

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Application of The East)
Ohio Gas Company d/b/a Dominion)
East Ohio for Approval of Tariffs to) Case No. 12-3116-GA-RDR
Adjust its Automated Meter Reading Cost)
Recovery Charge to Recover Costs)
Incurred in 2012.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued October 15, 2008, in *In the Matter of the Application of 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.*, (Gas Distribution Rate Case) the Commission approved a stipulation that, *inter alia*, provided that the accumulation by The East Ohio Gas Company d/b/a Dominion East Ohio (DEO) of costs for the installation of automated meter reading (AMR) technology may be recovered through a separate charge (AMR cost recovery charge). The opinion contemplated periodic filings of applications and adjustments of the rate under the AMR cost recovery charge. By opinion and order issued April 27, 2011, in *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for Approval of Tariffs to Adjust its Automated Meter Reading Cost Recovery Charge to Recover Costs Incurred in 2011*, Case No. 11-5843-GA-RDR, the Commission approved DEO's current AMR cost recovery charge, thereby allowing DEO to recover costs incurred during 2011.
- (2) On November 30, 2012, DEO filed a prefiling notice of an application supporting a rate adjustment for the AMR cost recovery charge to recover costs incurred during 2012. Subsequently, on March 11, 2013, DEO filed its application in the instant case.
- (3) The attorney examiner notes that the *Gas Distribution Rate Case* contemplated that DEO would file its application prior

to the end of February of each calendar year. In its application in the present case, DEO confirmed that, as stated in its prefiling notice, it would serve an additional notice of its intent to file the application not later than 30 days prior to the filing of the application on the mayor and legislative authority of each municipality pursuant to Sections 4909.18 and 4909.43, Revised Code. However, DEO explained that, due to an oversight, it did not serve the notice until February 8, 2013, which was several days later than 30 days prior to the end of February. DEO provides that this oversight is why it did not file its application until March 11, 2013, to ensure that municipalities had the full 30-day notice. Nevertheless, DEO states that, on February 28, 2013, it served a complete copy of its application on Staff and all the parties to the *Gas Distribution Rate Case* to ensure that the later filing date did not limit their opportunity to review the application.

- (4) In order to accomplish the review of DEO's proposed adjustment to the AMR cost recovery charge, the attorney examiner finds that the following procedural schedule should be established:
 - (a) March 29, 2013 - Deadline for the filing of motions to intervene.
 - (b) March 29, 2013 - Deadline for Staff and intervenors to file comments on the application.
 - (c) April 3, 2013 - Deadline for DEO to file a statement informing the Commission whether the issues raised in the comments have been resolved.
 - (d) April 8, 2013 - Deadline for the parties and Staff to file expert testimony.
 - (e) In the event that some or all of the parties enter into a stipulation resolving some or all of the issues in this case, the parties must file such

stipulation with the Commission by 9:00 a.m. on April 12, 2013.

- (f) In the event that all of the issues are not resolved or the parties enter into a stipulation, a hearing shall commence on April 15, 2013, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215. Any party requesting a continuance of the hearing must file a motion to continue the hearing with the Commission by 9:00 a.m. on April 12, 2013.
- (5) In light of the time frame for this proceeding, the attorney examiner requires that, in the event that any motion is made in this proceeding, any memorandum contra shall be filed within three business days after the service of such motion, and a reply memorandum to any memorandum contra will not be accepted. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.
- (6) In addition, the attorney examiner finds that response time for discovery shall be shortened to seven days. Unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming.
- (7) On January 18, 2013, the Ohio Consumers' Counsel (OCC) filed a motion to intervene. In support of its motion, OCC states that it represents the residential utility customers of DEO and that this case may adversely affect these customers' interests. OCC further submits that its participation will not unduly prolong or delay the proceeding and that its advocacy will significantly contribute to the full development and equitable resolution of the factual issues. No memorandum contra was filed in opposition to OCC's motion to intervene. Accordingly, the attorney examiner finds that OCC's motion to intervene is reasonable and should be granted.

It is, therefore,

ORDERED, That the procedural schedule set forth in finding (4) be adopted. It is, further,

ORDERED, That the parties adhere to the processes established in findings (5) and (6). It is, further,

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

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

By: Katie L. Stenman
Attorney Examiner

JRJ/sc

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in

Case No(s). 12-3116-GA-RDR

Summary: Attorney Examiner Entry ordered a procedural schedule as set forth in finding (4), ordered the parties to adhere to the processes established in findings (5) and (6), and granted OCC's motion to intervene. - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio