

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the )  
East Ohio Gas Company d/b/a )  
Dominion East Ohio for Approval to ) Case No. 11-6024-GA-UNC  
Implement a Capital Expenditure )  
Program. )

In the Matter of the Application of The )  
East Ohio Gas Company d/b/a ) Case No. 11-6025-GA-AAM  
Dominion East Ohio for Approval to )  
Change Accounting Methods. )

FINDING AND ORDER

The Commission finds:

- (1) The East Ohio Gas Company d/b/a Dominion East Ohio (DEO or the Company) is a public utility as defined in Section 4905.02, Revised Code, and a natural gas company under Section 4905.03, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On December 23, 2011, DEO filed an application for authority to implement a capital expenditure program (CEP) for the period of October 1, 2011, through December 31, 2012, pursuant to Sections 4909.18 and 4929.111, Revised Code. Additionally, DEO seeks accounting authority to capitalize post-in-service carrying costs (PISCC) on program investments for assets placed in service but not yet reflected in rates; defer depreciation expense and property tax expense directly associated with the assets placed in service; and establish a regulatory asset to which PISCC, depreciation expense, and property tax expense will be deferred for recovery. According to the application, a cumulative investment of \$95 million is projected for DEO's CEP. DEO states that it is not requesting cost recovery as part of this application and that recovery of any approved deferrals will be requested in a separate proceeding, not more than once each calendar year, commencing in 2013. DEO submits that approval of

the application will not result in an increase in any rate or charge, and, therefore, the application should be considered as an application not for an increase in rates under Section 4909.18, Revised Code.

- (3) On January 23, 2012, the Ohio Consumers' Counsel (OCC) filed a motion to intervene in these cases. In support of its motion, OCC states that it represents the residential utility customers of DEO and that these cases may adversely affect such customers' interests. OCC further submits that its participation will not unduly prolong or delay the proceedings and that its advocacy will significantly contribute to the full development and equitable resolution of the issues. No party opposed OCC's motion. The Commission finds that OCC's motion to intervene is reasonable and should be granted.
- (4) By entry issued on January 27, 2012, a comment period was established in order to assist the Commission in its review of DEO's application. Pursuant to the entry, initial and reply comments were due to be filed by March 12, 2012, and March 22, 2012, respectively.
- (5) In accordance with the procedural schedule established in these cases, timely initial comments were filed by Staff and OCC on March 12, 2012. Timely reply comments were filed by DEO and OCC on March 22, 2012. Additionally, DEO and OCC filed supplemental reply comments on August 3, 2012, and October 17, 2012, respectively. Staff filed surreply comments on September 20, 2012. On October 18, 2012, DEO filed a clarification in response to OCC's supplemental reply comments. Although the January 27, 2012, entry did not contemplate the filing of supplemental reply comments or surreply comments by the parties or Staff, the Commission finds that, in light of the fact that there has been no objection to the filing of such comments, and because they are helpful in resolving these matters, we will accept these supplemental and surreply comments and consider them below.

Staff's Comments

- (6) Staff's first recommendation - Staff believes that the Commission should approve DEO's application, with modifications to incorporate specific recommendations contained in Staff's comments. Initially, Staff notes that DEO's proposed CEP investments may generate revenue that is incremental to the revenue provided by the rates established in the Company's last base rate case, Case No. 07-829-GA-AIR, *et al.* (07-829).<sup>1</sup> Staff recommends that the deferred regulatory asset should be net of any incremental revenue. Staff contends that, because DEO seeks to defer certain expenses for future recovery, any related incremental revenue for the same time period should be recognized and carried forward as well, consistent with the matching principle. Staff recommends, therefore, that the Commission direct DEO to net out any incremental revenue from its monthly calculation of the regulatory asset that will be created to defer PISCC, depreciation expense, and property tax expense related to the CEP. Because it may prove difficult to identify which of DEO's multiple sources of revenue may be impacted by the CEP and by how much, Staff recommends the parties be directed to meet and attempt to agree on a formula for calculating the incremental revenue that would be subtracted from the regulatory asset as it is recorded monthly. Staff further recommends the Commission establish a date by which the parties must file an agreed upon calculation and, if they are unable to reach an agreement by the deadline, a date by which the parties must file their own proposals for calculating incremental revenue, along with an accompanying rationale.
- (7) OCC agrees with Staff's first recommendation, but adds that the Commission should clearly indicate, in its order, that DEO is required to net incremental revenue out of its calculation of the deferrals so that there is no

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<sup>1</sup> *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for Authority to Increase Rates for its Gas Distribution Service, Case No. 07-829-GA-AIR, et al.*, Opinion and Order (October 15, 2008).

misunderstanding as to the purpose of the parties' meeting. OCC recommends that DEO be directed to provide any data requested by Staff or OCC in order to best determine the formula for netting incremental revenue against the regulatory asset. Finally, OCC argues that the Commission should ensure sufficient discovery rights in the event a formula is not agreed to by all of the parties.

- (8) In its reply comments, DEO notes that it is not opposed to Staff's recommendation that the deferred regulatory asset be net of any incremental revenue, but emphasizes that the incremental revenue must be correctly matched to the proposed capital expenditures. DEO disagrees with Staff's proposed meeting to determine a formula and, instead, suggests that the methodology for determining incremental revenue be approved by the Commission in these proceedings. DEO states that new customer facilities in the Infrastructure Expansion, Improvement, or Replacement spending category are the only items that may produce revenue. For that reason, DEO proposes that comparing the number of bills relative to the test year in 07-829 provides a reasonable basis for calculating incremental revenue. DEO recommends that the change in the number of customer bills be multiplied by the portion of the monthly customer charge directly attributable to CEP costs, using the class cost-of-service study underlying the Company's existing rates to separate the CEP portion from the remainder of the charge. In its supplemental reply comments, DEO proposes a specific formula and definitions to calculate the annual incremental revenue.
- (9) In its surreply comments regarding its first recommendation, Staff recommends the Commission require that any revenue directly associated with CEP investments be used to offset the deferrals. Staff offers a specific formula for determining incremental revenue from straight fixed variable (SFV) customers, non-SFV customers, and any other revenue sources, as well as recommended formulas for calculating the PISCC, depreciation expense, property tax expense, and total

monthly deferral, which Staff notes are generally consistent with the CEP-related formulas adopted by the Commission for Columbia Gas of Ohio, Inc. (Columbia).<sup>2</sup> Staff also notes that it agrees with DEO that a calendar year calculation of incremental revenue is appropriate, given a calendar year baseline. Further, Staff recommends that DEO be directed to maintain sufficient records to enable Staff to verify that all revenue generated from CEP investments is accurately excluded from the total monthly deferral.

- (10) Staff's second recommendation - Staff suggests that the deferred PISCC be applied to net plant rather than gross plant. Specifically, Staff recommends the Commission direct DEO to modify its proposed PISCC calculation, which was provided to Staff in response to a data request, to net out accumulated depreciation and retirements and the cost of removal of existing plant. Staff contends that DEO's proposal would result in PISCC being applied to inflated plant balances and the deferral of inflated PISCC amounts, which is inconsistent with past practice and precedent. Staff notes that DEO nets out the cost of removal of existing plant in the Company's calculation of PISCC for its pipeline infrastructure replacement (PIR) program.
- (11) In its reply comments, DEO argues PISCC should be based on accumulated gross plant balances less costs of removal, but not net of retirements and accumulated depreciation. DEO asserts that Staff's position is inconsistent with Section 4929.111, Revised Code, which requires deferral or recovery of both PISCC and depreciation. DEO notes that its recommended approach is consistent with the calculation of PISCC in the Company's PIR and automated meter reading (AMR) programs, as well as with recent Commission rulings. DEO also points out that PISCC represent the cost of financing the Company's capital expenditures until the resulting assets are included in rate

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<sup>2</sup> *In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval to Implement a Capital Expenditure Program*, Case No. 11-5351-GA-UNC, *et al.*, Finding and Order (August 29, 2012).

base. DEO argues the cost of capital depends on its outlay of capital, meaning gross plant additions, and depreciation and retirements do not reduce that cost. In its supplemental reply comments, DEO states that, upon further consideration and solely to resolve these proceedings, the Company would not object to Staff's recommendation and proposes a formula to calculate PISCC. DEO notes that only the retirements associated with incremental capital investments in the CEP should be included in the calculation.

- (12) In its surreply comments, Staff agrees that only retirements associated with CEP investments should be included in the PISCC calculation. Staff also notes that its proposed formula for calculating PISCC is similar to the one proposed by DEO, except that Staff explicitly incorporates the one-month lag method, which DEO has traditionally used to compute PISCC.
- (13) Staff's third recommendation - As proposed by Staff and supported by OCC, the third recommendation is that DEO's calculation of deferred depreciation expense should be net of plant retirements and cost of removal. Staff argues that DEO's proposed methodology for calculating deferred depreciation expense, which was provided to Staff in response to a data request, would enable the Company to effectively recover depreciation expense twice, because it does not recognize that the current rates already include depreciation expense on the plant that is being replaced.
- (14) In its reply comments, DEO states that it will comply with Staff's recommendation, if required. In its supplemental reply comments, DEO provides formulas that it is willing to accept for the purposes of calculating deferred depreciation expense and deferred property tax expense. DEO's proposed formulas account for cumulative retirements.
- (15) Staff recommends, in its surreply comments, that the Commission adopt DEO's proposed formulas for calculating the monthly depreciation and property tax

expenses associated with the CEP investments as set forth in Staff's summary of its recommended calculations.

- (16) Staff's fourth recommendation – Staff comments that the CEP should have a time limit on the deferral. Staff notes that there could be a protracted length of time between when the deferrals are created and when recovery of the deferred amounts is sought. Staff, therefore, suggests the Commission establish a date by which the deferral ceases and DEO must apply for recovery of the asset. Staff notes that DEO has indicated that it would likely file an application in 2013 to recover the asset. Staff states that it agrees with DEO's proposed timeframe for its application. Staff recommends that, if DEO does not file an application as planned in 2013, the deferral should cease on December 31, 2014, to ensure that it does not grow to an unreasonable level.
- (17) In its reply comments, DEO argues that Staff's position is contrary to Section 4929.111(H), Revised Code, which provides that the deferrals must cease when rates reflecting the cost of the assets are effective. DEO also notes that, although Section 4929.111(E), Revised Code, limits filings for cost recovery to one per calendar year, the statute imposes no minimum number of such filings. DEO states, however, that it is not opposed to seeking recovery of the deferrals on an agreed upon schedule, provided that recovery includes the full pre-tax return on rate base associated with the CEP assets and that approval of the cost recovery mechanism is not required to be sought in conjunction with a full rate case. In its supplemental reply comments, DEO states that it continues to object to a time limit and proposes, instead, that the deferral be permitted to accrue until such time as the bill impact on the Company's General Sales Service (GSS) class of customers would exceed \$1.50 per month (deferral cap). In its surreply comments, Staff agrees with DEO's recommendation.
- (18) In its supplemental reply comments, OCC argues that the deferral cap should reflect the impact of both the CEP-

related investments, as well as the CEP deferrals, in order to eliminate the possibility of an unreasonably long deferral period and to ensure that DEO's future revenue requirement does not grow to an unreasonable level. Specifically, OCC recommends that the CEP deferrals cease on the date on which new base rates take effect or when the combined impact of the investments and the deferrals exceeds the deferral cap, whichever occurs first. OCC points out that, if both the effect of the CEP deferrals and the CEP-related investments are considered, the deferral cap may be exceeded in 2015. OCC notes that DEO's analysis indicates, however, that the deferral cap may not be exceeded until some point beyond 2017, if only the effect of the CEP deferrals is considered. OCC asserts, therefore, that DEO's proposed deferral cap would result in a deferral period that is too long and would cause a significant impact on customers' bills. OCC adds that the Commission recently indicated that it is generally opposed to the creation of deferrals, except in cases involving extraordinary circumstances.<sup>3</sup> OCC notes that DEO made no attempt to demonstrate that there are extraordinary circumstances that justify the Commission's approval of the CEP deferrals.

- (19) In its clarification to OCC's supplemental reply comments, DEO states that its proposed deferral cap would recognize only the rate impact of the CEP deferrals and not the CEP-related investments, and that the Company does not agree to a deferral cap that would recognize the rate impact of both the deferrals and the investments.
- (20) Staff's fifth recommendation - Staff recommends that DEO be required to make annual informational filings, which should include detailed information regarding the monthly CEP investments and the calculations used to determine the deferred amounts to be recorded. Staff adds that DEO should provide a breakdown of investments, PISCC,

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<sup>3</sup> *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Case No. 11-346-EL-SSO, et al., Opinion and Order at 36 (August 8, 2012).*

depreciation expense, property tax expense, and incremental revenue, which should be based on the calendar year and filed on March 15 of the following year. Staff further recommends that DEO provide a capital budget for the coming year. Staff believes that the annual informational filings are necessary, because there may be a lengthy period of time between when the deferrals are authorized and when DEO files an application to recover the deferred amount, if Staff's prior recommendation is not adopted.

