

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application to Modify, in)	
Accordance with R.C. 4929.08, the)	
Exemption Granted to the East Ohio Gas)	Case No. 12-1842-GA-EXM
Company d/b/a Dominion Energy Ohio in)	
Case No. 07-1224-GA-EXM.)	

**RESPONSE TO THE MOTIONS TO MODIFY OF
THE EAST OHIO GAS COMPANY D/B/A DOMINION ENERGY OHIO**

On March 9 and 12, 2018, the Office of the Ohio Consumers' Counsel (OCC) and Ohio Partners for Affordable Energy (OPAE) respectively filed motions to modify an exemption (the Motions) previously granted to The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO).

On March 26, the Retail Energy Supply Association (RESA) and Direct Energy filed a joint motion for an extension of time to respond to the Motions until March 30, 2018. The RESA motion assumed that the general 15-day deadline applicable to motions filed under Ohio Adm. Code 4901-1-12 applied in this case as well. In its earlier motion to intervene, DEO had explained its belief that the general rule did not apply to the Motions, which were filed under a different rule (Ohio Adm. Code 4901:1-19-11) that does not provide a fixed response time, but rather that the Commission shall establish procedural requirements on a case-by-case basis.

At the time of filing, however, neither a procedural schedule nor a ruling on the motion for an extension of time had been issued. Given that it is unclear what obligation DEO might be under to respond, the Company will offer a brief response to the Motions.

DEO would first reiterate that it does not believe that a motion to modify a previously granted exemption should be treated like an "ordinary" motion (*e.g.*, for a continuance or to

intervene). This is not merely a matter of legal technicalities. The Motions seek a structural change to DEO's Energy Choice program that involves hundreds of thousands of customers and has been subject to negotiation and development in various dockets and appeals for over 15 years. A proper evaluation and comprehensive response to the issues raised within the Motions cannot be provided in a matter of a couple of weeks. Whether one agrees or disagrees with the Motions, they raise serious issues and would pose significant impacts, all of which warrant consideration over the course of a proceeding, with time for discussion and proper vetting of the issues. Whatever action follows the Commission's consideration of the Motions and responses, DEO recommends that it *not* reach the merits of the Motions but instead lay out the path that this proceeding will follow.

To that end, DEO will respectfully offer a recommendation for how these Motions should be addressed. Although the Company would not support granting the Motions as filed, it does appreciate the motive and concerns behind them. DEO believes that those concerns should first be addressed through collaboration and, only if that fails, by way of litigation. By and large, the Energy Choice program has been developed through cooperation among DEO, Staff, customer groups, and suppliers. To DEO's knowledge, a stakeholder discussion of the issues raised in the Motions has not yet taken place, and the affected parties should be given an opportunity to discuss these issues before embarking on litigation.

For its part, DEO would be willing to take part in a collaborative process and seek to identify reasonable solutions to address the concerns set forth in the Motions.

Dated: March 30, 2018

Respectfully submitted,

/s/ Andrew J. Campbell

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ATTORNEYS FOR THE EAST OHIO GAS
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail this 30th day of March, 2018, to the following:

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/s/ Rebekah J. Glover

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Case No(s). 12-1842-GA-EXM

Summary: Response to the Motions to Modify electronically filed by Ms. Rebekah J. Glover on behalf of The East Ohio Gas Company d/b/a Dominion Energy Ohio