

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE MOTION TO
MODIFY THE EXEMPTION GRANTED TO
THE EAST OHIO GAS COMPANY D/B/A
DOMINION ENERGY OHIO.

CASE NO. 18-1419-GA-EXM

ENTRY

Entered in the Journal on August 16, 2019

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

{¶ 2} R.C. 4929.04 authorizes the Commission, upon the application of a natural gas company, to exempt any commodity sales service or ancillary service from all provisions of R.C. Chapters 4905, 4909, and 4935, with certain exceptions; from specified sections of R.C. Chapter 4933; and from any rule or order issued under those chapters or sections, including the obligation under R.C. 4905.22 to provide the commodity sales service or ancillary service, and subject to certain requirements.

{¶ 3} R.C. 4929.08 provides that the Commission, upon the motion of any person adversely affected by an exemption granted under R.C. 4929.04, and after notice and hearing, may abrogate or modify any order granting an exemption, if the Commission determines that the findings upon which the order was based are no longer valid and that the abrogation or modification is in the public interest. Further, the abrogation or modification must not be made more than eight years after the effective date of the order, unless the affected natural gas company consents.

{¶ 4} On December 28, 2007, in Case No. 07-1224-GA-EXM, DEO filed an application, pursuant to R.C. 4929.04, for approval of a general exemption of certain natural gas commodity sales from specified provisions contained in R.C. Chapters 4905, 4909, 4933, and 4935.

{¶ 5} On June 18, 2008, in Case No. 07-1224-GA-EXM, the Commission approved the terms of a stipulation and recommendation filed by various parties on April 10, 2008, in response to DEO's application. The Commission authorized DEO to implement phase two of its plan to exit the merchant function, in which DEO implemented a standard choice offer (SCO), wherein suppliers bid for the right to supply gas in tranches to choice-eligible customers at a retail level. On January 9, 2013, in Case No. 12-1842-GA-EXM, the Commission granted DEO's motion to modify the exemption approved in Case No. 07-1224-GA-EXM and adopted a stipulation and recommendation that authorized DEO to discontinue the availability of its SCO to choice-eligible non-residential customers beginning in April 2013.

{¶ 6} On March 9, 2018, in Case No. 12-1842-GA-EXM, the Ohio Consumers' Counsel (OCC) filed a motion, pursuant to Ohio Adm.Code 4901:1-19-11, to modify the exemption granted by the Commission on January 9, 2013. Specifically, OCC sought to reestablish the SCO as the default service for all choice-eligible residential customers and to eliminate the monthly variable rate (MVR) applicable to certain residential customers who have not selected a supplier, governmental aggregation program, or the SCO. OCC contended that the findings upon which the exemption was granted are no longer valid and that the approved structure is no longer a reasonable approach for pricing natural gas for residential customers. OCC noted that, in some instances, the MVR has been significantly higher than the SCO.

{¶ 7} On March 12, 2018, Ohio Partners for Affordable Energy (OPAЕ) filed a motion requesting that the Commission reestablish the SCO as the default service for non-residential customers, as well as residential customers. OPAЕ also noted that it supports OCC's motion.

{¶ 8} On March 23, 2018, in response to the motions filed by OCC and OPAЕ, DEO moved to intervene to the extent that intervention is deemed necessary. DEO also stated that, consistent with Ohio Adm.Code 4901:1-19-11, it will wait for further guidance from the

Commission regarding the procedures to be applicable, before the Company offers substantive comments on OCC's and OPAE's motions.

{¶ 9} On March 26, 2018, Retail Energy Supply Association (RESA), along with Direct Energy Business Marketing, LLC and Direct Energy Services, LLC (collectively, Direct Energy), filed a joint motion for an extension of time. Noting that OCC's and OPAE's motions were filed on March 9, 2018, and March 12, 2018, respectively, RESA and Direct Energy sought an extension of the deadlines such that memoranda contra would be due on the same date.

