BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Joint Motion to	)	
Modify the June 18, 2008 Opinion and	)	Case No. 12-1842-GA-EXM
Order in Case No. 07-1224-GA-EXM.	)	

INITIAL POST-HEARING BRIEF
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL

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November 13, 2012

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I. INTRODUCTION

Since 2006, approximately 1.1 million consumers in northeastern Ohio have had the opportunity to save lots of money for their purchases of natural gas, through the use of a competitive auction to set prices. Through its participation in a Stipulation and Recommendation ("Stipulation" or "Settlement") filed on June 15, 2012, the Office of the Ohio Consumers' Counsel ("OCC") is seeking to protect this great option for those Ohio consumers served by Dominion East Ohio ("Dominion" or "Utility").

In the Settlement, OCC, Dominion and the Ohio Gas Marketer Group ("OGMG" or "marketer group")[1] addressed this issue that is among the most significant in natural gas regulation today -- whether customers will continue to have the option of purchasing their natural gas through the Utility. OCC signed the Settlement because it requires Dominion to continue providing residential customers with the option to purchase their

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[1] The Ohio Gas Marketers Group includes Commerce Energy, Constellation NewEnergy, Inc. – Gas Division, Direct Energy Services, LLC, Hess Corporation, Integrys Energy, Inc., Southstar Energy, LLC and Vectren Retail (d/b/a Vectren Source).

natural gas through Dominion for at least the next four years.[2] And, after the four years, the Settlement would not allow for the elimination of this consumer option unless Dominion itself (and not the Marketer group) applies to end this valuable option for its residential customers and a hearing is held at the PUCO on issues including whether this great consumer option should be ended.

A further protection for residential consumers is that Dominion would not be allowed to apply to end this beneficial option for residential customers unless the PUCO had already ended the option for non-residential customers and the results of ending that non-residential option had been studied and found to benefit customers. (OCC took no position in the Settlement on the issue of whether the option should be ended for non-residential customers.) OCC's expert witness, Mr. Bruce Hayes, provided the PUCO with recommendations about ordering the appropriate studies of the Choice Market, Choice Supplier behavior, natural gas prices and non-residential customer impacts and feedback.[3]

II. CASE HISTORY

The broad history of this case began with the PUCO's inception of a wholesale auction for Dominion's Choice-eligible customers who had not chosen a Choice Supplier for providing their natural gas commodity needs in 2006. The auction was an immediate

[2] Joint Hearing Ex. No. 1, Stipulation and Recommendation at 3 (June 15, 2012) ("DEO agrees that it shall not file a request for Commission approval to exit the merchant function for Residential Customers prior to April 1, 2015. DEO further agrees that, in the event it subsequently files such a request, it shall propose a transition that includes an additional one-year SSO/SCO auction that gives Residential Customers the option to receive SCO service for the year over which the auction results are approved.")

[3] OCC Hearing Ex. No. 2, Revised Direct Testimony of Bruce M. Hayes (October 16, 2012).

smash success for customers purchasing their natural gas through Dominion, resulting in significantly lower prices.

Against this backdrop, on June 15, 2012, Dominion and OGMG jointly moved the Commission to Modify Order Granting Exemption.[4] This Motion means that Dominion and OGMG seek to remove the option for commercial (non-residential) customers to purchase their natural gas through the Utility. **OCC did not sign the Joint Motion**. In this regard, Dominion and OGMG noted, with regard to OCC, that: "[w]hile OCC supports approval of the Stipulation, the Joint Movants would make clear that the legal position set forth in the attached Memorandum in Support is theirs only. Joint Movants do not represent that OCC holds this position, or that OCC should be bound in any future proceeding."[5]

After the filing of comments, reply comments and the holding of a hearing for the taking of evidence, the Attorney Examiner established the briefing schedule that provided for Initial Briefs on November 13, 2012 and Reply Briefs on November 21, 2012.[6]

III. RECOMMENDATIONS

A. The Stipulation Should Be Approved By the Commission.

OCC is a Signatory Party to the Stipulation, and therefore, encourages the Commission to approve the Stipulation. The standard of review for consideration of a stipulation has been discussed in a number of Commission cases and by the Ohio Supreme Court. As the Ohio Supreme Court stated in *Duff*:

[4] Dominion SCO Case, Case No. 07-1224-GA-EXM, Order ("Exemption Order") (June 18, 2008).

[5] Dominion Hearing Ex. No. 2, Joint Motion at 2 (June 15, 2012).

[6] Tr. Vol. II at 242 (Stenman) (October 17, 2012).

> A stipulation entered into by the parties present at a commission hearing is merely a recommendation made to the commission and is in no sense legally binding upon the commission. The commission may take the stipulation into consideration, but must determine what is just and reasonable from the evidence presented at the hearing.[7]

The Court in *Consumers' Counsel* considered whether a just and reasonable result was achieved with reference to criteria adopted by the Commission in evaluating settlements:

> 1. Is the settlement a product of serious bargaining among capable, knowledgeable parties?
>
> 2. Does the settlement, as a package, benefit ratepayers and the public interest?
>
> 3. Does the settlement package violate any important regulatory principle or practice?[8]

The Commission should find that the three-part criteria for evaluating Stipulations can be met in this case.

1. The settlement was a product of serious bargaining among capable, knowledgeable parties.

As testified by OCC witness Hayes, each of the signatory parties has a history of active participation in PUCO proceedings and is represented by experienced and competent counsel. The parties are knowledgeable in issues addressed by the Stipulation (exit the merchant function and related issues). The Company and interested parties participated in negotiations that required numerous meetings and took place over several months, resulting in concessions, as evidenced by the Stipulation. The Signatory Parties represent the diverse interests of different stakeholders, including an LDC, Marketers and Suppliers, and of Dominion's residential customers.[9]

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[7] *Duff v. Pub. Util. Comm.* (1978), 56 Ohio St.2d 367.

[8] *Consumers' Counsel*, 64 Ohio St.3d at 126, 592 NE 2d at 1373.

[9] OCC Hearing Ex. No. 2, Revised Direct Testimony of Bruce M. Hayes at 7-8 (October 16, 2012).

2. The settlement, as a package, benefits ratepayers and the public interest.

Mr. Hayes testified that because the Stipulation resolves important and complex issues that were raised in this proceeding, it benefits customers and is in the public interest. The Stipulation prohibits any consideration of a residential Exit for a number of years. And the Stipulation provides OCC and others, if Dominion ever files an application to Exit for residential customers, with the opportunity for a hearing to challenge Dominion's application to Exit for residential customers.[10] The Stipulation allows Dominion to seek authorization from the Commission for a non-residential Exit, and OCC did not take a position on that matter.[11]

In addition, the Stipulation also requires provision to OCC of readily available, aggregated non-CRNGS specific rate, usage and customer count information in a format agreed to in advance by the Signatory Parties. That information is intended to enable OCC to periodically analyze, at OCC's discretion, the impact of an exit from the merchant function on Non-Residential Customers.[12]

Finally, while OCC took no position regarding any potential exit from the merchant function for non-residential customers, the process in the Stipulation at least assures non-residential customers that there would be an evidentiary hearing to present the Commission evidence from interested parties regarding an exit of the merchant function for non-residential customers.[13]

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[10] Id. at 8.

[11] Id.

[12] Id. at 8-9.

[13] Id. at 9.

3. The settlement package does not violate any important regulatory principle or practice.

Mr. Hayes testified that the Stipulation does not violate any important regulatory principle or practice. In fact, the Stipulation resolves important issues for a broad range of stakeholders, including residential customers of Dominion. Dominion is prohibited from applying to exit its merchant function for residential customers for a period of years.

OCC reserved the right for it and others to challenge any application or request filed with the Commission by a Signatory Party or Non-Signatory Party seeking approval for Dominion to exit the merchant function for residential customers.[14] Furthermore, in the event an application for a residential Exit is filed and OCC and/or others challenge it, OCC and/or others shall be entitled to exercise all rights available under the Commission's rules and Ohio law, including, as applicable, to conduct discovery, present and cross-examine witnesses at an evidentiary hearing, and make legal arguments through a full and adequate briefing schedule that includes initial and reply briefs.[15]

For all the foregoing reasons, the Commission should find that the Stipulation passes the three-part test and adopt the Settlement in this case.

B. If there is an Exit From the Merchant Function for Dominion's Non-Residential Customers, Then the Commission Should Adopt the OCC Recommendations and Conduct Thorough Studies of the Exit.

