

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Audit of the Transportation)	
Migration Rider – Part B of The East Ohio Gas)	Case No. 17-219-GA-EXR
Company D/B/A Dominion East Ohio.)	

In The Matter of The Audit of The Uncollectible)	
Expense Rider of The East Ohio Gas Company)	Case No. 17-319-GA-UEX
D/B/A Dominion East Ohio.)	

In The Matter of The Audit of The Percentage of)	
Income Payment Plan Rider of The East Ohio Gas)	Case No. 17-419-GA-PIP
Company D/B/A Dominion East Ohio.)	

**MOTION TO COMPEL
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

This case involves the Transportation Migration Rider – Part B, Uncollectable Expense Rider, and the Percentage of Income Payment Plan Rider of Dominion East Ohio ("Dominion" or "Utility"). Residential customers pay charges through these riders as part of their natural gas utility service.

OCC served discovery on Dominion, on June 29, 2017. That discovery consisted of seventeen interrogatories and eight requests for production of documents. (Attachment 1). Rather than respond to OCC's discovery, Dominion filed a Motion for an Indefinite Stay of Discovery on July 14, 2017. As of the filing of this pleading, the Public Utilities Commission of Ohio ("PUCO" or "Commission") has not ruled on Dominion's motion to stay and Dominion has not responded to OCC's discovery requests.

Dominion is unlawfully and unreasonably impeding the discovery rights of the Office of the Ohio Consumers' Counsel ("OCC") that, under Ohio law, are an important part of the process for protecting 1.1 million monopoly customers. OCC files this motion

to compel to enforce its rights to ample discovery in this proceeding where the amount that residential customers pay for gas is at issue. Under Ohio Adm. Code 4901-1-12 and 4901-1-23¹, OCC moves the PUCO, the legal director, the deputy legal director, or an attorney examiner for an order compelling Dominion to produce the documents and discovery OCC requested. OCC files this Motion to Compel, with the reasons supporting this motion set forth in the attached Memorandum in Support.

Respectfully submitted,

BRUCE WESTON (0016973)
OHIO CONSUMERS' COUNSEL

/s/ Kevin F. Moore

Kevin F. Moore (0089228)
Assistant Consumers' Counsel
Counsel of Record

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone: [Moore] 614-387-2965
Kevin.moore@occ.ohio.gov
(will accept service via email)

¹ See Ohio Adm. Code 4901-1-12 and 4901-1-23.

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Audit of the Transportation)	
Migration Rider – Part B of The East Ohio Gas)	Case No. 17-219-GA-EXR
Company D/B/A Dominion East Ohio.)	

In The Matter of The Audit of The Uncollectible)	
Expense Rider of The East Ohio Gas Company)	Case No. 17-319-GA-UEX
D/B/A Dominion East Ohio.)	

In The Matter of The Audit of The Percentage of)	
Income Payment Plan Rider of The East Ohio Gas)	Case No. 17-419-GA-PIP
Company D/B/A Dominion East Ohio.)	

MEMORANDUM IN SUPPORT

I. INTRODUCTION

On April 19, 2017, the PUCO issued an Entry ordering that an audit of each rider be conducted by an independent auditor and that comments from impacted parties be submitted.² On June 13, 2017, OCC filed a motion to intervene in this case in order to represent the interests of Dominion’s residential consumers. Dominion did not oppose OCC’s motion to intervene and, in fact, later conceded OCC’s right to participate in this proceeding.³ Consistent with the rights of a party who has filed a Motion to Intervene,⁴ OCC served discovery on Dominion on June 29, 2017. Rather than respond to OCC’s discovery, Dominion filed a Motion for an Indefinite Stay of Discovery on July 14, 2017. As of the time this pleading was filed, there has been no ruling on Dominion’s motion to stay and Dominion has still not responded to OCC’s discovery.

² See *In the Matter of the Audit of the Audit of the Transportation Migration Rider – Part B of the East Ohio Gas Company d/b/a Dominion Energy Ohio*, Case No. 17-0219-GA-EXR, et al., Entry (April 19, 2017) (“April 19 Entry”).

³ See Dominion Motion to Stay at 2.

⁴ Ohio Admin. Code 4901-1-17(A) and 4901-1-16(H).

The issue before the PUCO is whether a utility applicant in a PUCO proceeding is obligated to respond to discovery requests from an intervening party. The answer is yes. Accordingly, the PUCO should grant OCC's motion to compel and protect the due process rights of residential consumers. Such a ruling will affirm that the mere filing of a motion to stay discovery does not relieve the respondent of its burden to respond to discovery. In addition, by granting OCC's motion the PUCO will affirm that discovery rights in its proceedings are important and well-protected under PUCO rules, Ohio law, and PUCO precedent.

II. ARGUMENT

A. Parties have ample rights of discovery under the law and PUCO Rules.

In R.C. 4903.082, the General Assembly established that “[a]ll parties and intervenors shall be granted ample rights of discovery.” Therefore, as a party in this proceeding,⁵ OCC is entitled to timely and complete responses to its discovery inquiries. Additionally, R.C. 4903.082 directs the PUCO to ensure that parties are allowed “full and reasonable discovery” under its rules. According to the PUCO's rules “discovery may begin immediately after a proceeding is commenced.”⁶ OCC's discovery was properly served.

⁵ See Ohio Adm. Code 4901-1-16(H). OCC filed a Motion to intervene on December 17, 2015.

⁶ Ohio Adm. Code 4901-1-17 (A).

In addition, the PUCO has adopted rules that specifically define the scope of discovery. Ohio Adm. Code 4901-1-16(B) provides:

any party to a commission proceeding may obtain discovery of any matter, not privileged, which is relevant to the subject matter of the proceeding. It is not a ground for objection that the information sought would be inadmissible at the hearing, if the information sought *appears* reasonably calculated to lead to the discovery of admissible evidence. (emphasis added).

The PUCO's rule is similar to Ohio Civ. R. 26 (B)(1), which governs the scope of discovery in civil cases. Civ. R. 26(B) has been liberally construed to allow for broad discovery of any unprivileged matter relevant to the subject matter of the pending proceeding.⁷

This scope of discovery is also applicable to requests for production of documents. Requests for Production of Documents may elicit facts, data, or other information known or readily available to the party upon whom the discovery is served, under Ohio Adm. Code §§ 4901-1-20 and 4901-1-21.

Yet, Dominion has blocked OCC's participation in the audit process by refusing to provide any responses to discovery. OCC filed a timely motion to intervene in this proceeding⁸ to represent Dominion's residential consumers.⁹ Accordingly, OCC should have a right to participate and seek information on behalf of residential consumers about the rates that they are being charged by Dominion.

⁷ *Ohio Consumers' Counsel v. Pub. Util. Comm.* (2006), 111 Ohio St.3d 300, ¶83 ("*OCC v. PUC*"), citing to *Moskovitz v. Mt. Sinai Med. Ctr.* (1994), 69 Ohio St.3d 638, 661 and *Disciplinary Counsel v. O'Neill* (1996), 75 Ohio St. 3d 1479.

⁸ See OCC Motion to Intervene (June 13, 2017).

⁹ Under R.C. Chapter 4911, OCC is the statutory representative of Dominion's residential consumers.

OCC's right to discovery is confirmed by law, rule, and Ohio Supreme Court ("Court") precedent.¹⁰ OCC is entitled to timely and complete responses to its discovery inquiries, including the right to request that documents be produced.

Dominion's motion to stay discovery does not relieve Dominion of their obligation to respond to discovery unless and until the PUCO issues an entry granting the motion. If Dominion wished to be relieved of its obligation to respond to discovery requests then it could have filed a motion for a protective order. It did not. OCC seeks to proceed forward with its discovery for Ohio consumers and is unable to do so without the PUCO compelling the Utility to provide responsive documents and answers.

B. The Utility failed to provide required responses to OCC's discovery.

On June 29, 2017, OCC properly and timely served discovery on the Utility. Instead of providing responses to the discovery Dominion filed a motion for an indefinite stay of discovery.¹¹ Dominion argues that all parties' discovery rights should be stayed "unless later permitted by the Commission following the conclusion of the review and comment period...." Specifically, Dominion claims that any discovery at this stage in the proceeding would: (1) unreasonably duplicate the independent audit already ordered; (2) be inconsistent with the role of the parties and the scope of the proceedings defined by the PUCO; and (3) be premature.¹²

The PUCO has made clear that intervening parties have a right to ample and timely discovery and that those rights are not dependent on the stage of the proceeding.

¹⁰ See *OCC v. PUC*, 111 Ohio St.3d at 320 (November 22, 2006).

