

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review	)	
of its Rules for Competitive Retail Natural	)	
Gas Service Contained in Chapters 4901:1-27	)	Case No. 12-925-GA-ORD
Through 4901:1-34 of the Ohio	)	
Administrative Code	)	

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

In accordance with R.C. 4903.10 and Rule 4901-1-35, Ohio Administrative Code, The East Ohio Gas Company d/b/a Dominion East Ohio (DEO or the Company) hereby files its Application for Rehearing of the Finding and Order issued in the above-captioned case on December 18, 2013 (the Order).

The Order is unreasonable and unlawful because it is ambiguous and potentially in conflict with other rules and tariffs approved by the Commission. For these reasons, as explained in detail in the attached Memorandum in Support, the Commission should grant this application and either clarify or revise the Order to eliminate the potential conflict.

Dated: January 17, 2014

Respectfully submitted,

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## **MEMORANDUM IN SUPPORT**

### **I. INTRODUCTION & BACKGROUND**

DEO files this rehearing application due to a statement in the Order that suggests that utilities may not charge fees for producing and distributing lists of eligible customers. *See* Order at 23. As DEO will show, such fees are already authorized under the rules and have been approved by the Commission in DEO's approved tariffs, among others.

To provide context, certain parties had proposed revising a certain rule to require that governmental aggregators use lists of eligible customers within 30 days or otherwise request a new list. DEO did not oppose this proposal, but clarified that "aggregators should be subject to the LDC's normal fee associated with providing the customer eligible list in *each instance* that a list is requested and provided to the aggregator." (DEO/VEDO Reply Comments at 3 (emphasis sic).) The joint comments did not recommend any new fees, but only that the "normal fee" in their tariffs would still apply.

The Commission adopted the proposed rule change. But it concluded its discussion by stating that it "declines to permit any fees to be charged for the list." Order at 23. This statement is why DEO has sought rehearing.

### **II. ARGUMENT**

DEO respectfully requests that the Commission either clarify or remove the language from the Order that suggests LDCs may not charge fees for providing lists of eligible customers. This would conflict with DEO's Commission-approved tariffs and with the rules adopted by the Commission.

The Commission's existing rules allow LDCs to charge fees for providing information to governmental aggregators. "Charges and/or fees for services and *information provided to*

*governmental aggregators* by natural gas companies shall be published in an approved tariff filed with the commission.” Ohio Adm. Code 4901:1-28-05(B) (emphasis added). The Commission did not amend this provision, although it did renumber it. *See* Order, Attachment B at 11 (adopting identical provision as Ohio Adm. Code 4901:1-28-05(C)).

This rule contemplates that fees for providing information to aggregators will be published in utility tariffs. And under this authority, DEO has proposed and the Commission has approved tariffs that specify a charge for the provision of eligible-customer lists. DEO’s Energy Choice Pooling Service tariffs provide for an “Eligible Customer List Fee.” (*See* DEO Tariffs, 3d Rev. Sheet No. ECPS 3, § 3.) DEO’s tariffs are not unique in this manner: for example, VEDO’s tariffs also contemplate the charging of an “Eligible Customer List Fee.” (*See* VEDO Tariffs, Sheet Nos. 21 & 52.) DEO believes that these fees are reasonable, and to DEO’s knowledge, no party filed comments asking the Commission to prohibit them.

The Order, however, could be read to prohibit the charging of these fees. It states that the Commission “declines to permit any fees to be charged for the list.” Order at 23. In fairness, DEO recognizes that the Commission was dealing with hundreds of comments from dozens of parties representing a variety of interests. And it is possible that the Commission merely intended to reject the notion that additional language regarding such fees was necessary. DEO would have no quarrel with that decision. It did not intend by its comments to change the rules, only to clarify that the existing rules and charges would continue to apply.

Whatever the Order’s intent, however, its language creates a possible conflict with other rules and tariffs that the Commission has approved. DEO seeks rehearing to eliminate this conflict.

### III. CONCLUSION

For the foregoing reasons, DEO respectfully requests that the Commission grant rehearing and clarify that the Commission is not prohibiting the collection of fees for eligible customer lists that have been appropriately included in an LDC's tariffs.

Dated: January 17, 2014

Respectfully submitted,

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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 17th day of January, 2014, 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