\$6,304,811)	\$166,584	\$185,464,170	\$170,814,422
Dec-01	(\$8,608,644)	\$241,333	\$177,096,859	\$162,205,778
Jan-02	(\$15,247,278)	\$456,852	\$162,306,434	\$146,958,501
Feb-02	(\$12,191,402)	\$342,231	\$150,457,263	\$134,767,098
Mar-02	(\$9,315,264)	\$355,597	\$141,497,596	\$125,451,834
Apr-02	(\$7,172,119)	\$295,298	\$134,620,775	\$118,279,715
May-02	(\$4,764,190)	\$158,107	\$130,014,691	\$113,515,525
Jun-02	(\$2,756,952)	\$94,387	\$127,352,126	\$110,758,573
Jul-02	(\$1,561,469)	\$50,750	\$125,841,408	\$109,197,104
Aug-02	\$367,475	\$44,089	\$126,252,972	\$109,564,579
Sep-02	\$256,461	\$41,585	\$126,551,017	\$109,821,040
Oct-02	\$270,134	\$62,349	\$126,883,501	\$110,091,174
Nov-02	\$1,083,017	\$217,814	\$128,184,332	\$111,174,191
Dec-02	\$721,920	\$392,134	\$129,298,386	\$111,896,111
Jan-03	\$102,713	\$519,274	\$129,920,374	\$111,998,824
Feb-03	\$6,700,229	\$655,759	\$137,276,361	\$118,699,053
Mar-03	\$4,711,356	\$601,685	\$142,589,403	\$123,410,409
Apr-03	\$7,451,129	\$236,472	\$150,277,004	\$130,861,538
May-03	\$5,312,980	\$124,194	\$155,714,177	\$136,174,517
Jun-03	\$3,582,441	\$84,048	\$159,380,667	\$139,756,959
Jul-03	\$2,063,510	\$44,755	\$161,488,933	\$141,820,469
Aug-03	(\$281,823)	\$38,953	\$161,246,063	\$141,538,646
Sep-03	(\$119,498)	\$38,189	\$161,164,753	\$141,419,148
Oct-03	(\$91,785)	\$87,000	\$161,159,968	\$141,327,363
Nov-03	(\$3,471,853)	\$130,215	\$157,818,330	\$137,855,510
Dec-03	(\$7,754,932)	\$251,134	\$150,314,533	\$130,100,578
Jan-04	(\$16,586,279)	\$369,962	\$134,098,215	\$113,514,299
Feb-04	(\$14,691,088)	\$447,855	\$119,854,982	\$98,823,211
Mar-04	(\$9,722,986)	\$334,371	\$110,466,366	\$89,100,225
Apr-04	(\$7,012,777)	\$0	\$103,453,590	\$82,087,448
May-04	(\$2,213,629)	\$0	\$101,239,961	\$79,873,819
Jun-04	(\$1,120,230)	\$0	\$100,119,732	\$78,753,590
Jul-04	(\$1,251,664)	\$0	\$98,868,068	\$77,501,926
Aug-04	(\$61,491)	\$0	\$98,806,577	\$77,440,435
Sep-04	\$79,275	\$0	\$98,885,852	\$77,519,710
Oct-04	\$96,620	\$0	\$98,982,472	\$77,616,330
Nov-04	(\$1,977,765)	\$0	\$97,004,707	\$75,638,565
Dec-04	(\$2,313,873)	\$0	\$94,690,834	\$73,324,692
Jan-05	(\$2,586,099)	\$0	\$92,104,734	\$70,738,593

PUCO Case No. 12-2637-GA-EXM
OCC Request For Production of Documents No. 65
Respondent: Thomas Heckathorn