¹¹ See Dominion Motion to Stay.

¹² Id; OCC fully responded to all of Dominion's arguments in its Memorandum Contra Dominion's Motion to Stay (July 31, 2017).

For example, in a 2012 Entry in PUCO Case No. 11-5351-GA-UNC, the PUCO denied Columbia Gas of Ohio, Inc.'s ("Columbia") Motion to Stay OCC's discovery rights.¹³ Columbia argued that discovery was improper and premature, given that the PUCO had not set a procedural schedule in the case. Columbia claimed that without a procedural schedule it is impossible to know whether OCC's discovery requests are relevant or likely to lead to the discovery of admissible evidence and that if a hearing was not scheduled then discovery should be permanently stayed. Finally, Columbia argued that the mere filing of an application does not trigger a party's discovery rights.

The PUCO summarily denied Columbia's Motion, noting that the discovery process is required under the law and PUCO rule, may begin immediately after a proceeding commences, and is beneficial because it assists the PUCO in being better informed in its review of utility applications:

¹³ See *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., Entry at 2-4 (Jan. 27, 2012).

Upon consideration of Columbia's motion to stay discovery, the attorney examiner finds that, although the Commission will determine what further process may be necessary following the receipt of the comments and reply comments, the parties should be permitted to continue the discovery process. Section 4903.082, Revised Code, requires the Commission to ensure ample rights of discovery, while Rule 4901-1-17(A), O.A.C, generally provides that discovery may begin immediately after a proceeding is commenced and should be completed as expeditiously as possible. The discovery process will aid the parties in the preparation of their comments and reply comments in these cases and, ultimately, better inform the Commission's review of the application.¹⁴

Dominion's position, therefore, that discovery at this stage of the proceeding is improper, is in conflict with this PUCO precedent.

Moreover, filing a motion to stay discovery does not relieve the filer of its obligation to respond to pending discovery requests.¹⁵ It is the PUCO's entry granting the motion for stay of discovery or protective order -- not the filing of the motion -- that authorizes an entity's refusal to respond to discovery. Indeed when the PUCO has granted a stay of discovery in the past, they have explicitly ordered that discovery be stayed in its

¹⁴ Id at 3; See also e.g., *In the Matter of the Application of The Dayton Power and Light Company for Authority to Modify and Amend its Existing Electric Rates to Phase in Rates Reflecting the Costs of Zimmer Station*, Case No. 88-1047-EL-UNC, Entry at 4 (Sept. 7, 1988) ("The Commission finds it necessary to remind the parties, that the purpose of the Commission's discovery rules is "to encourage the prompt and expeditious use of prehearing discovery in order to facilitate thorough and adequate preparation for participation in commission proceedings . . . [and the] rules are also intended to minimize commission intervention in the discovery process". Rule 4901-1-16(A), O.A.C. The parties are expected to comply with those worthy intentions of the Commission's discovery rules."); *In the Matter of the Complaint of the Ohio Bell Telephone Company d/b/a AT&T Ohio, Complainant, v. City of Springfield, Ohio, Resident*, Case No. 17-291-AU-PWC, Entry at 3-4 (March 30, 2017) ("In addition, the parties are reminded that, pursuant to Ohio Adm. Code 4901-1-17, discovery may begin immediately after a [*4] proceeding is commenced and should be completed as expeditiously as possible."); *In the Matter of the Application of MFS Intelenet of Ohio, Inc. for a Certificate of Public Convenience and Necessity to Operate as a Local Exchange Company in Certain Specified Areas*, Case No. 94-2019-TP-ACE, Entry at 4 (March 9, 1995) ("Pursuant to Rule 4901-1-17, Ohio Administrative Code (O.A.C.), discovery may begin immediately after a proceeding is commenced and should be completed as expeditiously as possible.").

¹⁵ Cf. Ohio Admin. Code 4901-1-16(B) (any party to a commission proceeding may obtain discovery of any matter, not privileged, which is relevant to the subject matter of the proceeding); Ohio Admin. Code 4901-1-17(A) (Discovery may begin immediately after a proceeding is commenced and should be completed as expeditiously as possible).

entries.¹⁶ If Dominion was seeking to ensure that discovery not be had, it should have filed a motion for a protective order.¹⁷ It did not.

C. OCC's discovery requests sought to discover information reasonably calculated to lead to the discovery of admissible evidence.

As stated earlier, any party to a PUCO proceeding may obtain discovery of any matter, not privileged, which is relevant to the subject matter of the proceeding so long as the information sought *appears* reasonably calculated to lead to the discovery of admissible evidence. Thus, the standard for what is relevant in the context of discovery at a PUCO proceeding is very broad. Notably, it is a broader standard than the standard applied to evidence admitted at the hearing.

The interrogatories and requests for production of documents asked a number of specific questions regarding Dominion's Transportation Migration Rider – Part B, Uncollectable Expense Rider, and the Percentage of Income Payment Plan Rider that are at issue in this case.¹⁸ This discovery seeks answers to questions about the costs that are charged to consumers through these riders and the circumstances of the programs that affect those riders.¹⁹ OCC also sought copies of all discovery requests received by Dominion from other parties and the Utility's responses to those data requests or discovery.²⁰ OCC's discovery is limited to 17 interrogatories and eight requests for documents, which seek information regarding costs and programs that are being audited

¹⁶ *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company for Authority to provide for a standard service offer*, Case No. 14-1297-EL-SSO, Entry (May 20, 2016) (Granting a motion to stay discovery).

¹⁷ Ohio Admin. Code 4901-1-24(A)(1).

¹⁸ Attachment 1.

¹⁹ *Id.*

²⁰ *Id.*

in this proceeding.²¹ Dominion should not be permitted to avoid answering these basic requests that are reasonably calculated to lead to the discovery of admissible evidence.

D. OCC undertook reasonable efforts to resolve the discovery dispute.

As mentioned earlier, under Ohio Adm. Code 4901-1-23(C) a party shall not file a motion to compel until the party seeking discovery has exhausted all other reasonable means of resolving any differences with the party or person from whom discovery is sought. OCC attempted to resolve the discovery disputes without PUCO intervention even after Dominion had filed a Motion for an indefinite stay of discovery. These attempts were unsuccessful.²² Therefore, OCC counsel has exhausted all other reasonable means of resolving any differences with Dominion.

E. OCC's Motion to Compel complies with the PUCO rules.

Ohio Adm. Code 4901-1-23(C) details the technical requirements for a Motion to Compel, all of which OCC meets in this pleading. Those requirements include a memorandum in support, setting forth: (a) the specific basis of the motion, and citations of any authorities relied upon; (b) a brief explanation of how the information sought is relevant to the pending proceeding; and (c) the filing of an affidavit explaining how the party seeking to compel discovery has exhausted all other reasonable means of resolving the differences with the party from whom the discovery is sought.

OCC has detailed in the attached affidavit²³ the efforts counsel undertook to resolve differences with Dominion, consistent with Rule 4901-1-23(C)(3). At this time,

²¹ Id.

²² Attachment 2.

²³ Attachment 2.

OCC has reached an impasse with the Utility that has left OCC no choice but to proceed accordingly to obtain the discovery to which it is entitled.

IV. CONCLUSION

It is unjust and unreasonable for Dominion to refuse to provide responses to OCC's discovery requests that are needed for protection of a million monopoly customers. These discovery requests are reasonably calculated to lead to the discovery of admissible evidence. Dominion's refusal to answer OCC's discovery is not well founded. The law, Court precedent, PUCO Rules, and the earlier PUCO Order confirm OCC's right to prepare for its case, on behalf of residential customers, by engaging in ample discovery.

For the reasons set forth in OCC's Memorandum in Support, OCC respectfully requests that the PUCO grant its Motion to Compel. To facilitate thorough and adequate preparation for participation in this proceeding, OCC requests that the PUCO order Dominion to respond to OCC's discovery requests immediately after ruling on this motion.

Respectfully submitted,

BRUCE WESTON (0016973)
OHIO CONSUMERS' COUNSEL

/s/ Kevin F. Moore

Kevin F. Moore (0089228)
Assistant Consumers' Counsel
Counsel of Record

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone: [Moore] 614-387-2965
Kevin.moore@occ.ohio.gov
(will accept service via email)

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Audit of the Transportation)
Migration Rider – Part B of The East Ohio Gas) Case No. 17-219-GA-EXR
Company D/B/A Dominion East Ohio.)

In The Matter of The Audit of The Uncollectible)
Expense Rider of The East Ohio Gas Company) Case No. 17-319-GA-UEx
D/B/A Dominion East Ohio.)

