

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION
OF THE EAST OHIO GAS COMPANY D/B/A
DOMINION ENERGY OHIO FOR APPROVAL
OF CHANGES IN RULES AND
REGULATIONS.

CASE NO. 17-820-GA-ATA

THIRD ENTRY ON REHEARING

Entered in the Journal on April 4, 2018

I. SUMMARY

{¶ 1} The Commission grants the joint request to withdraw Ohio Consumers' Counsel's second application for rehearing and authorizes The East Ohio Gas Company d/b/a Dominion Energy Ohio to amend its tariff for the Transportation Migration Rider – Part B, as set forth in this Third Entry on Rehearing.

II. DISCUSSION

{¶ 2} The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or the Company) is a natural gas company as defined by R.C. 4905.03 and a public utility as defined by R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission, pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 3} On March 24, 2017, DEO filed an application in the above-captioned proceeding seeking the Commission's approval to add or amend certain provisions in certain tariffs necessary to accommodate a planned acquisition of additional contract pipeline capacity in the Ashtabula, Ohio area,¹ as well as updating several references to provisions of the Ohio Administrative Code that have been renumbered since the tariffs were last approved.

¹ The tariffs proposed to be modified include the Transportation Migration Rider (TMR) – Parts A and B, General Terms and Conditions of Transportation Service, and General Terms and Conditions of Energy Choice Pooling Service.

{¶ 4} On April 6, 2017, Staff filed its recommendations following its review of the Company's application. Staff found the tariffs to be reasonable and recommended that the Commission approve the application.

{¶ 5} Motions to intervene in this proceeding were filed by the Retail Energy Supply Association (RESA), on April 13, 2017, and the Ohio Consumers' Counsel (OCC) and Interstate Gas Supply, Inc. (IGS Energy), on May 8, 2017.

{¶ 6} RESA and OCC filed initial comments on May 10, 2017.

{¶ 7} On June 27, 2017, DEO filed a supplemental application in which it requested that the Commission review and approve: DEO's commitment to reserve capacity and purchase services at the price, terms, and conditions set forth in the precedent agreement and various exhibits; the updated tariff provisions; and the recovery of the associated capacity costs through the TMR – Part B.²

{¶ 8} On July 28, 2017, DEO, OCC, Staff, and RESA filed reply comments in response to the initial comments, as well as the Company's supplemental application, as directed by the attorney examiner.

{¶ 9} On September 5, 2017, DEO filed correspondence indicating that the issues raised in RESA's comments had been resolved, subject to the Commission's approval of a number of proposals set forth in the Company's letter.

{¶ 10} On September 13, 2017, the Commission issued a Finding and Order approving the Application of DEO to amend its tariffs to accommodate an acquisition of contract pipeline capacity in the Ashtabula, Ohio area, and adopting the proposals set forth in the correspondence dated September 5, 2017. The Commission also granted the motions for intervention filed by RESA, OCC, and IGS Energy.

² Collectively, the application and supplemental application will be referred to as the Application.

{¶ 11} R.C. 4903.10 states that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined in that proceeding, by filing an application within 30 days after the entry of the order upon the journal of the Commission.

{¶ 12} On October 13, 2017, OCC filed an application for rehearing of the September 13, 2017 Finding and Order, raising two specific assignments of error. DEO filed a memorandum contra OCC's application for rehearing on October 23, 2017.

{¶ 13} The Commission granted OCC's application for rehearing on November 1, 2017, for the limited purpose of allowing the Commission further consideration of the matters specified in the application for rehearing.

{¶ 14} Thereafter, on February 7, 2018, the Commission denied OCC's application for rehearing of the September 13, 2017 Finding and Order in its entirety (Second Entry on Rehearing).

{¶ 15} OCC filed its second application for rehearing on March 9, 2018, asserting one assignment of error. DEO filed its memorandum contra OCC's second application for rehearing on March 19, 2018.