{¶ 10} On March 30, 2018, DEO filed a response to OCC's and OPAE's motions, reiterating that the Commission should establish a process for full consideration of the motions. DEO also stated that the Company is willing to take part in a collaborative process and seek to identify reasonable solutions to address the concerns raised in the motions. On that same date, RESA and Direct Energy filed joint memoranda contra OCC's and OPAE's motions.

{¶ 11} OCC and OPAE filed replies in support of their motions on April 6, 2018.

{¶ 12} Ohio Adm.Code 4901:1-19-11 provides that the Commission shall order such procedures as it deems necessary, consistent with Ohio Adm.Code Chapter 4901:1-19, in its consideration of whether to modify an order granting an exemption.

{¶ 13} By Entry dated September 13, 2018, the attorney examiner noted that the Commission has issued a final exemption order in Case No. 12-1842-GA-EXM and that additional filings in the case after issuance of the final order have been primarily for the purpose of considering and implementing DEO's auctions. The attorney examiner, therefore, directed OCC and OPAE to refile, in the above-captioned case, their motions for modification of the exemption order, pursuant to R.C. 4929.08 and Ohio Adm.Code 4901:1-19-11. Further, the attorney examiner stated that, consistent with Ohio Adm.Code 4901:1-19-11, a procedural schedule, including an opportunity for responding to the motions of

OCC and OP AE, would be established after OCC and OP AE have refiled their motions in the new docket.

{¶ 14} On September 14, 2018, OP AE refiled its motion for modification of the exemption order in the above-captioned proceeding, as directed by the attorney examiner in the September 13, 2018 Entry. OCC amended and refiled its motion on August 16, 2019.

{¶ 15} At this time, the attorney examiner finds that the following procedural schedule should be established:

- (a) September 27, 2019 – Deadline for the filing of motions to intervene.
- (b) October 4, 2019 – Deadline for the filing of comments and/or memoranda contra OP AE's and OCC's motions to modify DEO's exemption, as filed on September 14, 2018, and August 16, 2019, respectively.
- (c) October 18, 2019 – Deadline for the filing of reply comments and/or replies to memoranda contra OP AE's and OCC's motions.
- (d) October 25, 2019 – Deadline for the filing of direct testimony.
- (e) November 5, 2019 – An evidentiary hearing will commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793.

{¶ 16} The attorney examiner finds that notice of the hearing in this case shall be published one time in a newspaper of general circulation in each county of DEO's service

area. Such notice shall be published by September 10, 2019. The hearing notice should not appear in the legal notices section of the newspaper. The notice shall read as follows:

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled a hearing in Case No. 18-1419-GA-EXM, *In the Matter of the Motion to Modify the Exemption Granted to The East Ohio Gas Company d/b/a Dominion Energy Ohio*. At issue in the case are whether Dominion Energy Ohio's standard choice offer should be reestablished as the default service for residential and non-residential customers who have not selected a competitive retail natural gas supplier and whether the rotating list of suppliers offering a monthly variable rate should be eliminated. Motions to intervene are due by September 27, 2019. The hearing will commence on November 5, 2019, 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793; contacting the Commission's hotline at 1-800-686-7826; or viewing the Commission's web page at www.puco.ohio.gov.

{¶ 17} It is, therefore,

{¶ 18} ORDERED, That the procedural schedule set forth in Paragraph 15 be adopted. It is, further,

{¶ 19} ORDERED, That DEO publish notice of the hearing in accordance with Paragraph 16. It is, further,

{¶ 20} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record in this case and all parties of record in Case No. 12-1842-GA-EXM.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Sarah J. Parrot

By: Sarah J. Parrot
Attorney Examiner

MJA/hac

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in

Case No(s). 18-1419-GA-EXM

Summary: Attorney Examiner Entry setting procedural schedule and ordering DEO to publish notice of the hearing electronically filed by Heather A Chilcote on behalf of Sarah J. Parrot, Attorney Examiner, Public Utilities Commission of Ohio