

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Regulation of the)
Purchased Gas Adjustment Clauses)
Contained Within the Rate Schedules of)

Eastern Natural Gas Company,)	Case No. 09-207-GA-GCR
Pike Natural Gas Company, and)	Case No. 09-214-GA-GCR
Southeastern Natural Gas Company,)	Case No. 09-215-GA-GCR
and Related Matters.)	

ENTRY

The attorney examiner finds:

- (1) Eastern Natural Gas Company, Pike Natural Gas Company, and Southeastern Natural Gas Company (Companies) are natural gas companies as defined by Section 4905.03(A)(6), Revised Code, and public utilities by reason of Section 4905.02, Revised Code. As such, these Companies are subject to the jurisdiction of the Commission in accordance with Sections 4905.04 and 4905.05, Revised Code.
- (2) By entry issued January 21, 2009, the Commission established a procedural schedule for the audits, required by Section 4905.302, Revised Code, and Rule 4901:1-14-07, Ohio Administrative Code (O.A.C.), of each Company's compliance with the gas cost recovery (GCR) mechanism for the GCR rates effective from July 1, 2007, through June 30, 2009.
- (3) The January 21, 2009, entry set December 15, 2009, as the date for the public hearing, required by Section 4905.302(C), Revised Code, for review of the Companies' gas purchasing practices and policies and the operations of their purchased gas adjustment clauses and related matters.
- (4) The January 21, 2009, entry also directed the Companies to comply with the requirements for notice of the hearing specified by Rule 4901:1-14-08(C), O.A.C., (Rule 14-08(C)) which, in relevant part, requires publication of notice of the hearing by display ad in a newspaper of general circulation

(display ad requirement), bill message or bill insert, or by separate direct mailing to customers. Rule 14-08(C) requires that the notice of the hearing must be published between 15 and 30 days prior to the date set for hearing. Specifically, in the January 21, 2009, entry the Commission required that newspaper publication appear in a section other than the legal notice section (non-legal section requirement) for the rule's display ad requirement.

- (5) On December 2, 2009, the Companies filed a joint motion for waiver and request for finding of substantial compliance. The joint motion states that notice of the December 15, 2009, hearing was timely published in local newspapers, but that due to an inadvertent error, the notices incorrectly appeared in the legal notice sections. The joint motion further notes that there is insufficient time to republish notice prior to the December 15, 2009, hearing, because of the 15-to-30 day time window required by both Rule 14-08(C) and the January 21, 2009 entry. The Companies argue that, based on their most recent GCR hearings, public testimony is not anticipated at the December 15, 2009, hearing. The Companies point out that they would incur additional expenses if required to republish notice of the hearing, and it is uncertain whether republication would have any impact on the likelihood of public testimony.

For these reasons, the Companies request a waiver from both the display ad requirement in Rule 14-08(C) and from the non-legal section requirement set forth in the January 21, 2009 entry. The Companies further request a finding that notice of the December 15, 2009, hearing was timely published in newspapers of general circulation in the service territories of each company and that substantial compliance with Rule 14-08(C) and the January 21, 2009, entry has been achieved.


- (6) The attorney examiner finds that the notices published by the Companies substantially comply with both Rule 14-08(C) and the January 21, 2009, entry. Therefore, the attorney examiner finds that the Companies' joint motion for a waiver of both the display ad requirement of Rule 14-08(C) and the non-legal section requirement of the January 21, 2009, entry is reasonable and should be granted.

It is, therefore,

ORDERED, That, in accordance with Finding (6), the Companies' joint motion for a waiver is granted. It is, further,

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

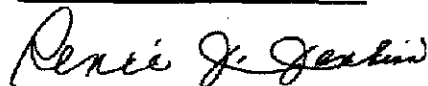
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Henry H. Phillips-Gary
Attorney Examiner

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Entered in the Journal

DEC 11 2009


Renee J. Jenkins
Secretary