

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The East)
Ohio Gas Company d/b/a Dominion East)
Ohio to Adjust its Pipeline Infrastructure) Case No. 09-458-GA-UNC
Replacement Program Cost Recovery)
Charge and Related Matters.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued October 15, 2008, in *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for Authority to Increase Rates for its Gas Distribution Service*, Case No. 07-829-GA-AIR et. al (*DEO Distribution Rate Case*), the Commission, *inter alia*, approved the joint stipulation and recommendation (stipulation) filed by The East Ohio Gas Company d/b/a Dominion East Ohio (DEO) and the other parties in the *DEO Distribution Rate Case*. Included in the stipulation approved by the Commission was a provision adopting, with some modifications, the Commission Staff's recommendations set forth in the Staff Report filed in the *DEO Distribution Rate Case* on May 23, 2008. The Staff Report set forth procedures to be followed for the annual updates to DEO's PIR program cost recovery charge. Specifically, this process provides that DEO would file an annual application, beginning in August 2009, supporting an initial charge and subsequent adjustments to the PIR cost recovery charge. The application is to be based on the costs incurred for the fiscal year ending June 30 of the same year. DEO is to file a prefiling notice 90 days prior to filing its application. Staff and other parties then may file comments, and DEO has until October 1 of each year 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 approved in the *DEO Distribution Rate Case* is for the proposed amendment to the PIR cost recovery rider to be effective in November.
- (2) In accordance with the procedure approved by the Commission in the *DEO Distribution Rate Case*, DEO filed its prefiling notice on May 29, 2009, as supplemented on June 1, 2009, in the instant case.

- (3) On August 28, 2009, DEO filed its application in compliance with the stipulation in the *DEO Distribution Rate Case*, in this case, requesting an adjustment to its PIR cost recovery rider.
- (4) 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.
- (5) On June 9, 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 DEO's residential consumers and that 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. The attorney examiner finds that the motion to intervene is reasonable and should be granted.
- (6) In order to accomplish the review of DEO's proposed adjustment to its PIR cost recovery rider that was envisioned in the *DEO Distribution Rate Case*, the attorney examiner finds that the following procedural schedule should be established:
 - (a) September 25, 2009 - Deadline for the filing of motions to intervene.
 - (b) October 2, 2009 - Deadline for Staff and intervenors to file comments on the application.
 - (c) October 7, 2009 - Deadline for DEO 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 October 13, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, hearing room F, Columbus, Ohio 43215.

- (7) In light of the time frame for this proceeding, the examiner requires that, in the event that any motion is made in this proceeding prior to the issuance of the Commission's order, any memoranda contra shall be filed within five business days after the service of such motion, and reply memoranda to any memorandum contra shall be filed within three business days. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.
- (8) In addition, the attorney examiner finds that response time for discovery shall be shortened to seven calendar 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,

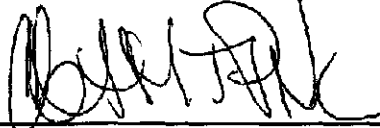
ORDERED, That the motion for intervention filed by OCC be granted. It is, further,

ORDERED, That the procedural schedule set forth in finding (6) be adopted. It is, further,

ORDERED, That the parties adhere to the processes established in findings (7) and (8). 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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/vrm

Entered in the Journal

SEP 08 2009



Renee J. Jenkins
Secretary