

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. 23-154-GA-AIR

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

CASE NO. 23-155-GA-ATA

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

CASE NO. 23-156-GA-ALT

ENTRY

Entered in the Journal on February 2, 2024

{¶ 1} Northeast Ohio Natural Gas Corp. (NEO) 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.

{¶ 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).

{¶ 3} Further, 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 March 1, 2023, 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. First, in accordance with Ohio Adm.Code 4901-7-01, Appendix A, Chapter I(B), NEO filed a notice of intent to file an application for an increase in rates. Second, pursuant to Ohio Adm.Code 4901:1-19-06(A), NEO filed a notice of intent to file an application for approval of an alternative rate plan.

{¶ 5} Also, on March 1, 2023, NEO filed a motion to set a test period and date certain and request for expedited consideration. NEO proposed to use the 12 months ending September 30, 2023, as the test year for the filing and December 31, 2022, as the date certain for determining rate base. By Entry issued March 22, 2023, the Commission approved the proposed test period and date certain.

{¶ 6} On March 31, 2023, NEO filed a combined application to increase rates and charges and for approval of an alternative rate plan pursuant to R.C. 4909.18 and R.C. 4929.05, respectively.

{¶ 7} On April 21, 2023, Staff filed a letter stating that it found NEO's application to be in technical compliance with the Standard Filing Requirements for rate increases in Ohio Adm.Code 4901-7-01, Appendix A. The letter further states that Staff found the application to be in technical compliance with the Standard Filing Requirements for alternative rate plan applications in Ohio Adm.Code 4901:1-19-06.

{¶ 8} By Entry dated May 17, 2023, the Commission found that NEO's application for an increase in rates and for an alternative rate plan should be accepted for filing as of March 31, 2023.

{¶ 9} Staff conducted an investigation of the facts, exhibits, and matters relating to NEO's application. On October 4, 2023, Staff filed a comprehensive written report of its investigation in the above-captioned case dockets.

{¶ 10} By Entry issued on October 10, 2023, the attorney examiner established a procedural schedule, such that the evidentiary hearing was scheduled for December 12, 2023, and testimony filing deadlines were set.

{¶ 11} By Entry issued on November 7, 2023, the attorney examiner scheduled the local public hearing for December 5, 2023, at Wooster Community Center, 241 S. Bever St., Wooster, Ohio 44691. On December 5, 2023, the local public hearing occurred as scheduled.

{¶ 12} On December 1, 2023, NEO filed an unopposed motion to modify the procedural schedule with expedited treatment.

{¶ 13} On December 4, 2023, the attorney examiner granted NEO's request to modify the procedural schedule, extending Staff's testimony deadline from December 5, 2023, to January 16, 2024, and rescheduling the evidentiary hearing for January 23, 2024. Also, the attorney examiner noted that the evidentiary hearing scheduled for December 12, 2023, would be called and continued. On December 12, 2023, the evidentiary hearing was called and continued at the Commission's offices, as scheduled.

{¶ 14} On January 5, 2024, Staff filed a motion asking to modify the procedural schedule such that Staff's testimony deadline would be extended from January 16, 2024, to February 13, 2024, and the evidentiary hearing rescheduled to commence on February 20, 2024. Staff also filed a memorandum in support, which stated that negotiations were ongoing amongst the parties.

{¶ 15} On January 9, 2024, the attorney examiner granted Staff's request, extending the testimony filing deadline to February 13, 2024, and rescheduling the evidentiary hearing to commence on February 20, 2024.

{¶ 16} On February 1, 2024, Staff filed a motion asking to modify the procedural schedule such that Staff's testimony deadline would be extended from February 13, 2024, to March 13, 2024, and the evidentiary hearing would be rescheduled to commence on March 20, 2024. Staff also filed a memorandum in support, which states that negotiations

are ongoing amongst the parties. Staff believes that progress is being made and further represents that counsel for all parties have been contacted and have expressed their support for Staff's request. Furthermore, Staff states that expedited treatment of its motion is necessary because of the upcoming deadline for Staff testimony.

{¶ 17} At this time, the attorney examiner finds that Staff's unopposed motion to modify the current procedural schedule and its accompanying request for an expedited ruling are both reasonable and should be granted. Therefore, the deadline for filing Staff's testimony in this proceeding shall be extended from February 13, 2024, to March 19, 2024. Additionally, the evidentiary hearing will be rescheduled to commence on March 26, 2024, at 10:00 a.m., at the offices of the Commission, 11th Floor, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That Staff's motion be granted. It is, further,

{¶ 20} ORDERED, That the procedural schedule be modified as set forth in Paragraph 17. 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/Isabel M. Marcelletti

By: Isabel M. Marcelletti
Attorney Examiner

JSA/dr

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Case No(s). 23-0154-GA-AIR, 23-0155-GA-ATA, 23-0156-GA-ALT

Summary: Attorney Examiner Entry granting Staff's motion to modify the procedural schedule as follows: extending the deadline for filing of Staff's testimony from February 13, 2024 to March 19, 2024 and rescheduling the evidentiary hearing to March 26, 2024, at 10:00 a.m., at the offices of the Commission, 11th Floor, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio 43215-3793 electronically filed by Debbie S. Ryan on behalf of Isabel M. Marcelletti, Attorney Examiner, Public Utilities Commission of Ohio.