

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the )  
 Application of The East Ohio ) CASE NO.  
 Gas Company d/b/a Dominion ) 07-1224-GA-EM  
 East Ohio for Approval of a )  
 General Exemption of Certain )  
 Natural Gas Commodity Sales )  
 Services or Ancillary )  
 Services. )

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BE IT REMEMBERED, that upon the hearing of the above-entitled matter, held at Canton City Hall, Council Chambers, 218 Cleveland Avenue Southwest, First Floor, Canton, Ohio, before Christine M.T. Pirik, Attorney Examiner, and commencing on Thursday, the 3rd day of April 2008, at 7:06 o'clock p.m., at which time the following proceedings were had.

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1     **APPEARANCES:**

2           On Behalf of the Public Utilities Commission  
3           Of Ohio:

4                   PUBLIC UTILITIES COMMISSION OF OHIO

5     BY:         Christine M.T. Pirik

6                   Attorney Examiner

7                   180 East Broad Street

8                   Columbus, Ohio 43215

9                   614/466-7702

10          On Behalf of Ohio Consumers' Counsel:

11                   OFFICE OF THE OHIO CONSUMERS' COUNSEL

12     BY:         Joseph P. Serio

13                   Assistant Consumers' Counsel

14                   10 West Broad Street, Suite 1800

15                   Columbus, Ohio 43215-3485

16                   614/466-8574

17          On Behalf of the Applicants:

18                   JONES DAY

19     BY:         Andrew J. Campbell, Attorney at Law

20                   325 John H. McConnell Boulevard

21                   Suite 600

22                   Columbus, Ohio 43215-2673

23                   614/469-3939

24           **ALSO PRESENT:**     James Buchman

25                                   - - -

1                   **MS. PIRIK:**                   The Public  
2                   Utilities Commission of Ohio has assigned for  
3                   public hearing at this time and place Case  
4                   Number 07-1224-GA-EXM, which is captioned "In  
5                   the Matter of the Application of The East Ohio  
6                   Gas Company d/b/a Dominion East Ohio for  
7                   Approval of a General Exemption of Certain  
8                   Natural Gas Commodity Sales Services or  
9                   Ancillary Services."

10                   My name is Christine Pirik. I'm an  
11                   Attorney Examiner with the Public Utilities  
12                   Commission and a Deputy Director in the legal  
13                   department and I will be here conducting the  
14                   case this evening.

15                   In addition, there are Commission  
16                   personnel in the back of the room, Andy Campbell  
17                   and -- Andy Campbell is the Attorney for  
18                   Dominion -- John Campbell and Amanda Stallings,  
19                   and they are here to answer any questions that  
20                   anyone might have with regard to the services of  
21                   Dominion as well as to sign up individuals who  
22                   wish to testify.

23                   In addition, there's also a staff  
24                   member here from the Office of Consumers'  
25                   Counsel, who is a party in this case, and I know

1 that they, too, are willing to talk to  
2 constituents about the pending application, as  
3 well as members from representatives from the  
4 Company. If there are questions for members of  
5 the Company after the hearing, you can pose  
6 those questions to them as well.

7 At this time I would like to take  
8 appearances on behalf of the parties. On behalf  
9 of the Company?

10 **MR. CAMPBELL:** Thank you, Your  
11 Honor. On behalf of Dominion East Ohio, Andrew  
12 Campbell, Jones Day, 325 John H. McConnell  
13 Boulevard, Suite 600, Columbus, Ohio 43215.

14 **MS. PIRIK:** On behalf of the  
15 Office of Consumers' Counsel?

16 **MR. SERIO:** Thank you, Your  
17 Honor. On behalf of the residential utility  
18 customers of Dominion East Ohio, Janine L.  
19 Migden-Ostrander, Joseph P. Serio, 10 West Broad  
20 Street, Columbus, Ohio 43215.

21 **MS. PIRIK:** There are  
22 additional interveners in this case, parties who  
23 have been granted intervention, and I'll just go  
24 through the list so you'll be aware of who those  
25 individuals are. The Ohio Partners for

1 Affordable Energy, Integrys Energy Services,  
2 Industrial Energy Users of Ohio, Dominion  
3 Retail, MXEnergy, Northeast Ohio Public Energy  
4 Council, National Energy Marketers, Ohio Gas  
5 Marketers Group. Each of these groups represent  
6 different constituencies that are interveners in  
7 this matter.

8 Dominion filed this application on  
9 December 28th, 2007. In addition to the hearing  
10 this evening here in Canton, we had a hearing  
11 earlier today in Cleveland, Ohio, and on Tuesday  
12 we had a hearing in Youngstown, Ohio. Next  
13 week, on Monday, April 7th, we will commence the  
14 evidentiary hearing at the Commission's office  
15 in Columbus.

16 The purpose of this evening's public  
17 hearing is to receive comments from the public  
18 concerning Dominion's application in this case.  
19 Dominion does have a rate case that is also  
20 pending before the Commission. There will be  
21 local public hearings in the rate case. Those  
22 hearings will be scheduled to occur in the next  
23 couple of months, so if you are interested in  
24 that case that would be at another time.

25 As you've noticed, there's also a

1 court reporter with us. She will be  
2 transcribing everything that's said tonight at  
3 this hearing and will be putting everything in  
4 typewritten form.

5 Let's see. At this time I would like  
6 to call upon the Company. They, I believe, have  
7 a representative who will give a short  
8 presentation as to what the substance of the  
9 application is in this case. Mr. Campbell?

10 **MR. CAMPBELL:** Yes, Your Honor.  
11 Vicki Friscic will be providing a presentation  
12 on behalf of the Company.

13 **MS. PIRIK:** Would you stand  
14 there, and could you please state your name, the  
15 spelling of your name, your title and your work  
16 address for the record? Just speak loudly,  
17 because I think the fans are on.

18 **MS. FRISCIC:** My name is Vicki  
19 Friscic. That's V-i-c-k-i, last name is F as in  
20 "Frank," r-i-s-c-i-c. I'm Manager of Regulatory  
21 and Pricing for Dominion East Ohio. My work  
22 address is 1201 East 55th Street, Cleveland,  
23 Ohio 44103.

24 **MS. PIRIK:** Just try to project  
25 so that everyone can hear you. I don't know

1 that they can hear you in the back of the room,  
2 but -- for your presentation.

3 **MS. FRISCIC:** Okay. In 2006 the  
4 Public Utilities Commission of Ohio approved the  
5 pilot program that changed the way that Dominion  
6 East Ohio purchases natural gas for sale to its  
7 customers, and that applied to about one-third  
8 of our customers who are not already purchasing  
9 their gas from an alternate supplier under the  
10 Energy Choice program. So those customers will  
11 still purchase their gas from Dominion East Ohio  
12 who are affected by this.

13 The new rate that resulted from that  
14 change is called a Standard Service Offer rate,  
15 or SSO, and it replaced the former Gas Cost  
16 Recovery rate, or GCR. Under the GCR pricing,  
17 the gas utilities are not permitted to make a  
18 profit on the cost of the gas itself. Our costs  
19 and profits are covered by our base rates which  
20 are set in rate case proceedings with the  
21 Commission. Just like under the GCR pricing,  
22 the SSO rate does not include profit on the cost  
23 of natural gas.

24 The major reason that we requested  
25 this change was that we wanted to create a more

1 competitive market for the natural gas on our  
2 system. With over two-thirds of our customers  
3 already purchasing gas from other suppliers, we  
4 wanted our price to be more reflective of the  
5 market than we felt the GCR price was. The  
6 Standard Service Offer price reflects the actual  
7 market price of gas as it changes from month to  
8 month.

9           The program did not impact those  
10 customers who purchase gas from an Energy Choice  
11 supplier or who participate in governmental  
12 aggregation, where a community makes a decision  
13 to purchase gas and sets the price for its  
14 residents who aren't buying gas from someone  
15 else already.

16           The PUCO approved this in August  
17 of -- oh, approved this pilot program to run  
18 through August of 2008. So as a result, we  
19 are -- we have submitted this application to  
20 take the next step as to what should happen as  
21 of the expiration of the current program.

22           In the application that we filed on  
23 December 28th, 2007, we proposed another change  
24 in how we will buy gas at the end of the pilot  
25 program. We'll basically do it in much the same



1 way as we are currently for the customers that  
2 don't participate in Energy Choice, including  
3 the Percentage of Income Payment Plan customers.  
4 We will hold -- we have proposed that we'll hold  
5 an auction to establish the suppliers from whom  
6 we'll buy that gas and to set the rate that that  
7 gas will be purchased at.

8           The difference between what we've  
9 proposed now and what we're doing currently is  
10 that we've proposed that we will identify the  
11 supplier who is selling that gas to us for  
12 customers on the customer's bill. Currently  
13 those suppliers are just providing a portion of  
14 our sales volumes, and in the new program that  
15 has been proposed they will have customers  
16 assigned and Dominion East Ohio has proposed to  
17 purchase that gas on behalf of specific  
18 customers from specific suppliers.

19           Again, the proposed change will have  
20 no impact on customers already participating in  
21 the Energy Choice program, and customers who are  
22 impacted are still free -- or will still be free  
23 to enroll with the supplier or to join an  
24 aggregation program.

25           Our goal in making this change is to

1 still allow customers to buy gas from us, but to  
2 help them understand that another supplier is  
3 providing that natural gas. And so they  
4 understand that better, in the event Dominion at  
5 some point in the future may no longer sell gas  
6 and would merely transport gas, but we're not at  
7 that step yet.

8           Anything that we do, including this  
9 step and any future steps, needs to be  
10 specifically approved by the PUCO before we can  
11 make those changes. Even with the proposed  
12 change, the company will still handle emergency  
13 service and take calls in the call center and  
14 respond to inquiries just as we do currently and  
15 we always have done.

16           We are -- it is possible, because of  
17 the process that we're going through here where  
18 others have say in this process, that what gets  
19 approved may not be exactly as Dominion has  
20 proposed it. And currently under the Energy  
21 Choice program, or any customers who may be  
22 thinking about participating in Energy Choice,  
23 can get a list of the most current natural gas  
24 offers from the PUCO's website or from the OCC's  
25 website or by calling either of those agencies.

1                   **MS. PIRIK:**           Thank you.

2                   **MS. FRISCIC:**          You're welcome.

3                   **MS. PIRIK:**           At this time I will  
4 call the witness to speak. The first thing that  
5 I will do, though, is I will ask you to state  
6 your name and your address for the record and  
7 then I will ask you to take an oath after that  
8 point in time.

9                   So, Mr. Buchman, would you like to  
10 testify?

11                   **MR. BUCHMAN:**          I guess so.

12                   **MS. PIRIK:**           Okay. Do you want  
13 to come up here, please?

14                   **MR. BUCHMAN:**          Yes.

15                   **MS. PIRIK:**           Go ahead. You can  
16 stand right there.

17                   **MR. BUCHMAN:**          Right here?  
18 (Indicating.)

19                   **MS. PIRIK:**           Uh-huh. You can  
20 put all your stuff right there. You can use the  
21 table, too, if you need to.

22                   Could you state your name for the  
23 record and your address and spell your name for  
24 the record?

25                   **MR. BUCHMAN:**          James Buchman,

1 B-u-c-h-m-a-n, 8586 Beatty Street Northwest,  
2 Massillon, Ohio 44646.

3 **MS. PIRIK:** Thank you. Will  
4 you please raise your right hand?

5 (Thereupon, Mr. Buchman was sworn by  
6 Ms. Pirik.)

7 **MS. PIRIK:** Thank you. You can  
8 go forward with your statement.

9 **MR. BUCHMAN:** Well, I have mostly  
10 questions as to why the changes with Dominion  
11 East Ohio gas. It says it's a plan of choice  
12 and the choice will be -- for me is Dominion  
13 East Ohio in getting the gas service billing and  
14 all from one person. I wondered why we need to  
15 switch to their buying their gas from suppliers.  
16 Where do the suppliers get their gas? Do they  
17 drill it or -- or how do they get it? Do they  
18 buy it, too? So that's another person buying  
19 from a buyer from a buyer from a buyer, which is  
20 going to cost more money in the long run for  
21 everybody.

22 I think East Ohio Gas is doing all  
23 the service and all the work and the others are  
24 not doing anything but making money off of them  
25 like an in between person. That's my theory on

1 what's going on.

2 Does anyone know whether the other  
3 companies drill or not or where do they get  
4 their gas? Do they just buy it from a drilling  
5 company?

6 **MS. PIRIK:** It may be a good  
7 idea that after the hearing, after the hearing's  
8 concluded, and the parties, being the Company  
9 and they have some representatives here, Office  
10 of Consumers' Counsel or my staff members that  
11 are sitting in the back of the room, they may be  
12 able to answer some of those questions for you.

13 Specifically the Company  
14 representatives could probably talk through some  
15 of your questions with you at that time.

16 **MR. BUCHMAN:** In buying from  
17 Dominion East Ohio gas, I buy from Dominion East  
18 Ohio gas and I have just a regular program that  
19 I buy at regular price. And a lot of the  
20 companies send you letters, but they don't tell  
21 you you have a choice other than signing a year  
22 deal or more for a certain rate, and I find it  
23 all the time when I watch that rate and the  
24 rates I get billed by East Dominion in the  
25 middle of the year for three or four months or

1 more the price will actually be lower than the  
2 price you committed to by all the other  
3 companies because the rates do go up and down a  
4 little bit.

5 I don't see where the others have any  
6 advantage of signing that plan except that  
7 they're all going to go sky high like automobile  
8 gas has and then there would be a reason for it.

9 I think that all companies should  
10 have -- that service the country as a whole,  
11 it's an important thing like utilities, oil and  
12 gas for cars and different things need to be  
13 regulated so that the companies make a very good  
14 profit, a decent profit, but also the people are  
15 not taken with higher prices.

16 That deregulation sounds like it's a  
17 good thing to have competition, but just like  
18 this steel deal, they just -- the government  
19 just deregulated a lot of their things in the  
20 last year or so and then they found out, look  
21 what happened in between, the people really got  
22 hurt in there.

23 And when the utilities and gas and  
24 oil and some of the bigger things, healthcare  
25 and that, I think there has to be some

1 reasonable price. And the only reason you can  
2 afford medical help today is because of --  
3 Medicare tells the reasonable profit that they  
4 can make and stuff. If you see your bill, you  
5 always see they pay about two-thirds of it  
6 because it's out of price of where it's going to  
7 be.

8 Regulations, I think, are important  
9 to keep the people, the economy of the United  
10 States and people, consumers, healthy and also  
11 the companies healthy. Not -- small things all  
12 over the country we buy every day from smaller  
13 companies doesn't matter. They don't need them  
14 as much or you can find someone with the price  
15 that you like or quality you like.

16 That's my only thought about Dominion  
17 is that I think -- since they do the service,  
18 they do everything else and nobody else does  
19 anything except take your money, I think they  
20 should be the ones that do it, most of it. In  
21 fact, they were for years, and I don't think  
22 there was anything wrong with it.

23 Now, someone said that Dominion  
24 doesn't get to make a profit on the gas. I  
25 don't see why they can't make a profit on the

1 gas. The others are selling the gas and making  
2 a profit, so somehow a regulation should be made  
3 so they can make a profit on everything they do  
4 within reason.

5 I have so many other things I can  
6 talk about, but a lot of them delve into other  
7 areas of business related to similar things to  
8 this. With some companies they're just now  
9 telling me that I got to sign a contract with  
10 them, or they don't have one now, but then with  
11 the new regulations they have will not allow you  
12 to use a lawyer, will not allow you to go to  
13 jury, can't do anything you want. They will  
14 change their prices any time they want with  
15 whatever they want to do it for and change your  
16 service. Those things are happening in other  
17 industries right now. I see all this leading  
18 along the way.