Month	Total Monthly Choice Savings	Monthly PIPP Savings	Cumulative Savings (Incl PIPP)	Cumulative Savings (Excl PIPP)
Feb-05	(\$9,750,426)	\$0	\$82,354,308	\$60,988,166
Mar-05	(\$10,249,233)	\$0	\$72,105,075	\$50,738,933
Apr-05	(\$2,554,763)	\$0	\$69,550,312	\$48,184,170
May-05	(\$1,829,816)	\$0	\$67,720,496	\$46,354,354
Jun-05	(\$893,993)	\$0	\$66,826,503	\$45,460,361
Jul-05	(\$771,110)	\$0	\$66,055,392	\$44,689,251
Aug-05	(\$7,350)	\$0	\$66,048,042	\$44,681,901
Sep-05	\$312,384	\$0	\$66,360,427	\$44,994,285
Oct-05	\$716,106	\$0	\$67,076,533	\$45,710,391
Nov-05	(\$1,088,445)	\$0	\$65,988,088	\$44,621,946
Dec-05	(\$1,171,195)	\$0	\$64,816,892	\$43,450,750
Jan-06	(\$4,052,738)	\$0	\$60,764,154	\$39,398,012
Feb-06	(\$8,730,590)	\$0	\$52,033,564	\$30,667,422
Mar-06	(\$15,285,104)	\$0	\$36,748,459	\$15,382,317
Apr-06	(\$9,606,569)	\$53,181	\$27,195,071	\$5,775,748
May-06	(\$5,056,096)	\$26,802	\$22,165,777	\$719,652
Jun-06	(\$3,312,155)	\$14,795	\$18,868,417	(\$2,592,503)
Jul-06	(\$2,477,718)	\$8,309	\$16,399,008	(\$5,070,221)
Aug-06	(\$2,533,436)	\$8,075	\$13,873,646	(\$7,603,658)
Sep-06	(\$2,100,387)	\$8,066	\$11,781,325	(\$9,704,045)
Oct-06	(\$6,920,021)	\$17,003	\$4,878,307	(\$16,624,066)
Nov-06	(\$11,724,363)	\$40,939	(\$6,805,117)	(\$28,348,429)
Dec-06	(\$16,497,380)	\$59,733	(\$23,242,764)	(\$44,845,809)
Jan-07	(\$20,699,603)	\$71,970	(\$43,870,396)	(\$65,545,412)
Feb-07	(\$28,126,575)	\$105,900	(\$71,891,071)	(\$93,671,988)
Mar-07	(\$20,397,523)	\$91,869	(\$92,196,725)	(\$114,069,510)
Apr-07	(\$18,515,663)	\$77,960	(\$110,634,428)	(\$132,585,173)
May-07	(\$5,531,196)	\$41,549	(\$116,124,075)	(\$138,116,369)
Jun-07	(\$2,587,269)	\$18,743	(\$118,692,601)	(\$140,703,638)
Jul-07	(\$2,252,592)	\$13,759	(\$120,931,434)	(\$142,956,230)
Aug-07	(\$2,205,982)	\$11,085	(\$123,126,330)	(\$145,162,212)
Sep-07	(\$2,092,243)	\$11,445	(\$125,207,128)	(\$147,254,455)
Oct-07	(\$2,781,976)	\$14,771	(\$127,974,333)	(\$150,036,431)
Nov-07	(\$5,843,575)	\$49,773	(\$133,768,135)	(\$155,880,006)
Dec-07	(\$11,194,646)	\$104,032	(\$144,858,749)	(\$167,074,653)
Jan-08	(\$13,051,903)	\$131,676	(\$157,778,977)	(\$180,126,556)
Feb-08	(\$8,860,007)	\$141,785	(\$166,497,198)	(\$188,986,563)
Mar-08	(\$10,066,238)	\$142,920	(\$176,420,516)	(\$199,052,801)
Apr-08	(\$3,454,406)	\$73,436	(\$179,801,486)	(\$202,507,206)
May-08	(\$1,928,103)	\$31,482	(\$181,698,107)	(\$204,435,310)
Jun-08	(\$1,170,091)	\$20,328	(\$182,847,870)	(\$205,605,401)
Jul-08	(\$790,044)	\$11,537	(\$183,626,378)	(\$206,395,445)
Aug-08	(\$1,614,359)	\$9,710	(\$185,231,027)	(\$208,009,805)
Sep-08	(\$2,602,790)	\$8,792	(\$187,825,025)	(\$210,612,595)
Oct-08	(\$3,953,159)	\$14,224	(\$191,763,960)	(\$214,565,754)
Nov-08	(\$5,078,415)	\$43,070	(\$196,799,305)	(\$219,644,169)
Dec-08	(\$3,460,056)	\$92,916	(\$200,166,446)	(\$223,104,225)

