

**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 of Tariffs to Adjust its)	Case No. 11-5843-GA-RDR
Automated Meter Reading Cost Recovery)	
Charge and Related Matters.)	

MOTION FOR CLARIFICATION

In accordance with Ohio Adm. Code 4901-1-12(A), The East Ohio Gas Company d/b/a Dominion East Ohio (“DEO”) respectfully requests that the Commission clarify its Entry dated March 20, 2013, in the above-captioned case. Good cause exists to grant this motion as set forth below.

This case is currently pending on appeal. On March 13 and 14, 2013, the Supreme Court of Ohio issued a pair of entries granting DEO’s motion to stay the Commission’s orders in this case and authorizing DEO to reinstate its previously approved rate. In the midafternoon of March 14, DEO filed with the Commission a tariff reinstating the previously approved rate of \$0.57. In three documents—the tariff itself, the cover letter to the tariff, and the e-mail serving both upon the parties to this case and the Commission’s attorney examiners—DEO stated that the tariff was to become effective on March 18, 2013. The tariff was accepted by the Commission’s docketing division, and in the days that followed, DEO received neither formal nor informal indication from the Commission, its employees, or from any party to this case that DEO’s tariff was or should be rejected. Accordingly, in accordance with its filed tariff, DEO began charging the interim AMR Cost Recovery Charge of \$0.57 on bills issued March 18.

On March 20, the Commission issued an Entry approving DEO’s tariff without modification. The Entry acknowledged that DEO “stated its tariff would be effective on bills issued on or after March 18, 2013,” and ordered that “the proposed tariff filed by DEO be

approved.” Entry at 3 (March 20, 2013). The Entry, however, also ordered that “the effective date of the new tariff shall be a date not earlier than the date of this entry.” *Id.* Thus, under the literal terms of the Entry, DEO’s tariff has two approved effective dates: the date included on the “tariff filed by DEO” (March 18) and “the date of this entry” (March 20).

It is not clear to DEO what is intended by the Entry. DEO believes that the effective date of the tariff should be March 18. That is the effective date provided on the tariff filed with and accepted by the Commission on March 14. DEO provided sufficient time between the filing and effective dates of the tariff to ensure that the Commission had opportunity to advise if the tariff was noncompliant. DEO received no such instruction. Indeed, the Commission ordered no revisions to DEO’s tariff but approved it as filed. *See id.* (“the proposed tariff filed by DEO be approved”). In short, the tariffs filed on March 14 were authorized by the Supreme Court, were accepted for filing by the Commission, and have now been affirmatively approved as compliant.

Therefore, the Commission should clarify that the effective date of March 18 stated on the revised tariff filed by DEO is the proper effective date. The second ordering paragraph (which arguably institutes a March 20 effective date) is standard language appearing in many Commission orders and entries. While that language is obviously appropriate to include in the vast majority of entries where no authority has yet authorized the filing of a tariff, it is not necessary in these circumstances.

For these reasons, DEO requests that the Commission clarify its March 20, 2013 Entry as set forth above.

Dated: March 22, 2013

Respectfully submitted,

/s/ Andrew J. Campbell

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Clarification was served by electronic mail this 22nd day of March, 2013 to the following:

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Case No(s). 11-5843-GA-RDR

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