In The Matter of The Audit of The Percentage of)
Income Payment Plan Rider of The East Ohio Gas) Case No. 17-419-GA-PIP
Company D/B/A Dominion East Ohio.)

**INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS
PROPOUNDED UPON THE EAST OHIO GAS COMPANY
D/B/A DOMINION EAST OHIO
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

**FIRST SET
(JUNE 29, 2017)**

The Office of the Ohio Consumers' Counsel, in the above-captioned proceedings before the Public Utilities Commission of Ohio, submits the following Interrogatories and Requests for Production of Documents pursuant to Sections 4901-1-19, 4901-1-20 and 4901-1-22 of the Ohio Adm. Code for response from the East Ohio Gas Company dba Dominion East Ohio ("DEO" or "Company" or "Utility") within 20 days, and no later than any shorter period required by the Public Utilities Commission of Ohio or its authorized representative. An electronic, non-pdf (e.g. Excel) response should be provided to the Office of the Ohio Consumers' Counsel at the following addresses:

Ajay Kumar (0092208), Counsel of Record
Kevin F. Moore (0089228)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone: [Kumar] 614-466-1292
Telephone: [Moore] 614-387-2965
Ajay.kumar@occ.ohio.gov
Kevin.moore@occ.ohio.gov

Additionally, DEO must follow the instructions provided herein in responding to the inquiries. Definitions are provided below that are used in the Office of the Ohio Consumers' Counsel's discovery.

DEFINITIONS

1. Document" or "Documentation" when used herein, is used in its customary broad sense, and means all originals of any nature whatsoever, identical copies, and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin. The term specifically includes, without limiting the generality of the following: punchcards, printout sheets, movie film, slides, PowerPoint slides, phonograph records, photographs, memoranda, ledgers, work sheets, books, magazines, notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, checks and drafts, acknowledgments, invoices, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind, telegrams, drafts, instructions,

announcements, schedules, price lists, electronic copies, reports, studies, statistics, forecasts, decisions, and orders, intra-office and inter-office communications, correspondence, financial data, summaries or records of conversations or interviews, statements, returns, diaries, workpapers, maps, graphs, sketches, summaries or reports of investigations or negotiations, opinions or reports of consultants, brochures, bulletins, pamphlets, articles, advertisements, circulars, press releases, graphic records or representations or publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic (including e-mail), mechanical and electrical records of any kind and computer produced interpretations thereof (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes, amendments, and mechanical or electric sound recordings and transcripts to the foregoing. A request for discovery concerning documents addressing, relating or referring to, or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or produced; however, drafts of a document or documents differing from one another by initials, interlineations, notations, erasures, file stamps, and

the like shall be deemed to be distinct documents requiring separate identification or production. Copies of documents shall be legible.

2. “Communication” shall mean any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations. A request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.
3. The “substance” of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.
4. “And” or “Or” shall be construed conjunctively or disjunctively as necessary to make any request inclusive rather than exclusive.
5. “You,” and “Your,” or “Yourself” refer to the party requested to produce documents and any present or former director, officer, agent, contractor, consultant, advisor, employee, partner, or joint venturer of such party.
6. Each singular shall be construed to include its plural, and vice versa, so as to make the request inclusive rather than exclusive.
7. Words expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.

8. “Person” includes any firm, corporation, joint venture, association, entity, or group of natural individuals, unless the context clearly indicates that only a natural individual is referred to in the discovery request.
9. “Identify,” or “the identity of,” or “identified” means as follows:
 - A. When used in reference to an individual, to state his full name and present or last known position and business affiliation, and his position and business affiliation at the time in question;
 - B. When used in reference to a commercial or governmental entity, to state its full name, type of entity (e.g., corporation, partnership, single proprietorship), and its present or last known address;
 - C. When used in reference to a document, to state the date, author, title, type of document (e.g., letter, memorandum, photograph, tape recording, etc.), general subject matter of the document, and its present or last known location and custodian;
 - D. When used in reference to a communication, to state the type of communication (i.e., letter, personal conversation, etc.), the date thereof, and the parties thereto and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identity of other persons in the presence of each party thereto;
 - E. When used in reference to an act, to state the substance of the act, the date, time, and place of performance, and the identity of the actor and all other persons present.

