

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application for Removing)
Symmes Natural Gas Company from the) Case No. 03-750-PL-ABN
Commission's Rolls.)

ENTRY

The Attorney Examiner finds:

- (1) On March 12, 2003, the Commission received a letter from the general counsel of Stand Energy Corporation (SEC). The letter stated that counsel was writing on behalf of a former employee, Gerald Borchert, and other former shareholders of Symmes Natural Gas Company (SNGC) advising that all the stock in the company had been purchased by Symmes Valley Local School District (SVSD), Willow Wood, Ohio. Accordingly, the former shareholders requested that SNGC be removed from the rolls of public utilities regulated by this Commission.
- (2) The Commission granted the request on February 19, 2004.
- (3) On April 29, 2004, Gerald D. Borchert, a former president and statutory agent of SNGC, filed a motion and supporting affidavit requesting that the record in this case be amended to correct "several errors in non-substantive facts." Mr. Borchert asks that the Commission's findings be corrected in two respects. First, he asks that the order be clarified to reflect that SBSB purchased only the outstanding shares of SNGC on January 30, 2002. Secondly, Mr. Borchert asks that the entry be corrected to reflect that SEC never owned any interest in SNGC. Mr. Borchert asserts that SEC's only participation was the sale of ancillary equipment, not part of the SNGC pipeline, and not subject to Commission oversight.
- (4) The attorney examiner notes initially that this motion was filed after the statutory time period for an application for rehearing pursuant to Section 4903.10, Revised Code, is untimely, and, therefore, cannot be considered in that regard.¹ Further, as noted in the motion, Mr. Borchert is seeking changes in the entry in a closed docket related to facts which did not form the basis of the decision in this case. The attorney examiner would

¹ Mr. Borchert did not seek rehearing; rather, he seeks to have the record reflect certain facts.

note that the document transferring the majority ownership of SNGC to SVSD refers to SEC as a minority owner of SNGC, contrary to Mr. Borchert's assertion in his April Motion. While this description may have been an error, it would appear that, in order to grant the changes requested by Mr. Borchert, further proceedings might be necessary to ascertain the historical facts. Since these matters are irrelevant to the ultimate relief requested and granted in this matter, the attorney examiner believes this would not be a prudent use of Commission resources. In addition, Mr. Borchert's clarifying statement is included in the file and available for any person seeking information on this matter in the future.

- (5) Accordingly, the attorney examiner concludes that the motion, being untimely and addressing non-dispositive aspects of a closed docket, should be denied.

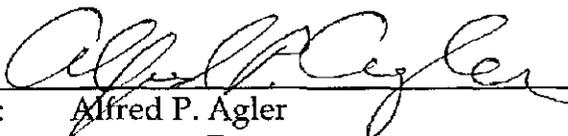
It is therefore,

ORDERED, That the motion for correction of errors be denied. It is, further,

ORDERED, That this docket remain closed of record. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Alfred P. Agler
Attorney Examiner

/vrm 

Entered in the Journal

JUL 26 2004



Renee J. Jenkins
Secretary