Month	Total Monthly Choice Savings	Monthly PIPP Savings	Cumulative Savings (Incl PIPP)	Cumulative Savings (Excl PIPP)
Jan-09	(\$37,824,259)	\$124,409	(\$237,866,295)	(\$260,928,484)
Feb-09	(\$29,054,361)	\$125,729	(\$266,794,927)	(\$289,982,845)
Mar-09	(\$18,133,351)	\$95,546	(\$284,832,732)	(\$308,116,196)
Apr-09	(\$19,196,248)	\$14,350	(\$304,014,630)	(\$327,312,444)
May-09	(\$10,977,112)	\$6,975	(\$314,984,768)	(\$338,289,557)
Jun-09	(\$4,685,174)	\$3,592	(\$319,666,350)	(\$342,974,731)
Jul-09	(\$3,803,121)	\$2,223	(\$323,467,248)	(\$346,777,852)
Aug-09	(\$5,086,611)	\$2,092	(\$328,551,766)	(\$351,864,463)
Sep-09	(\$4,816,429)	\$1,949	(\$333,366,245)	(\$356,680,892)
Oct-09	(\$9,666,676)	\$4,560	(\$343,028,362)	(\$366,347,568)
Nov-09	(\$16,018,366)	\$8,603	(\$359,038,125)	(\$382,365,935)
Dec-09	(\$29,757,064)	\$14,783	(\$388,780,407)	(\$412,122,999)
Jan-10	(\$38,534,561)	\$25,333	(\$447,289,636)	(\$470,657,560)
Feb-10	(\$34,886,642)	\$23,999	(\$502,152,279)	(\$525,544,202)
Mar-10	(\$42,565,680)	\$20,305	(\$544,697,654)	(\$568,109,882)
Apr-10	(\$15,552,868)	\$0	(\$560,250,522)	(\$583,662,750)
May-10	(\$6,892,306)	\$0	(\$567,142,828)	(\$590,555,056)
Jun-10	(\$4,489,589)	\$0	(\$571,632,417)	(\$595,044,645)
Jul-10	(\$3,289,540)	\$0	(\$574,921,957)	(\$598,334,185)
Aug-10	(\$2,659,755)	\$0	(\$577,581,712)	(\$600,993,940)
Sep-10	(\$3,581,584)	\$0	(\$581,163,296)	(\$604,575,524)
Oct-10	(\$4,992,010)	\$0	(\$586,155,306)	(\$609,567,534)
Nov-10	(\$11,946,139)	\$0	(\$598,101,446)	(\$621,513,674)
Dec-10	(\$18,655,779)	\$0	(\$616,757,225)	(\$640,169,453)
Jan-11	(\$27,471,440)	\$0	(\$644,228,665)	(\$667,640,894)
Feb-11	(\$24,223,884)	\$0	(\$668,452,549)	(\$691,864,778)
Mar-11	(\$20,620,889)	\$0	(\$689,073,439)	(\$712,485,667)
Apr-11	(\$12,305,658)	\$0	(\$701,379,096)	(\$724,791,324)
May-11	(\$6,640,768)	\$0	(\$708,019,864)	(\$731,432,092)
Jun-11	(\$3,442,292)	\$0	(\$711,462,156)	(\$734,874,384)
Jul-11	(\$2,678,937)	\$0	(\$714,141,094)	(\$737,553,322)
Aug-11	(\$2,371,209)	\$0	(\$716,512,303)	(\$739,924,531)
Sep-11	(\$2,919,182)	\$0	(\$719,431,485)	(\$742,843,713)
Oct-11	(\$4,315,491)	\$0	(\$723,746,976)	(\$747,159,204)
Nov-11	(\$9,295,346)	\$0	(\$733,042,322)	(\$756,454,550)
Dec-11	(\$16,567,409)	\$0	(\$749,609,731)	(\$773,021,959)
Jan-12	(\$24,644,446)	\$0	(\$774,254,177)	(\$797,666,405)
Feb-12	(\$27,277,024)	\$0	(\$801,531,201)	(\$824,943,429)
Mar-12	(\$22,443,024)	\$0	(\$823,974,225)	(\$847,386,453)
Apr-12	(\$12,995,122)	\$0	(\$836,969,347)	(\$860,381,575)
May-12	(\$10,008,296)	\$0	(\$846,977,643)	(\$870,389,871)
Jun-12	(\$4,544,409)	\$0	(\$851,522,052)	(\$874,934,280)
Jul-12	(\$3,432,128)	\$0	(\$854,954,180)	(\$878,366,408)
Aug-12	(\$2,843,602)	\$0	(\$857,797,782)	(\$881,210,010)
Sep-12	(\$3,377,321)	\$0	(\$861,175,104)	(\$884,587,332)

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/5/2012 4:26:56 PM

in

Case No(s). 12-2637-GA-EXM

Summary: Comments of Ohio Partners for Affordable Energy electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy