

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbia Gas of Ohio, Inc., for an) Case No. 09-06-GA-UNC
Adjustment to Rider IRP and Rider DSM)
Rates.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued December 3, 2008, in *In the Matter of the Application of Columbia Gas of Ohio, Inc., for Authority to Amend Filed Tariffs to Increase the Rates and Charges for Gas Distribution Service*, Case No. 08-72-GA-AIR, et al. (*Columbia Distribution Rate Case*) 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 Gas of Ohio, Inc. (Columbia). In accordance with the stipulation, within 30 days of the Commission's adoption of the stipulation, Columbia would 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.
- (2) 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 January 2, 2009, in the instant case. However, the schedules filed with that notice of intent were not based on actual and projected data, but on estimated and projected data.
- (3) By entry issued February 13, 2009, the attorney examiner found that, since actual data that would comply with the terms of the

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stipulation in the *Columbia Distribution Rate Case* had not yet been docketed, the procedure set forth in the stipulation should be modified in order to allow staff and the stipulating parties reasonable time to analyze and evaluate the data to be supplied by Columbia. Therefore, the examiner found that, at such time as Columbia files actual data, an entry establishing the procedural deadlines in this docket would be issued.

- (4) On February 27, 2009, Columbia filed its application, along with the actual data in compliance with the stipulation in the *Columbia Distribution Rate Case*, in this case, requesting an adjustment to Rider IRP and Rider DSM.
- (5) Section 4903.221, Revised Code, provides that any person who may be adversely affected by a Commission proceeding may seek to intervene. Rule 4901-1-11, Ohio Administrative Code, requires that the person demonstrate, among other things, a real and substantial interest in the proceeding.
- (6) On January 26, 2009, the Office of the Ohio Consumers' Counsel (OCC), filed a motion to intervene in this case. In support of its motion, OCC, states that it represents Columbia's residential consumers and the interests of these customers may be adversely affected by this case. OCC submits that its participation in this case will not unduly prolong or delay the proceeding. No memorandum contra was filed in opposition to OCC's motion to intervene. Accordingly, the attorney examiner finds that the motion to intervene should be granted.
- (7) Columbia has filed the actual data in compliance with the stipulation in the *Columbia Distribution Rate Case*. Therefore, the attorney examiner finds that the following procedural schedule should be established:
 - (a) May 15, 2009 - Deadline for the filing of motions to intervene.
 - (b) May 15, 2009 - Deadline for Staff and intervenors to file comments on the application.
 - (c) May 22, 2009 - Deadline for Columbia to file a statement, informing the Commission whether the issues raised in the comments have been resolved.

- (d) In the event all of the issues raised in the comments are not resolved, a hearing will commence on June 2, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, hearing room F, Columbus, Ohio 43215.
- (8) In light of the time frame for this proceeding, the examiner requires that, in the event that any motion is made in this proceeding, any memoranda contra shall be filed within seven business days after the service of such motion, and reply memoranda to any memorandum contra shall be filed within four business days. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.
- (9) In addition, the attorney examiner finds that response time for discovery shall be shortened to seven days. Unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming.

It is, therefore,

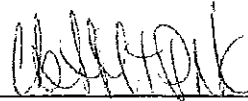
ORDERED, That the motion for intervention filed by OCC be granted. It is, further,

ORDERED, That the procedural schedule set forth in finding (7) be adopted. It is, further,

ORDERED, That the parties adhere to the processes established in findings (8) and (9). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

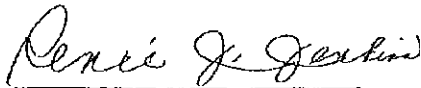


By: Christine M.T. Pirik
Attorney Examiner

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Entered in the Journal

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Renee J. Jenkins
Secretary