- F. When used in reference to a place, to state the name of the location and provide the name of a contact person at the location (including that person's telephone number), state the address, and state a defining physical location (for example: a room number, file cabinet, and/or file designation).
10. The terms "PUCO" and "Commission" and refer to the Public Utilities Commission of Ohio, including its Commissioners, personnel (including Persons working for the PUCO Staff as well as in the Public Utilities Section of the Ohio Attorney General's Office), and offices.
11. The term "e.g." connotes illustration by example, not limitation.
12. "OCC" means the Office of the Ohio Consumers' Counsel.
13. "DEO" and/or "Company" and/or "Utility" mean the East Ohio Gas Company dba Dominion East Ohio.

INSTRUCTIONS FOR ANSWERING

1. All information is to be divulged which is in your possession or control, or within the possession or control of your attorney, agents, or other representatives of yours or your attorney.
2. Where an interrogatory calls for an answer in more than one part, each part should be separate in the answer so that the answer is clearly understandable.
3. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections are to be signed by the attorney making them.
4. If any answer requires more space than provided, continue the answer on the reverse side of the page or on an added page.
5. Your organization(s) is requested to produce responsive materials and information within its physical control or custody, as well as that physically controlled or possessed by any other person acting or purporting to act on your behalf, whether as an officer, director, employee, agent, independent contractor, attorney, consultant, witness, or otherwise.
6. Where these requests seek quantitative or computational information (e.g., models, analyses, databases, and formulas) stored by your organization(s) or its consultants in computer-readable form, in addition to providing hard copy (if an electronic response is not otherwise provided as requested), you are requested to produce such computer-readable information, in order of preference:
 - A. Microsoft Excel worksheet files on compact disk;

- B. other Microsoft Windows or Excel compatible worksheet or database diskette files;
 - C. ASCII text diskette files; and
 - D. Such other magnetic media files as your organization(s) may use.
7. Conversion from the units of measurement used by your organization(s) in the ordinary course of business need not be made in your response; e.g., data requested in kWh may be provided in mWh or gWh as long as the unit measure is made clear.
8. Unless otherwise indicated, the following requests shall require you to furnish information and tangible materials pertaining to, in existence, or in effect for the whole or any part of the period from January 1, 2004 through and including the date of your response.
9. Responses must be complete when made, and must be supplemented with subsequently acquired information at the time such information is available.
10. In the event that a claim of privilege is invoked as the reason for not responding to discovery, the nature of the information with respect to which privilege is claimed shall be set forth in responses together with the type of privilege claimed and a statement of all circumstances upon which the respondent to discovery will rely to support such a claim of privilege (i.e. provide a privilege log). Respondent to the discovery must a) identify (see definition) the individual, entity, act, communication, and/or document that is the subject of the withheld information based upon the privilege claim, b) identify all persons to whom the information has already been

revealed, and c) provide the basis upon which the information is being withheld and the reason that the information is not provided in discovery.

INTERROGATORIES

INT-1. Regarding the Transportation Migration Rider (“TMR”), what was the total number of residential customers who were provided natural gas service through the Standard Choice Offer (“SCO”) on a monthly basis between April 2016 and March 2017?

RESPONSE:

INT-2. Regarding the TMR, what was the total number of residential customers who were provided natural gas service through a government aggregation program on a monthly basis between April 2016 and March 2017?

RESPONSE:

INT-3. Regarding the TMR, what was the total number of residential customers who were provided natural gas service through a Competitive Retail Natural Gas Service (“CRNGS”) on a monthly basis between April 2016 and March 2017?

RESPONSE:

INT-4. Regarding the TMR, what was the total number of residential customers who were provided natural gas service through a CRNGS provider on a monthly basis between April 2016 and March 2017 where the service was provided pursuant to the term of a Monthly Variable Rate (“MVR”) commodity service tariff?

RESPONSE:

INT-5. On a monthly basis between April 2016 and March 2017:

- a) What was the total volume in MCF of natural gas used by residential customers served on the SCO
- b) What was the SCO price per MCF?
- c) What was the total volume in MCF of natural gas used by residential customers served on a government aggregation program?
- d) What was the average price per MCF for customers served by a government aggregation program?
- e) What was the total volume in MCF of natural gas used by residential customers who were served by a CRNGS provider?
- f) What was the average price per MCF that was charged customers who were served by a CRNGS provider?
- g) What was the total volume in MCF of natural gas used by residential customers served on the MVR tariff?

- h) What was the average price per MCF for customers who were served on the MVR tariff?