- (21) OCC agrees with Staff's position, but adds that the annual informational filings should include additional details regarding the calculation of the PISCC, as addressed in OCC's initial comments. Further, OCC believes that each annual filing should explain how the spending for that year was consistent with DEO's obligation under Section 4905.22, Revised Code, to furnish necessary and adequate services and facilities, as required by Section 4929.111, Revised Code, in order to enable the Commission and parties to determine whether the spending was just and reasonable in all respects.
- (22) In its reply comments, DEO notes that it is willing to make the annual informational filings recommended by Staff, but requests that the filing deadline be changed to April 30. DEO also states that it intends to file its capital budget in the fourth quarter of the preceding year in conjunction with future CEP filings. In its supplemental reply comments, DEO states that it agrees to submit annual informational filings by April 30 that include the CEP regulatory asset balance as of December 31, as well as the monthly and total deferrals to the regulatory asset for the year ended December 31 based on CEP investments, broken down by PISCC, depreciation expense, property tax expense, and reductions for net incremental revenue, if any.
- (23) Staff agrees, in its surreply comments, that the filing deadline should be changed to April 30. Staff also recommends that the annual informational filings, in

addition to providing the information discussed above, should include a breakdown of CEP investments by budget class, a capital budget for the year succeeding the year covered in the informational filing, a schedule showing the potential impact on GSS customer rates, if the deferrals were included in rates, and schedules showing the calculations and inputs for the deferrals. In its supplemental reply comments, OCC adds that the schedule showing the potential impact on GSS customer rates should reflect the impact of both the deferrals and the investments being included in the rates.

OCC's Comments

- (24) As an initial matter, OCC argues that DEO's application should be rejected by the Commission, because the Company did not meet its burden to prove that the application is consistent with its obligation to serve customers and is for services and facilities that are necessary and adequate and, in all such respects, are just and reasonable for serving customers, pursuant to Sections 4929.111(C), 4905.22, and 4909.18, Revised Code. OCC notes that DEO's application provides minimal explanation for the estimated \$95 million in total spending for the CEP and, thus, it is impossible to determine whether the proposed spending meets the statutory requirements.
- (25) DEO responds that it has specified the total cost of the CEP and shown that the CEP is just and reasonable, as Section 4929.111, Revised Code, requires. DEO notes that the statute does not mandate a detailed and itemized accounting of capital expenses, as OCC contends. DEO also emphasizes that it only seeks deferral authority, not cost recovery, in these proceedings. DEO concludes that OCC has offered no valid reason to reject the Company's application.
- (26) Alternatively, OCC recommends that DEO make annual filings including detailed information regarding the CEP investments and the calculation of the deferrals during the deferral period. Specifically, OCC suggests that the annual

filings include the actual calculations of PISCC, an explanation as to how the PISCC were determined, and an explanation as to why those calculations were performed, and that the deferrals be presented by the categories shown on Exhibit A of DEO's application in order to provide additional clarity to any future regulatory review.

- (27) OCC further recommends that revenue generated from the addition of new customers and associated with DEO's spending category of Infrastructure Expansion, Improvement, or Replacement be included in any deferral calculation to reduce the ultimate rate impact on customers. OCC argues that DEO should be required to credit revenue received from assets related to new customer growth to the regulatory asset accounts that are established for PISCC, deferred depreciation, and deferred property taxes. At a minimum, OCC suggests that DEO be required to establish a regulatory liability account. OCC contends that, to the extent DEO is authorized to defer costs associated with customer growth without recognizing the new revenue, the Company's customers will be expected to pay for the assets associated with the additional growth without receiving any of the benefits from the related revenue.
- (28) Additionally, OCC recommends that PISCC should be calculated net of retirements for plant replaced under the CEP, as well as net of accumulated depreciation, in order to avoid potential over-recovery. OCC further recommends that DEO be required to remove retired plant from its books in timely fashion. DEO replies that plant should be retired in the normal course of business, as warranted by actual conditions and service needs.
- (29) OCC next notes that DEO's application includes several items of plant that overlap with the Company's PIR and AMR programs. OCC contends that the Commission should ensure that accounting mechanisms are in place to separate the plant balances for the different spending programs, which will prevent double recovery of the deferred PISCC, depreciation, and property taxes. DEO

responds that its application specifically states that the Company seeks authority to defer only those expenditures that are not covered by its AMR and PIR programs. DEO notes that there are already mechanisms in place to ensure that expenditures for the various programs are separately maintained.

- (30) OCC also recommends that certain items associated with DEO's use of blanket work orders should not be considered capital expenditures, but should, rather, be classified as operation and maintenance expenses and, therefore, excluded from the CEP. DEO argues that OCC's comments regarding blanket work orders amount to mere speculation and that it is impossible to exclude items that may potentially be miscategorized in the future. In any event, DEO notes that it agrees that the Company should properly categorize expenditures; it has ample procedures and experienced personnel in place to ensure that it does so; and whether it has done so will be a topic addressed in a subsequent cost recovery proceeding.
- (31) OCC next suggests that the Commission require DEO to provide evidence that the plant on which it seeks to recover PISCC, depreciation, and property tax deferrals is in actual use, providing service to customers as opposed to simply being purchased or built and not yet in use. DEO responds that OCC essentially paraphrases Section 4929.111, Revised Code, but does not address the Company's application or argue that it violates the statute. DEO adds that it cannot create the deferrals until they are authorized by the Commission and whether that authority, once granted, has been properly implemented is a subject for a later proceeding.
- (32) Finally, OCC recommends that the deferrals must have a time limit and that the capitalization of PISCC and deferral of depreciation and property taxes should cease when the costs are reflected in rates, or December 31, 2016, whichever occurs first. OCC notes that a time limit will ensure the deferrals do not grow to an unreasonable level due to the continued accrual of carrying charges, which

could result in a significantly larger potential future rate increase for customers.

### Conclusion

- (33) Section 4929.111(A), Revised Code, provides that a natural gas company may file an application with the Commission under Section 4909.18, 4929.05, or 4929.11, Revised Code, to implement a CEP for any of the following:
- (a) Any infrastructure expansion, infrastructure improvement, or infrastructure replacement program;
  - (b) Any program to install, upgrade, or replace information technology systems;
  - (c) Any program reasonably necessary to comply with any rules, regulations, or orders of the Commission or other governmental entity having jurisdiction.

Section 4929.111(C), Revised Code, requires the Commission to approve the application, if the Commission finds that the CEP is consistent with the natural gas company's obligation under Section 4905.22, Revised Code, to furnish necessary and adequate services and facilities, which the Commission finds to be just and reasonable.

- (34) Upon review of DEO's application and the comments filed by the parties, the Commission finds that the application should be approved, with the following modifications and clarifications:
- (a) DEO should calculate the total monthly deferral, PISCC, depreciation expense, property tax expense, and incremental revenue by using the specific formulas set forth in Staff's surreply comments.
  - (b) DEO should offset the monthly regulatory asset amount charged to the CEP by those

revenues generated from the assets included in the CEP for SFV customers, non-SFV customers, and any other revenue sources directly attributable to CEP investments.

- (c) DEO should maintain sufficient records to enable Staff to verify that all revenue generated from CEP investments is accurately excluded from the total monthly deferral.
- (d) DEO should calculate the PISCC, as well as the depreciation and property tax deferrals, for the CEP in a manner consistent with Staff's recommendations.
- (e) DEO should docket an annual informational filing by April 30 of each year that details the monthly CEP investments and the calculations used to determine the associated deferrals, as recommended by Staff. Each annual informational filing should include schedules showing the inputs and all calculations used to determine the monthly deferred amounts, including a breakdown of investments (by budget class), PISCC, depreciation expense, property tax expense, and all incremental revenue, as well as a capital budget for the year following the year covered in the filing. The annual informational filings should also include a schedule showing the potential impact on GSS customer rates, if the deferrals were to be included in rates.
- (f) DEO may accrue CEP deferrals up until the point where the accrued deferrals, if included in rates, would cause the rates charged to the GSS class of customers to increase by more than \$1.50 per month. Accrual of all future CEP-related deferrals should cease once the \$1.50 per month threshold is surpassed, until

such time as DEO files to recover the existing accrued deferrals and establish a recovery mechanism under Section 4909.18, 4929.05, or 4929.11, Revised Code.

