

**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.)	

**APPLICATION FOR REHEARING OF
THE EAST OHIO GAS COMPANY D/B/A DOMINION EAST OHIO**

In accordance with R.C. 4903.10 and Ohio Adm. Code 4901-1-35(A), The East Ohio Gas Company d/b/a Dominion East Ohio (“DEO”) hereby files its application for rehearing of the January 9, 2013 Opinion and Order issued in the above-captioned case (“Order”). DEO files this application for rehearing solely to clarify both DEO’s obligations under the Order and certain procedures with respect to information to be provided to assess the impact of changes approved in the Order. Beyond the need to clarify these matters, DEO considers the Order both reasonable and lawful. For these reasons, as explained in detail in the attached Memorandum in Support, the Commission should grant this application for rehearing for the limited purpose of clarifying the parties’ obligations under the Order.

Dated: February 5, 2013

Respectfully submitted,

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

DEO is filing this application for rehearing solely to clarify certain obligations and procedures under the Order. The Company is in full accord with the spirit of the Order; it seeks only to clarify the letter. It raises these issues here to ensure that the Company may fully comply with the Commission's directives and to avoid any future confusion.

II. DISCUSSION

In the Order, the Commission stated that it "believes that a maximum amount of information should be provided regarding the impact of DEO's exit." Order at 17. DEO agrees with that aim. But DEO's concerns arise with the provisions regarding who is obliged to provide that information. DEO would highlight three statements in particular:

- "we direct DEO to provide . . . the information recommended by Staff, OCC, and OGMG and RESA, so that all parties can become better informed regarding the effect of DEO's exit on competition and customers." *Id.*
- "DEO should meet with Staff and other interested stakeholders . . . and determine what data should be analyzed, and how it should be provided, including any data Staff determines is necessary" *Id.*
- "DEO and suppliers shall collect the information that Staff determines is necessary and provide such information to Staff." *Id.*

DEO has two concerns regarding these statements.

The first concern is that the Order may be read to impose an obligation on DEO that it cannot meet. The first quoted statement "direct[s] DEO to provide . . . the information recommended by Staff, OCC, and OGMG and RESA." *Id.* The problem is that much of that information is not readily available to DEO. For example, Staff recommended that "the amount of any increase in supplier investment in Ohio (such as community involvement, supplier offices, and number of new employees)" should be provided. (Bossart Dir. at 6–7.) Similarly, RESA

recommended that the Commission consider “the amount of any increase in supplier investment in Ohio,” “whether the Suppliers are gearing up their workforce and Ohio located assets,” and whether there are “barriers to development that inhibited development” of “new and varied products.” (Ringenbach Dir. at 6–7.) DEO simply does not have access to this kind of information. Moreover, the scope and content of other information to be provided has yet to be determined, such as the surveys and analysis recommended by OCC. But despite these limitations on DEO’s ability to provide information, the Order could be read to impose on DEO an absolute requirement to provide it.

The other, related concern is that some of the directives could be read to conflict with each other, which in turn could create ambiguity regarding responsibility. For example, it is not clear whether DEO *alone* is responsible for providing all information (as the first quoted statement suggests) or whether DEO *and the suppliers* are to share the responsibility (as the third statement suggests). Likewise, it is not clear whether DEO is under a standing obligation to provide any and all data and analysis referenced in any witness’s testimony (as the first statement suggests) or whether Staff and the stakeholders will informally determine what information is needful and how it shall be provided (as the second statement suggests).

Again, DEO is not contesting whether information should be provided, but to ensure clarity going forward, the Company believes that the Order should be revised to do two things: (1) make clear that DEO does not have a standing duty to provide all information recommended for analysis and (2) provide flexibility in how the process should move forward. Because DEO, Staff, and the other stakeholders should be able to cooperatively and informally work out these questions, detailed resolution in the Order of who is responsible for what information is not

necessary. Indeed, while DEO believes that clarification would be helpful, it recognizes that the Order could be read as approving just such a flexible process.

Thus, to resolve these questions, DEO would propose that the Commission grant rehearing and clarify the data-provision requirements to require DEO to meet with Staff and other interested stakeholders to determine what data should be provided, how it should be provided, and who should be responsible to provide it, while reiterating that Staff and other parties should take appropriate steps to protect information marked as confidential.

DEO does not believe that such a clarification would hinder in any way the Commission's goals of gathering and analyzing necessary information, but it would clarify the process moving forward and alleviate DEO's concerns that the Order could be read to impose a duty impossible for DEO to fulfill.

III. CONCLUSION

For the foregoing reasons, DEO respectfully requests that the Commission grant rehearing for the limited purposes described above.

Dated: February 5, 2013

Respectfully submitted,

/s/ Mark A. Whitt

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CERTIFICATE OF SERVICE

I hereby certify that a copy of DEO's Application for Rehearing was served by electronic mail this 5th day of February, 2013, to the following:

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Summary: App for Rehearing electronically filed by Mr. Andrew J Campbell on behalf of The East Ohio Gas Company d/b/a Dominion East Ohio