RESPONSE:

- INT-6. Does Dominion publish the SCO rate on customer bills (including the bills for customers who are served by CRNGS providers, government aggregation, or the MVR tariff)?

RESPONSE:

- INT-7. Regarding the Uncollectible Expense Rider (“UEX”), what was the total number of residential customers who were disconnected for non-payment on a monthly basis between April 1, 2016 and March 31, 2017 and what was the average amount owed at the time service was disconnected?

RESPONSE:

- INT-8. Referring to the Company response to INT-7, what was the average disconnection amount for residential customers who received natural gas through the SCO for the entire period between April 1, 2016 and March 31, 2017?

RESPONSE:

INT-9. Referring to the Company response to INT-7, what was the average disconnection amount for residential customers who received natural gas through a CRNGS provider during any portion of the period between April 1, 2016 and March 31, 2017?

RESPONSE:

INT-10. Referring to the Company response to INT-7, what was the average disconnection amount for residential customers who received natural gas through a government aggregator during any portion of the period between April 1, 2016 and March 31, 2017?

RESPONSE:

INT-11. Referring to the Company response to INT-7, what was the average disconnection amount for residential customers who received natural gas through the MVR tariff for any portion of the period between April 1, 2016 and March 31, 2017?

RESPONSE:

INT-12. What is the total number of customers who were assessed late payment charges and the amount of late payment charges that were assessed to residential customers on a monthly basis between April 1, 2016 and March 31, 2017?

RESPONSE:

INT-13. Referring to the Company response to INT-12:

- a) What is the total number of customers on the SCO that were assessed late payment charges and the amount of the late payment charges on a monthly basis between April 1, 2016 and March 31, 2017?
- b) What is the total number of customers on government aggregation programs who were assessed late payment charges and the amount of the late payment charges on a monthly basis between April 1, 2016 and March 31, 2017?
- c) What is the total number of customers served by CRNGS providers who were assessed late payment charges and the amount of the late payment charges on a monthly basis between April 1, 2016 and March 31, 2017?
- d) What is the total number of customers on a MVR tariff who were assessed late payment charges and the amount of the late payment

charges on a monthly basis between April 1, 2016 and March 31, 2017?

RESPONSE:

INT-14. Regarding the Percentage of Income Payment Plan (“PIPP”), how many residential customers were served on the PIPP program on a monthly basis between April 1, 2016 and March 31, 2017?

RESPONSE:

INT-15. What was the average bill on a monthly basis between April 1, 2016 and March 31, 2016 for customers served on the PIPP program?

RESPONSE:

INT-16. What was the average PIPP installment amount on a monthly basis between April 1, 2016 and March 31, 2016 for customers served on the PIPP program?

RESPONSE:

INT-17. On a monthly basis between April 1, 2016 and March 31, 2016, how many
PIPP customers paid their natural gas bill in-full and on-time?

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

* In accordance with Ohio Adm. Code 4901-1-16(D)(5) the OCC is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is available.

- RPD-1. Please provide copies of all formal and informal requests (e.g. interrogatories, data requests) made to the Company by the Commission, the PUCO Staff and the PUCO's Attorneys General in this proceeding, and the Company's responses to those requests.
- RPD-2. Please provide copies of all documents and workpapers provided to the Commission, the PUCO Staff and/or the PUCO's Attorneys General in connection with this proceeding.
- RPD-3. Please provide copies of all discovery received by the Company from other parties in this proceeding, and the Company's response to that discovery.
- RPD-4. Please provide copies of all formal and informal requests (e.g. interrogatories, data requests) made to the Company by the Auditor in this proceeding, and the Company's responses to those requests.

- RPD-5. Please provide copies of all documents and workpapers provided to the Auditor in connection with this proceeding.
- RPD-6. Please provide any draft audit reports received in this Proceeding by the Company from the PUCO, the PUCO Staff, the PUCO's Attorneys General, and/or the Auditor.
- RPD-7. Please provide any communications in this Proceeding between the Company and the PUCO, the PUCO Staff, the PUCO's Attorneys General, and/or the Auditor relating to any draft audit reports identified in response to RPD-6.
- RPD-8. Please provide a copy of all credit and collection policies and procedures that were in effect during any portion of the period between April 1, 2016 and March 31, 2017.