{¶ 16} On April 2, 2018, DEO and OCC filed a joint resolution of OCC's second application for rehearing, proposing language to include within the tariff authorizing TMR-Part B in an effort to resolve the concerns raised by OCC. Specifically, the parties propose to include the following language: "This Rider is subject to reconciliation or adjustment, including, but not limited to, increases or refunds. Such reconciliation or adjustment shall be limited to the twelve-month period of expenditures subject to annual review and audit by the Commission, if determined to be unlawful, unreasonable, or imprudent by the Commission in such docket or by the Supreme Court of Ohio." As such, DEO and OCC jointly request that the Commission issue an order accepting the withdrawal of OCC's

second application for rehearing and authorizing DEO to amend its tariff as described in Paragraph 16.

{¶ 17} Upon review of DEO and OCC's joint request, the Commission finds that the proposed amended tariff language for TMR-Part B is consistent with the Commission's prior decisions in this proceeding and in line with other approved utility tariff reconciliation provisions. The Commission finds that the amended language is just and reasonable; therefore, we accept the withdrawal of OCC's second application for rehearing, approve the proposed tariff language, and direct DEO to amend its tariff as set forth in this Third Entry on Rehearing. We note that our approval of the proposed tariff language for TMR-Part B is premised on DEO's willingness to include the language in its tariff, in order to resolve the concerns set forth in OCC's second application for rehearing.

III. ORDER

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That the joint request to withdraw OCC's second application for rehearing be granted. It is, further,

{¶ 20} ORDERED, That the proposed tariff language for TMR-Part B be approved, consistent with this Third Entry on Rehearing. It is, further,

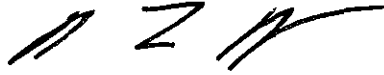
{¶ 21} ORDERED, That DEO is authorized to file, in final form, completed copies of its approved tariff in its TRF docket, as well as in this case docket. It is, further,

{¶ 22} ORDERED, That the effective date of the new tariffs shall be a date not earlier than the date of this Third Entry on Rehearing, and the date upon which the final tariffs are filed with the Commission. It is, further,

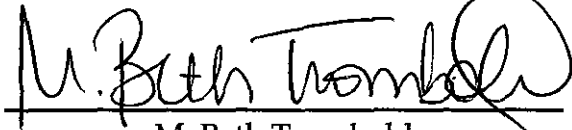
{¶ 23} ORDERED, That nothing in this Third Entry on Rehearing shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

{¶ 24} ORDERED, That a copy of this Third Entry on Rehearing be served upon all parties and interested persons of record.

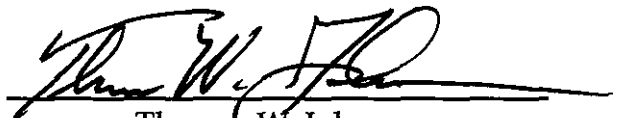
THE PUBLIC UTILITIES COMMISSION OF OHIO



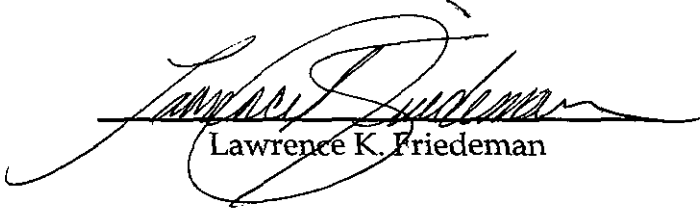
Asim Z. Haque, Chairman



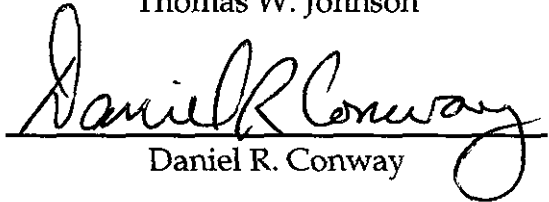
M. Beth Trombold



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Barcy F. McNeal
Secretary