

FILE

RECEIVED-DOCKETING DIV

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

2009 MAY 22 PM 4: 34

In the Matter of the Commission's Review)
Of Chapter 4901:1-13 of the Ohio)
Administrative Code.)

Case No. 09-326-GA **POUCO**

INITIAL COMMENTS OF OHIO GAS COMPANY

I. INTRODUCTION

By entry dated April 22, 2009, the Public Utilities Commission of Ohio ("Commission") issued Staff's proposed modifications to the rules in Chapter 4901:1-13 of the Ohio Administrative Code. The Entry requested that all interested persons file initial and reply comments to the proposed rule revisions by May 22 and June 8, 2009, respectively. Accordingly, Ohio Gas Company ("Ohio Gas") respectfully submits its comments for the Commission's consideration.

II. COMMENTS

A. Rule 4901:1-13-01(A)

Staff proposed to add a new definition for "bona fide dispute" meaning "a complaint registered with the Commission's call center or a formal complaint filed with the Commission's docketing division." While the Commission's rules have historically, and currently, prevented local distribution companies ("LDCs") from disconnecting service to customers who pay the undisputed balance of their bills, the Commission has not defined "bona fide dispute." It appears that Staff attempted to define "bona fide dispute" by utilizing language from the rule setting forth insufficient reasons for

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician _____ Date Processed 5/26/09

disconnecting service but did so in a way that defines "bona fide dispute" in an overly broad manner. Specifically, Rule 4901:1-18-11(C), Ohio Administrative Code, states:

Where the customer has registered a complaint with the commission's public interest center or filed a formal complaint with the commission which reasonably asserts a bona fide dispute, the company shall not disconnect service if the customer pays either the undisputed portion of the bill, if known or can reasonably be determined, or the amount billed for the same billing period in the previous year.

This rule does not even imply that by registering a complaint with the Commission call center or even filing a formal complaint raises the dispute to the level of being a "reasonably asserted bona fide dispute." The practical effect of Staff's proposed definition is that any customer who cannot or will not pay their bills may prevent the LDC from disconnecting service by calling the Commission call center and complaining about the level of the bill. In fact, because of the wording, the definition renders the "bona fide" part of the definition meaningless.

Accordingly, Ohio Gas requests that the Commission reject the proposed rule. In the alternative, Ohio Gas requests that the Commission modify the proposed definition to, "a complaint made in good faith without fraud or deceit that is either registered with the Commission's call center or formally and properly filed with the Commission's docketing division."

B. Rule 4901:1-13-05(D)

Staff proposed to add a new rule to require LDCs that repair customer service lines to complete the repair of service-line leaks that require service shutoff by the end of the next day after the service has been shut off. Additionally, the Staff proposed rule would require each LDC to complete 95% of the repairs on an average monthly basis by the end of the next day service has been shut off. While, as the Commission is aware,

Ohio Gas owns the portion of the lines from the curb to the meter, other Ohio LDCs are in the process of taking over ownership of the “customer service lines” as well in response to the Commission’s request after problems with the risers surfaced. Thus, there are no “customer service lines” in Ohio Gas’s service territory and may not be any in Ohio in the near future except on the customers’ side of the meter. Accordingly, Ohio Gas requests, at a minimum, that the Commission more accurately describe the portion of the line to which the rule refers.

Additionally, the proposed rule does not take into account the influx of service requests at the beginning of the winter heating season or other busy times of the year. Accordingly, Ohio Gas requests that the proposed rule be revised to provide LDCs additional time for scheduling efficiencies to complete repairs.

C. Rule 4901:1-13-08(D)(2)

Staff proposed to remove a provision that permitted LDCs to disconnect service without prior notice when a customer or consumer tampers with gas or natural gas company property. Ohio Gas requests that the Commission clarify that when a customer or consumer tampers with gas or LDC property, it invariably creates a safety hazard that either threatens health, safety or the operation or integrity of the LDC’s gas or facilities. In other words, the Commission should clarify that elimination of the identified provision was not intended to and does not prevent LDCs from disconnecting service without notice when tampering occurs.

D. Rule 4901:1-13-11(B)

In regards to billing and payments, Staff proposed to modify the requirement that bills issued from LDCs must be rendered at “monthly” intervals instead of “regular”

intervals. Ohio Gas requests that the Commission reject Staff's proposal because it is unclear (does Staff mean calendar months, 30-days or something else?), unnecessary, and may cause confusion.

E. Rule 4901:1-13-11(B)(22)(e)

Staff proposed to add a provision that would require LDCs to include on bills "any other information required to implement the PIPP program under Chapter 18 of the Administrative Code." Ohio Gas requests that this proposal be rejected as it is overly broad and unclear.

F. Rule 4901:1-13-12(D)(4)

Staff proposed a provision that specifies that nothing in the rule prohibits the Commission or its staff from accessing customer-specific information held by LDCs. Ohio Gas requests that this proposal be rejected as unnecessary.

III. CONCLUSION

Wherefore, for the reasons discussed above, Ohio Gas requests that the Commission incorporate Ohio Gas's suggestions into the proposed rules.

Respectfully submitted,



Lisa G. McAlister
Joseph M. Clark
MCNEES WALLACE & NURICK LLC
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
lmcAlister@mwncmh.com
jclark@mwncmh.com

Attorneys for Ohio Gas Company