19 So does anybody have any questions  
20 that they want to ask me here, if I have an  
21 answer?

22 MS. PIRIK: Any questions?

23 MR. CAMPBELL: No questions.

24 MS. PIRIK: Mr. Serio?

25 MR. SERIO: No questions.



1                   **MS. PIRIK:**           I would recommend  
2 for any questions that you do have that Company  
3 representatives or some members of the state  
4 agencies can probably help and be responsive.

5                   **MR. BUCHMAN:**       Well, I don't think  
6 going over all of this in front of everybody, if  
7 it's mostly about this particular situation. I  
8 do see that in an article I have that Dominion  
9 East Ohio made big profits on gas, and I don't  
10 know when they stopped doing that, but from --  
11 my articles tell me that Dominion's profit rose  
12 78 percent to 160 million this one year. And  
13 the profit was 40 percent on gas alone for them.

14                   I don't understand where all it comes  
15 from. It's in the newspapers. I don't know  
16 that they're accurate or right, but that's what  
17 they're -- a lot of things are saying. And I  
18 think like right now the country's in a gas and  
19 oil situation for cars. They say that  
20 \$60 billion worth of oil is being pumped over in  
21 Iraq all the time and where is it going? We  
22 aren't getting any of it and certainly we run  
23 that situation.

24                   I don't know what's happening there.  
25 Somewhere along the line I think the big

1 corporations is getting it. So, of course, that  
2 has nothing to do with this, but it's just an  
3 example of what might happen. And I think  
4 everybody should make a profit and do things and  
5 I don't think we need to spread it with the  
6 companies that are not doing their job in the  
7 whole thing.

8 **MS. PIRIK:** Well, thank you  
9 very much for testifying.

10 **MR. BUCHMAN:** Okay.

11 **MS. PIRIK:** I don't believe  
12 there are other witnesses. I think we've been  
13 here 25 minutes.

14 You know, I would say that I do not  
15 see any more witnesses and that this concludes  
16 the public hearing, and the testimony that we've  
17 received today will be submitted for the  
18 Commission's consideration. Thank you.

19 (Thereupon, the proceedings were  
20 concluded at 7:25 o'clock p.m.)

21 - - -

22

23

24

25

## C E R T I F I C A T E

1  
2 STATE OF OHIO, )  
3 ) SS:  
4 SUMMIT COUNTY, )

5 I, Christina A. Arbogast, a Registered  
6 Professional Reporter and Notary Public within  
7 and for the State of Ohio, duly commissioned and  
8 qualified, do hereby certify that these  
9 proceedings were taken by me and reduced to  
10 Stenotypy, afterwards prepared and produced by  
11 means of Computer-Aided Transcription and that  
12 the foregoing is a true and correct  
13 transcription of the proceedings so taken as  
14 aforesaid.

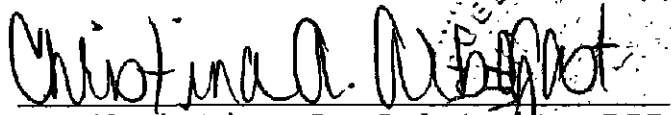
15 I do further certify that these proceedings  
16 were taken at the time and place in the  
17 foregoing caption specified.

18 I do further certify that I am not a  
19 relative, employee of or attorney for any party  
20 or counsel, or otherwise financially interested  
21 in this action.

22 I do further certify that I am not, nor is  
23 the court reporting firm with which I am  
24 affiliated, under a contract as defined in Civil  
25 Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my seal of office at Akron,  
Ohio on this 7th day of April, 2008.

21  
22  
23  
24  
25

  
Christina A. Arbogast, RPR

My commission expires December 7, 2010.

- - -

<b>A</b>	2:19 4:11	<b>Avenue (1)</b>	16:7	17:22
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