The Commission finds no merit in OCC's arguments that DEO's application fails to provide a sufficient description of the proposed CEP or its total cost. The Commission finds that DEO's application includes the necessary information required by Section 4929.111, Revised Code, regarding the types and amounts of the expenditures included in the CEP such that the Company has demonstrated that the CEP is consistent with the Company's obligation under Section 4905.22, Revised Code, to furnish necessary and adequate services and facilities, which the Commission finds to be just and reasonable. The Commission emphasizes, however, that DEO has not requested, nor is the Commission granting, cost recovery for any CEP-related items. The Commission will consider the prudence and reasonableness of the magnitude of DEO's CEP-related regulatory assets and associated capital spending in any future proceedings seeking cost recovery and the Company will be expected to provide, at that time, detailed information regarding the expenditures for our review. Additionally, the Commission finds that our approval of DEO's application, as modified herein, will not result in an increase in any rate or charge. Accordingly, the application should be considered as an application not for an increase in rates under Section 4909.18, Revised Code.

With respect to OCC's recommendations regarding the deferral cap, the Commission notes that DEO proposed the deferral cap as an alternative to placing a specific time limit on the CEP deferrals, as initially recommended by OCC and Staff. Staff, subsequently, agreed that the deferral cap proposed by DEO is a reasonable approach. In its surreply comments, Staff explained that DEO's proposed deferral cap, which is comparable to Columbia's approved deferral

cap,<sup>4</sup> reflects a reasonable balance between allowing the CEP deferrals to accrue over a sufficient time period in order to avoid frequent recovery proceedings, and allowing the deferrals to accrue over a longer period, which could potentially result in rate shock, if and when the deferrals are ultimately recovered in DEO's rates. We agree with Staff's reasoning and find that DEO's proposed deferral cap is a reasonable means to mitigate the risk of future rate shock. Further, Section 4929.111, Revised Code, places no particular limit on the duration of the deferrals other than to provide that they must cease when rates reflecting the cost of the regulatory assets are effective. However, because DEO and Staff agreed upon, and recommended, a deferral cap in these proceedings, we find it appropriate to adopt their proposal. We further note that the statute does not require that DEO demonstrate that the CEP deferrals are justified by extraordinary circumstances, as OCC contends.

With the above modifications and clarifications, the Commission finds DEO's proposed CEP, as modified herein, to be just and reasonable, and consistent with Section 4929.111, Revised Code. Accordingly, DEO is authorized, pursuant to Sections 4909.18 and 4929.111, Revised Code, to implement the CEP and modify its accounting procedures, as necessary, to carry out the implementation of the CEP for the period of October 1, 2011, through December 31, 2012, consistent with this finding and order.

It is, therefore,

ORDERED, That the motion to intervene filed by OCC be granted. It is, further,

ORDERED, That DEO's application be approved, as modified herein. It is, further,

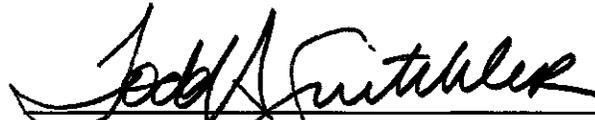
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<sup>4</sup> *In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval to Implement a Capital Expenditure Program*, Case No. 11-5351-GA-UNC, *et al.*, Finding and Order at 12-13 (August 29, 2012).

ORDERED, That nothing in this finding and order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

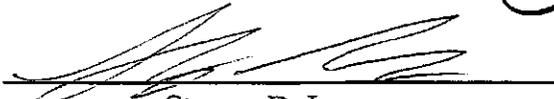
ORDERED, That a copy of this finding and order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



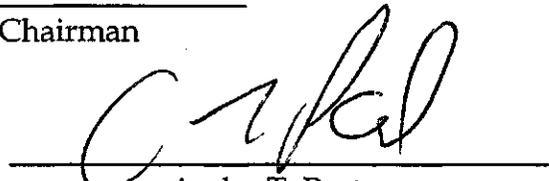
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Todd A. Snitchler, Chairman



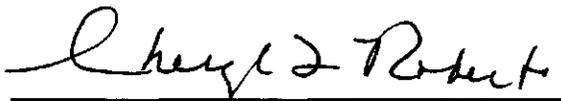
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Steven D. Lesser



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Andre T. Porter



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Cheryl L. Roberto

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Lynn Slaby

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Entered in the Journal

**DEC 12 2012**



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Barcy F. McNeal  
Secretary