The Stipulation that OCC signed requires that Dominion continue to provide residential customers the option of purchasing their natural gas through Dominion (in the form of the Standard Contract Offer as determined by descending clock auction) until such time as Dominion files an application to exit the merchant function for residential

[14] OCC Hearing Ex. No. 2, Revised Direct Testimony of Bruce M. Hayes at 9-10 (October 16, 2012).

[15] Id.

customers. (Dominion is not required to ever file such an application, but it cannot file such an application prior to April 1, 2015.)[16]

An additional protection against an exit for residential customers is that the PUCO cannot authorize a residential exit until after an exit occurs for Dominion's non-residential customers. If the Commission authorizes the non-residential exit, then the Commission should thoroughly analyze the impacts of such an exit before considering an exit that would deny for Dominion's residential customers the option of prices based on a competitive auction.

OCC's recommendations regarding a study of the non-residential exit are consistent with the Commission's Exemption Order. In the Exemption Order, the PUCO states: "[i]n granting this authority, the Commission reserves all authority to exercise oversight during the process, including the ability to order any studies or reviews of the company or plan as it deems appropriate."[17] The Commission should exercise the same authority in this case. Therefore, if the Commission does authorize a non-residential exit, the PUCO should order the surveys and studies that OCC's witness Hayes recommends.

The importance of studying a non-residential exit is recognized in the Joint Motion. The Joint Motion states: "[t]he information gleaned from a full exit for these customers will provide valuable insight into whether it would be appropriate to fully exit the merchant function for residential customers, should [Dominion] or another LDC eventually seek to do so."[18] However, the Joint Movants did not specify: (1) what information will be gleaned; (2) how the information to be gleaned will be gathered; (3)

[16] Joint Hearing Ex. No. 1, Stipulation and Recommendation at 4 (June 15, 2012).

[17] *In re Dominion SCO Case*, Case No. 07-1224-GA-EXM, Order at 20 (June 18, 2008).

[18] Dominion Hearing Ex. No. 2, Joint Motion at Memorandum in Support page 1 (June 15, 2012).

who will gather the information and (4) when the information will be available, and to whom.

OCC and the Joint Movants agree that gathering information as a result of a PUCO-authorized non-residential exit is critical, but it remains up to the Commission to authorize the necessary investigation(s) to assure that such valuable information will be available. This is especially important because the Joint Movants consider a non-residential exit as a step along the path, in years to come, to a potential full residential exit. Therefore, it is imperative for the PUCO to answer the above questions surrounding the acquisition of information necessary to determine the benefits or detriments for the non-residential customers impacted by the full exit of the merchant function by the traditional local distribution company.

Furthermore, the Stipulation provides the right for OCC to obtain periodic data to analyze the impact of an exit from the merchant function on non-residential customers.[19] In this regard, OCC's witness Hayes recommended that in addition to the information OCC is to receive under the Settlement, the Commission should also consider conducting an independent investigation to analyze and evaluate information that was properly collected based on feedback received directly from the affected non-residential customers to fully understand the concerns raised by these customers.[20] Therefore, the Commission should adopt recommendations that have been made by OCC's witness Hayes and other witnesses who filed testimony in this case with regard to studying a non-residential exit.

[19] Joint Hearing Ex. No. 1, Stipulation at 4-5 (June 15, 2012).

[20] OCC Hearing Ex. No. 2, Revised Direct Testimony of Bruce M. Hayes at 16 (October 16, 2012).

1. The Commission should require appropriate studies of the impact of an exit on the Non-Residential SCO customers who no longer have the SCO option (the competitive auction option) as a result of the exit.

The current Company Default Service rate or Standard Choice Offer ("SCO") rate is made up of a retail auction bid Retail Price Adjustment plus the final New York Mercantile Exchange prompt month futures price. The competitively bid SCO has consistently provided customers with a lower cost alternative to the comparable published monthly variable rate Choice Supplier Program Offers.[21]

The SCO alternative is especially important for those customers who may have made the decision not to participate in Dominion's Choice program due to (1) an educated decision made to participate in the SCO auction process in that it has generally been the low cost option, (2) a general lack of interest, (3) lack of understanding (4) they have had a prior unsatisfactory experience with the Choice program, or (5) some other unknown reason. This contrasts with the testimony of Dominion's witness Jeffrey Murphy, who used the term "hinder" or "hindering" three times to describe the impact the SCO is having on the development of the Choice market.

OCC's signing of the Settlement does not mean that OCC agrees with the marketers and Dominion that customers are being "recalcitrant" or that these SCO customers have "hindered" the development of the Choice market as the Marketers anticipated by staying with an SCO Option -- an option that can save customers a lot of money. That opinion of the marketers and Dominion is NOT part of the Settlement and should not be adopted in the PUCO's order.

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[21] Id. at Attachment BMH-1.

In this regard, under R.C. 4929.02(A)(7), customers are to be "willing buyers." Eliminating the SCO Option, as the marketers want and Dominion seems to favor, will not make these customers "willing buyers" under the law.[22] Far from it.

If the PUCO is to go forward with an exit from the merchant function for non-residential customers, the PUCO should view the non-residential exit as an opportunity to learn more about Dominion's Choice program. The PUCO should require a study that is intended to discover the following: (1) first and foremost, the success or failure of the exit in providing these customers with reasonably priced natural gas services as required by R.C. 4929.02(A)(1), (2) the benefits -- if any -- produced for non-residential customers, (3) these customers' attitudes toward the SCO (4) these customers' attitudes towards Dominion's Choice program, and (5) anything else that the Commission deems important in evaluating the impact that the exit had on these non-residential customers.[23] In addition, the PUCO should assess the success or failure of the proposed education program intended for these customers.[24]

To accomplish the recommendations made by OCC's witness Hayes the Commission should authorize an independent investigation to analyze and evaluate information that is properly collected based on feedback received directly from the affected non-residential customers who have been served under the SCO.[25] One means for the Commission to gather such information, according to OCC's witness Hayes, is for the PUCO to conduct an investigation using an independent survey or a series of surveys

[22] See R.C. 4929.02(A)(7).

[23] OCC Hearing Ex. No. 2, Revised Direct Testimony of Bruce M. Hayes at 18 (October 16, 2012).

[24] See Staff Hearing Ex. No. 2, Staff Comments at 3-5 (August 30, 2012).

[25] OCC Hearing Ex. No. 2, Revised Direct Testimony of Bruce M. Hayes at 14 (October16, 2012).

of a statistically significant sample of the non-residential customers to ascertain information necessary to understand these customers' decisions to remain SCO customers.

The information to be gathered would be used by the PUCO to: (1) ascertain the reasons why these non-residential customers stayed on the SCO service; (2) establish the extent of their familiarity with prior participation in Dominion's Choice program; (3) verify their receipt and understanding of the education materials sent to them; (4) assess the level of satisfaction with their MVR Choice provider and MVR price following an Exit, if one were to occur; (5) obtain their opinions on new supplier products that were offered; (6) note their Choice decisions following the Exit, if one were to occur and (7) obtain any other information that the PUCO finds necessary to assist with an evaluation of the impact that the Exit and subsequent Choice participation has had on Dominion's non-residential customers.[26]

At hearing it was established that the PUCO Staff did not object to the recommendations made by Mr. Hayes in his testimony. On cross-examination, PUCO Staff witness Barbara Bossart testified:

> Q. Ms. Bossart, if I look at your testimony Proceedings at page 6, you are recommending some things that the Commission look at in the event there would be a commercial exit in this case, correct?
>
> A. Yes.
>
> Q. And your testimony was filed the same day as Mr. Hayes' testimony so you didn't have an opportunity to see his.
>
> A. Correct.
>
> Q. Have you reviewed the recommendations that Mr. Hayes is making in his testimony?

[26] Id. at 16.

A. Yes.

Q. Do you have any objections to the things that Mr. Hayes is recommending the Commission look at in this case?

A. No, I do not.[27]

Therefore, the Commission should adopt the recommendations of OCC witness Hayes. If there is a non-residential exit authorized by the Commission in this case, the PUCO should require that information be gathered from the non-residential customers regarding the impacts on the non-residential customers, and that such information be properly collected and analyzed.

2. The Commission should require appropriate studies of the impact of an exit on Choice Supplier behavior in response to the exit.

The Commission should also take the opportunity of a non-residential exit to study the new product innovations, if any, and any workforce/asset investments that the Choice Suppliers in Dominion's service territory claim will occur as a result of the exit.[28] This information could be relevant, if the Commission were to consider an exit from the merchant function for residential customers. There was testimony filed by the Marketers witness Ms. Ringenbach on this specific point. Ms. Ringenbach testified:

> Five items should be studied. First, * * * whether suppliers during this period brought new and varied products in the market. And, if new and varied products are not introduced, are there barriers to development that inhibited development of new products and services and whether such barriers can be removed. Second, more and varied products require investment. So the Staff and [Dominion] should observe whether the suppliers are gearing up their workforce and Ohio located assets. Third, [Dominion] and the Commission Staff should see whether the switch to MVR causes an increase in the number of complaints to the Commission's

[27] Tr. Vol. I (Bossart) at 151 (October 16, 2012).

[28] Marketer Hearing Ex. No.2, Direct Testimony of Teresa L. Ringenbach at 6-7 (September 13, 2012), see also Dominion Hearing Ex. No. 1, Direct Testimony of Jeffrey A. Murphy at 6-7 (September 13, 2012).

> call center that are legitimately connected to the MVR, such as price gouging or customer confusion, * * *. Fourth, whether the suppliers directly or indirectly have caused an additional investment in [the] community.[29]

In addition, Mr. Murphy testified that: Discontinuing SCO service will directly increase the entrance of customers into the commodity market, thus spurring market entry, additional competition, and the development of the natural gas supply market.[30] The Commission should monitor these aspects of the Choice Suppliers' business activities to ascertain if the claimed benefits of the exit identified by Ms. Ringenbach and Mr. Murphy actually occur. These benefits of a non-residential Exit should be studied and verified before the Commission even considers years from now an application for an exit that will affect Dominion's residential customers.

This decision regarding an exit from the merchant function before the Commission is not to be taken lightly. To date, only one utility in the United States has exited from the merchant function -- Atlanta Gas Light Company -- and the state of natural gas prices (before, during and after the exit) in Georgia is reflected in OCC witness Hayes testimony.[31] Prior to the exit (1995-1998), natural gas prices in Georgia were at or slightly above the U.S. average (approximately \$0.10-\$0.50 per Mcf).[32] As the exit was being implemented, a significant dip in natural gas prices can be seen as marketers were competing for market share (approximately \$2.00 per Mcf below the U.S.

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[29] Marketer Hearing Ex. No. 2, Direct Testimony of Teresa L. Ringenbach at 6-7 (September 13, 2012). (It appears from Ms. Ringenbach's testimony that she inadvertently omitted a fifth specific item that should also be studied.)

[30] Dominion Hearing Ex. No. 1, Direct Testimony of Jeffrey A. Murphy at 6-7 (September 13, 2012).

[31] OCC Hearing Ex. No. 2, Revised Direct Testimony of Bruce M. Hayes at Schedules BMH-1 and BMH-2 (October 16, 2012).

[32] Id.

average).[33] Since the 1999 exit, natural gas prices in Georgia have been significantly increasing above the U.S. average (from approximately $1.00 per Mcf above the U.S. average to as much as approximately $5.00 per Mcf above the U.S. average).[34] To put this increase in perspective, a $5.00 per Mcf increase in natural gas costs to a typical residential customer in Dominion service territory (using 85 Mcf per year) would result in that customer paying an additional $425.00 per year.

In this case, the exit of approximately 14,000 non-residential customers, if authorized by the Commission, would be implemented before an exit of Dominion's residential customers, if there is ever an exit for residential customers. Because of the dramatic change in natural gas prices experienced in the Georgia market since the 1999 exit, among other recommendations by OCC witness Bruce Hayes, are that the Commission thoroughly analyze the resulting impacts on the non-residential customers from the exit before rendering a decision on a residential exit. The Commission should accept the recommendations of Mr. Hayes as well as Marketer witness Ringenbach, Staff witness Bossart and Company witness Murphy, and order the appropriate studies of the Choice Market, Choice Supplier behavior, natural gas prices and non-residential customer impacts and feedback.

Furthermore, the PUCO Staff witness concurred, in testimony, with the recommendations of Ms. Ringenbach. PUCO Staff witness Bossart stated:

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[33] Id.

[34] Id.

Q. What type of information does Staff want Dominion to provide to assist the Commission in its review of the consequences of the Company's exit from the merchant function for non-residential customers?

A. In addition to the aggregated non-CRNGS specific rate, usage and customer count information provided to OCC, if the Stipulation and Recommendation is approved, Staff also recommends Dominion provide among other things some of the information proposed by the suppliers in their testimony[35] to allow the Commission to better understand the impacts of a fully competitive market such as: whether the number of participating suppliers increases or decreases over the next three years ; the number and type of various supplier offers of new products and services offered to customers (such as value-added service, rate design); customers' participation numbers for those new products and services; the amount of any increase in supplier investment in Ohio (such as community involvement, supplier offices, and number 1 of new employees); specific customer billing determinants.

Q. Why is Staff requesting this additional information?

A. As stated by the parties in their Joint Motion[36] , the Commission needs to understand **"(t)he consequences of a fully-competitive market before there is any further movement toward a fully-competitive residential market"** Staff believes that the information requested above will provide a more comprehensive review of the impacts a fully-competitive non-residential market.[37]

Although not listed by the Staff, natural gas commodity pricing information should also be added to the list of requirements the Commission identifies for studying in order to understand the impacts of the exit on non-residential customers. The Commission should also order the studies of the Choice Suppliers' behavior following an exit from the merchant function for non-residential customers in order to understand whether the alleged benefits to be derived from the exit actually materialize before proceeding, years from now with a residential exit.

[35] Marketer Hearing Ex. No. 2, Direct Prepared Testimony of Teresa L. Ringenbach (September 13, 2012).

[36] Dominion Hearing Ex. No. 2, Joint Motion to Modify Order Granting Exemption (June 15, 2012).

[37] Staff Hearing Ex. No. 1, Direct Testimony of Barbara Bossart at 6-7 (October 4, 2012) (emphasis added).

3. In the event the PUCO authorizes an exit from the merchant function, the Commission should reserve the right to re-establish the SCO or other pricing mechanism should the exit prove to be unjust or unreasonable.

The proposed studies of the non-residential exit are important in another regard. The Staff Comments state: "Staff also recommends that any Order approving Dominion's proposed exit also clarify that nothing precludes the Commission from re-establishing the SCO or other pricing mechanism if it determines that Dominion's exit is unjust or unreasonable for non-residential or residential customers."[38] The PUCO Staff's point is an important one for protection of Ohio customers. While the Settlement does not prevent the Commission from re-establishing SCO or other pricing mechanism after an exit, the Staff's recommendation should be expressly adopted in the PUCO order.

Furthermore, the PUCO Staff's Comment is important because an exit from the merchant function is an Exemption case where, under R.C. 4929.04, the utility may ask the Commission for exemption, in part, from regulation under R.C. 4905.[39] If granted, the utility could be exempt from, *inter alia*, the general supervisory powers of the Commission.[40] Therefore, the Commission should not grant an exit from the merchant function without specifically retaining jurisdiction in the event the PUCO later determines the exit to be unjust or unreasonable for Dominion's customers.

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[38] Staff Hearing Ex. No. 2, Staff Comments at 3 (August 30, 2012).

[39] See 4905.04, 4905.05 and 4905.06 Commission's General Supervisory Powers.

[40] R.C. 4929.04 (A).

IV. CONCLUSION

Approximately 1.1 million Ohio consumers in Dominion's service area have been offered the opportunity to save lots of money for their purchases of natural gas, through the use of a competitive auction to set prices. And many consumers have availed themselves of that option to save money on the natural gas they need for heating their homes and for their cooking and other essential activities of daily life in Ohio. In the Stipulation filed on June 15, 2012, OCC is seeking to protect this great option.

The Commission should adopt the Settlement as filed in this case. Any industry proposal for an exit from the merchant function (meaning the withdrawal of the pricing option based on a competitive auction) will be one of the most important issues facing the Commission in the natural gas industry. If the PUCO authorizes the withdrawal of the competitive auction option for Dominion's non-residential customers, then the Commission should require appropriate studies of the impacts on non-residential customers from this terminated option, as recommended in the testimony of OCC's witness Hayes. Finally, the Commission should reserve the right to re-establish the SCO, or some other pricing mechanism, if after an exit the PUCO determines the exit to be unjust or unreasonable.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the *Initial Post-Hearing Brief* has been served on the persons stated below via electronic service this 13th day of November, 2012.

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