CERTIFICATE OF SERVICE

I hereby certify that a copy of these *Interrogatories and Requests for Production of Documents Propounded Upon the East Ohio Gas Company dba Dominion East Ohio by the Office of the Ohio Consumers' Counsel, First Set*, was served on the persons stated below via electronic transmission, this 29th day of June, 2017.

/s/ Ajay Kumar
Ajay Kumar
Assistant Consumers' Counsel

SERVICE LIST

William.wright@ohioattorneygeneral.gov	whitt@whitt-sturtevant.com
	campbell@whitt-sturtevant.com
	glover@whitt-sturtevant.com

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Audit of the Transportation)	
Migration Rider – Part B of The East Ohio Gas)	Case No. 17-219-GA-EXR
Company D/B/A Dominion East Ohio.)	

In The Matter of The Audit of The Uncollectible)	
Expense Rider of The East Ohio Gas Company D/B/A)	Case No. 17-319-GA-UEX
Dominion East Ohio.)	

In The Matter of The Audit of The Percentage of)	
Income Payment Plan Rider of The East Ohio Gas)	Case No. 17-419-GA-PIP
Company D/B/A Dominion East Ohio.)	

AFFIDAVIT OF KEVIN F. MOORE

I, Kevin F. Moore, attorney for the Office of the Ohio Consumers' Counsel ("OCC") in the above captioned cases, being first duly sworn, depose and state that the following efforts have been made to resolve the differences with The East Ohio Gas Company D/B/A Dominion East Ohio ("Dominion") in regard to OCC's Interrogatories and Request for Production of Documents ("OCC Discovery"), consisting of seventeen interrogatories and eight requests for production. (See Attachment 1).

1. On June 29, 2017, OCC served Discovery on Dominion. Responses to the OCC Discovery were due July 19, 2017. As of the time this affidavit was signed, Dominion has not responded to the OCC Discovery.

2. On July 14, 2017, Dominion filed a Motion for an Indefinite Stay of Discovery.

3. On July 31, 2017, OCC filed a Memorandum Contra Dominion's Motion for an Indefinite Stay of Discovery.

4. On August 8, 2017, Dominion filed a Reply in Support of its Motion. As of the time this affidavit was signed, the Public Utilities Commission of Ohio has not ruled on Dominion's Motion for Indefinite Stay of Discovery.

5. On August 25, 2017, I called Rebekah Glover, counsel for Dominion, to discuss Dominion's failure to timely respond to the OCC Discovery. I told Ms. Glover that if the discovery dispute could not be resolved, OCC would likely file a motion to compel Dominion to respond to the OCC Discovery. Ms. Glover stated that she would speak with her co-counsel, Andy Campbell, about the issue and contact me as soon as possible.

6. On August 28, 2017, Mr. Campbell sent me an email stating that he had spoken with Ms. Glover about the issue with the OCC Discovery and that he would be willing to discuss the matter. Mr. Campbell and I then exchanged several emails setting up a telephone conference call.

7. On August 29, 2017, Mr. Campbell and I discussed the OCC Discovery at length. At the end of the discussion, it was agreed that there is an impasse regarding the OCC Discovery. I then informed Mr. Campbell that OCC would be filing a Motion to Compel Dominion's responses to the OCC Discovery.


8. It is clear that efforts to resolve the dispute over the discovery failed, necessitating this Motion to Compel.

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The undersigned, being of lawful age and duly sworn on oath, hereby certifies, deposes and state the following:

I have caused to be prepared the attached written affidavit for OCC in the above referenced cases. This affidavit is true and correct to the best of my knowledge, information and belief.

Further affiant sayeth naught.


Kevin Moore, Affiant

Subscribed and sworn to before me this 1st day of September, 2017.


Notary Public



Debra Jo Bingham, Notary Public
Union County, State of Ohio
My Commission Expires June 13, 2020

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Motion to Compel was served upon the persons listed below via electronic transmission this 1st day of September 2017.

/s/ Kevin F. Moore

Kevin F. Moore

Assistant Consumers' Counsel

SERVICE LIST

William.wright@ohioattorneygeneral.gov

whitt@whitt-sturtevant.com

campbell@whitt-sturtevant.com

glover@whitt-sturtevant.com

Attorney Examiner:

James.lynn@puc.state.oh.us

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/1/2017 4:53:49 PM

in

Case No(s). 17-0219-GA-EXR, 17-0319-GA-UEX, 17-0419-GA-PIP

Summary: Motion Motion to Compel by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Moore, Kevin F. Mr.