

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
NORTHEAST OHIO NATURAL GAS CORP.
FOR AN INCREASE IN GAS DISTRIBUTION
RATES.

CASE NO. 18-1720-GA-AIR

IN THE MATTER OF THE APPLICATION OF
NORTHEAST OHIO NATURAL GAS CORP.
FOR TARIFF APPROVAL.

CASE NO. 18-1721-GA-ATA

IN THE MATTER OF THE APPLICATION OF
NORTHEAST OHIO NATURAL GAS CORP.
FOR APPROVAL OF AN ALTERNATIVE
RATE PLAN.

CASE NO. 18-1722-GA-ALT

ENTRY

Entered in the Journal on June 28, 2019

{¶ 1} Brainard Gas Corp. (Brainard), Orwell Natural Gas Company (Orwell), Spelman Pipeline Holdings, LLC (Spelman), and Northeast Ohio Natural Gas Corp. (NEO) (collectively, NEO)¹ are natural gas companies or pipeline companies as defined by R.C. 4905.03 and public utilities as defined by R.C. 4905.02, and, as such, are subject to the jurisdiction of this Commission.

{¶ 2} The fixation of rates for public utilities in the state of Ohio is governed by R.C. Chapter 4909. The statutory requirements for an application to increase a public utility's rates are enumerated in R.C. 4909.17, 4909.18, 4909.19, and 4909.43. Also, pursuant to R.C. 4901.13, 4909.04(C), and 4909.18, the Commission adopted Ohio Adm.Code 4901-7-01 and its Appendix (Standard Filing Requirements). These Standard Filing Requirements specify the format for filing all information required in an application for an increase in rates and define the information that the Commission requires pursuant to R.C. 4909.18(E).

¹ On September 28, 2018, in Case No. 18-1484-GA-UNC, et al., Brainard, Orwell, Spelman, and NEO filed a joint application seeking approval of a proposed merger of Brainard, Orwell, and Spelman into NEO. The Commission approved the joint application on January 3, 2019.

{¶ 3} Additionally, pursuant to R.C. 4929.05(A), a natural gas company may request approval of an alternative rate plan by filing an application to establish or change a rate under R.C. 4909.18.

{¶ 4} On November 27, 2018, NEO filed separate notices of its intent to file both an application for an increase in rates and an application for approval of an alternative rate plan.

{¶ 5} Subsequently, on November 29, 2018, NEO filed a motion seeking to establish a test period and date certain, as well as requesting a waiver of a certain filing requirement. By Entry dated December 12, 2018, the Commission approved NEO's proposed test period and date certain and granted NEO's waiver request of a certain filing requirement.

{¶ 6} On December 28, 2018, NEO filed a combined application for an increase in rates and application for approval of an alternative rate plan pursuant to R.C. 4909.18 and R.C. 4929.05, respectively.

{¶ 7} On February 19, 2019, Staff filed a letter stating that NEO's application for approval of an alternative rate plan is in compliance with Ohio Adm.Code 4901:1-19-06.

{¶ 8} By Entry dated February 20, 2019, the Commission found that NEO's application for an increase in rates and for an alternative rate plan be accepted for filing as of December 28, 2018.

{¶ 9} Staff conducted an investigation of the facts, exhibits, and matters relating to NEO's applications. On June 25, 2019, Staff filed a comprehensive written report of its investigation (Staff Report) in the above-captioned case dockets.

{¶ 10} Pursuant to R.C. 4909.19 and Ohio Adm.Code 4901-1-28(B), with regard to any application for an increase in rates under R.C. 4909.18, all objections to a Staff Report must be filed within 30 days after the filing of such report. All objections must be specific; any objection that lacks the specificity required to convey what is actually being placed at issue

will be stricken pursuant to Ohio Adm.Code 4901-1-28(B). Similarly, in alternative rate place proceedings, objections to a Staff Report must be filed within 30 days after the filing of the report, must be specific, and must explain how the objected-to portions of the Staff Report and/or application are unjust and unreasonable. Ohio Adm.Code 4901:1-19-07(F). Accordingly, the attorney examiner finds that all objections to the comprehensive Staff Report should be filed within 30 days of June 25, 2019.

{¶ 11} Motions to strike objections should be filed by August 1, 2019, and memoranda contra motions to strike objections should be filed by August 8, 2019. Unless an objection is struck or withdrawn, each objection must be discussed in the initial post-hearing brief of the objecting party. If the objection is not discussed in the initial brief, the objection will be deemed withdrawn without further action.

{¶ 12} Pre-filed testimony should be filed pursuant to Ohio Adm.Code 4901-1-29.

{¶ 13} A prehearing conference will be held on August 8, 2019, at 10:00 a.m. in Hearing Room 11-D at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793. The purpose of the conference will be to discuss procedural aspects of the case and to provide an opportunity for the parties to conduct settlement discussions.

{¶ 14} The evidentiary hearing will commence on August 20, 2019, at 10:00 a.m., in Hearing Room 11-C at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793.

{¶ 15} The local public hearings will be scheduled, and publication required, by subsequent entry.

{¶ 16} The deadline for motions to intervene in NEO's rate case, if not previously filed, is July 25, 2019.

{¶ 17} It is, therefore,

{¶ 18} ORDERED, That the prehearing conference in these cases be scheduled for August 8, 2019, as stated in Paragraph 13. It is, further,

{¶ 19} ORDERED, That the evidentiary hearing in these cases be scheduled for August 20, 2019, as stated in Paragraph 14. It is, further,

{¶ 20} ORDERED, That all interested persons comply with the time frames established in Paragraphs 10, 11, 12, and 16. It is, further,

{¶ 21} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini
Attorney Examiner

JRJ/hac

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in

Case No(s). 18-1720-GA-AIR, 18-1721-GA-ATA, 18-1722-GA-ALT

Summary: Attorney Examiner Entry scheduling prehearing conference and evidentiary hearing and ordering all interested persons to comply with specified time frames electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio