

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
COLUMBIA GAS OF OHIO, INC. FOR AN  
ADJUSTMENT TO RIDER IRP AND RIDER  
DSM RATES.

CASE NO. 19-1940-GA-RDR

### ENTRY

Entered in the Journal on April 1, 2020

{¶ 1} Columbia Gas of Ohio, Inc. (Columbia) 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 the Commission pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 2} In Case No. 08-72-GA-AIR, et al., the Commission approved a Stipulation that, inter alia, provided a process for adjustments to the Infrastructure Replacement Program Rider (Rider IRP) and the Demand-Side Management Rider (Rider DSM) of Columbia. *In re Columbia Gas of Ohio, Inc.*, Case No. 08-72-GA-AIR, et al. (*Columbia Distribution Rate Case*), Opinion and Order (Dec. 3, 2008). In accordance with the Stipulation, by November 30 of each year, Columbia is to file its initial prefilng notice and such notice would include estimated schedules regarding Rider IRP and Rider DSM, containing a combination of actual and projected data for the calendar year. Columbia agreed to file, by the following February 28, an updated application with schedules based on actual data through the end of the prior calendar year. Staff and other parties may then file comments and Columbia has until March 31 to resolve the issues raised in the comments. If the issues raised in the comments are not resolved, then a hearing will be held. The goal of the process set forth in the Stipulation is for the proposed amendments to Rider IRP and Rider DSM to be effective by the first billing cycle of May.

{¶ 3} In accordance with the Rider IRP and Rider DSM provisions of the Stipulation in the *Columbia Distribution Rate Case*, Columbia filed its prefilng notice on November 26, 2019, in the instant case.

{¶ 4} On February 28, 2020, Columbia filed its application in this case, requesting an adjustment to Rider IRP and Rider DSM to recover costs for 2019.

{¶ 5} By Entry dated March 6, 2020, the attorney examiner adopted a procedural schedule whereby motions to intervene and comments by Staff and intervenors were due to be filed by March 20, 2020; a statement from Columbia informing the Commission whether the issues raised in the comments were resolved must be filed by March 27, 2020; parties and Staff must file expert testimony by March 30, 2020; a stipulation, if entered into, must be filed by March 31, 2020; and a hearing, if necessary, would commence on April 1, 2020.

{¶ 6} By March 20, 2020, the Environmental Law and Policy Center (ELPC), Ohio Consumers' Counsel (OCC), Ohio Partners for Affordable Energy (OPAE), Interstate Gas Supply, Inc. (IGS), and Suburban Natural Gas Company (Suburban) had filed motions to intervene. No memoranda contra were filed. The attorney examiner finds that the motions for intervention filed by ELPC, OCC, OPAE, IGS, and Suburban are reasonable and should be granted.

{¶ 7} On March 20, 2020, Staff, OCC, and Suburban filed comments.

{¶ 8} On March 26, 2020, Columbia filed a motion to amend the procedural schedule. According to Columbia, the parties requested more time to continue negotiations and proposed continuing the procedural schedule by one week, requesting April 6, 2020, as the deadline for the parties and Staff to file expert testimony; April 7, 2020, at 10:00 a.m., as the deadline for those parties that enter into a stipulation resolving some or all of the issues in the case to file the stipulation with the Commission; and April 8, 2020, as the date the hearing shall commence.

{¶ 9} By Entry issued on March 30, 2020, the attorney examiner granted the motion, in part, and denied the motion, in part. The attorney examiner granted relief from the already established procedural schedule and set April 6, 2020, as the deadline for the parties and Staff to file expert testimony and April 7, 2020, by 10:00 a.m., as the deadline for parties

to file a stipulation, if applicable. However, in light of the executive order issued by Governor DeWine on March 9, 2020, declaring a state of emergency in response to the respiratory disease COVID-19 and the Stay at Home Order issued on March 22, 2020, by the Director of the Ohio Department of Health, the attorney examiner found that an in-person hearing should not be held on April 8, 2020, and that the need for a hearing, and the timing of that hearing, would be addressed at a later time.

{¶ 10} On March 31, 2020, Columbia filed a motion to bifurcate the proceeding and to amend the procedural schedule. Columbia states that its request to bifurcate the case and amend the procedural schedule is in recognition of Governor DeWine's Executive Order 2020-01D declaring a state of emergency and the Director of the Ohio Department of Health's March 22, 2020 Stay at Home Order. First, Columbia notes that no parties oppose the proposed Rider IRP rates in the filed comments, and Staff recommended approval of the Rider IRP rates. Columbia recommends that the Commission approve Columbia's proposed Rider IRP rates to allow Columbia to implement these rates by unit 1 of May 2020 billing.

{¶ 11} Furthermore, Columbia requests a modification of the procedural schedule to address the Rider DSM adjustment and other Rider DSM programmatic issues raised by the intervenors in this proceeding. Columbia sets forth a proposed procedural schedule: April 20, 2020, as the deadline for parties and Staff to file expert testimony and all other evidence; and May 4, 2020, as the deadline for Columbia, parties, and Staff to file briefs. Columbia indicates that all parties to the proceeding have agreed to no additional discovery in this case, to waive cross-examination of witnesses, and to waive the right to file motions to strike expert testimony filed on April 20, 2020. Columbia states that the process described above would allow the case to proceed without an in-person hearing, consistent with directives issued in response to the COVID-19 emergency, while still respecting the parties' due process rights. According to Columbia, if the Commission adopts the proposed procedural schedule, all parties have agreed that Columbia's current Rider DSM rate of \$0.1957 per thousand cubic feet (Mcf) would remain in place until the Commission issues its finding

and order concerning the Rider DSM rate, at which point Columbia will reflect in its rider reconciliation in next year's filing the over or under collection due to the delay in implementing the Commission-approved rate. Finally, Columbia states that its motion is timely since the motion was filed in advance of deadlines set in the March 30, 2020 Entry, and Columbia has received no objections from the parties to its motion.

{¶ 12} The attorney examiner finds Columbia's motion to bifurcate the proceeding and to amend the procedural schedule reasonable and, therefore, grants the motion. As requested in the motion, Columbia's proposed adjustment to the Rider IRP rates will proceed to a decision by the Commission. The attorney examiner also acknowledges that the parties have agreed that Columbia's current Rider DSM rate of \$0.1957 per Mcf will remain in place until the Commission has considered the testimony and briefs to be filed and issues a separate decision concerning the Rider DSM rate. Further, the attorney examiner adopts the procedural schedule set forth by Columbia in its motion. Accordingly, the parties should observe the following procedural schedule:

- (a) April 20, 2020 – Deadline for the parties and Staff to file expert testimony and all other evidence.
- (b) May 4, 2020 – Deadline for Columbia, parties, and Staff to file briefs.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the motions for intervention filed by ELPC, OCC, OPAE, IGS, and Suburban be granted. It is, further,

{¶ 15} ORDERED, That Columbia's motion to bifurcate the proceeding and to amend the procedural schedule be granted. It is, further,

{¶ 16} ORDERED, That the procedural schedule established in the March 30, 2020 Entry be amended and the schedule set forth in Paragraph 12 be adopted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew J. Sandor

By: Matthew J. Sandor  
Attorney Examiner

NW/kck

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/1/2020 2:14:52 PM**

**in**

**Case No(s). 19-1940-GA-RDR**

Summary: Attorney Examiner Entry Motions for Interventions filed by ELPC, OCC, OPAE, IGS and Suburban be granted; Columbia's motion to bifurcate the proceeding and amend the procedural schedule be granted as follows: 4.20.20 - deadline for parties and Staff to file expert and all other evidence; 5.4.20 is the deadline for Columbia parties and Staff to file briefs. electronically filed by Mrs. Kelli C King on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio