

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Columbia Gas of Ohio, Inc., for Approval )  
of a General Exemption of Certain Natural ) Case No. 08-1344-GA-EXM  
Gas Commodity Sales Services or Ancillary )  
Services. )

ENTRY ON REHEARING

The Commission finds:

- (1) By opinion and order issued December 2, 2009, the Commission approved the terms of a stipulation and recommendation (stipulation) entered into by the parties in this proceeding, which provided that Columbia Gas of Ohio, Inc. (Columbia), would hold an auction to secure natural gas supplies, initially through a standard service offer (SSO) structure, and subsequently through a standard choice offer (SCO) structure. The initial SCO period would be for the 12-month period beginning April 1, 2012. In addition, the stipulation provided that, in the event a party files an objection to an SCO auction, the parties supporting the SCO auction agreed to present evidence intended to demonstrate the anticipated benefits from an SCO auction.
- (2) On April 15, 2011, Columbia filed a Revised Program Outline, which the company explains reflects the changes necessary to implement the initial SCO auction in February 2012. In its filing, Columbia requested Commission approval of the Revised Program Outline by September 1, 2011.
- (3) On May 9, 2011, the Ohio Consumers' Counsel (OCC) and the Ohio Partners for Affordable Energy filed objections to the SCO auction and requested that the Commission suspend Columbia's proposal to conduct an SCO auction in favor of conducting an SSO auction. Also, on May 9, 2011, North Coast Gas Transmission, LLC (North Coast) and Ohio Gas Marketers' Group (OGMG) filed comments on the Revised Program Outline.
- (4) By entry issued June 1, 2011, the Commission, *inter alia*, established the following procedural schedule and processes in

this matter so that interested parties could present evidence on their positions regarding the benefits of either an SCO or SSO auction, as well as evidence in opposition to such positions:

- (a) June 23, 2011 - Deadline to file testimony.
  - (b) June 29, 2011 - Commencement of the evidentiary hearing.
  - (c) In lieu of briefs, at the conclusion of the evidentiary hearing, each party will have an opportunity to make a closing statement.
  - (d) Response time for discovery shall be shortened to five calendar days and, unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail.
- (5) Section 4903.10, Revised Code, provides that any party who has entered an appearance in a proceeding may apply for rehearing with respect to any matter determined in the proceeding by filing an application within 30 days of the entry of the Order in the Commission's journal. The Commission may grant and hold rehearing on the matters specified in the application if, in its judgment, sufficient reason appears to exist.
- (6) On June 9, 2011, OCC filed an application for rehearing of the Commission's June 1, 2011, entry, submitting that the Commission erred in establishing an over-accelerated procedural schedule that does not allow for sufficient discovery, in contravention of Section 4903.082, Revised Code. Furthermore, OCC asserts that the procedural schedule would prejudice the development of fully informed advocacy on behalf of Columbia's customers. Therefore, OCC requests that the Commission revise the procedural schedule, as follows:
- (a) August 23, 2011 - Deadline to file testimony.
  - (b) September 1, 2011 - Commencement of the evidentiary hearing.
  - (c) Establish a briefing schedule in lieu of closing statements.

- (d) Require service of discovery by e-mail.
- (7) On June 13, 2011, Columbia filed a memorandum contra OCC's application for rehearing. Columbia states that approval of its Revised Program Outline by September 1, 2011, is necessary so that Columbia can complete the computer programming to implement the SCO auction in February 2012. According to Columbia, the schedule that OCC suggests in its application for rehearing would make it impossible for Columbia to complete the computer programming and implement the planned SCO auction in February 2012. Columbia notes that OCC was fully aware of the time constraints on the company because OCC was represented at several meetings with Columbia prior to the April 15, 2011, filing where Columbia explained the need for a September 1, 2011, deadline.

Contrary to OCC's assertion that there is not ample time for discovery, Columbia maintains that, in its June 1, 2011, entry, the Commission drastically shortened the time for responses to discovery requests and this shortened response period should give OCC sufficient time to obtain responses to relevant data requests and prepare its testimony. Furthermore, Columbia argues that the issues to be litigated at the hearing are not new issues, in that the Commission, OCC, and other parties have already dealt with these issues within the context of similar auction programs for other companies.<sup>1</sup>

- (8) On June 14, 2011, the OGMG filed a response to OCC's June 9, 2011, application for rehearing and Columbia's June 13, 2011, memorandum contra. OGMG offers that, while the arguments presented by both OCC and Columbia are worthwhile, in order to bring the proper balance, OGMG recommends that a 10-day extension be granted for the filing of testimony and the hearing.
- (9) Given the expedited timeframes established in our June 1, 2011, entry, as well as the fact that the issues to be litigated at the

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<sup>1</sup> See *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for Approval of a General Exemption of Certain Natural Gas Commodity Sales Services of Ancillary Services*, Case No. 07-1224-GA-EXM and *In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc., for Approval of a General Exemption of Certain Natural Gas Commodity Sales Services or Ancillary Services*, Case No. 07-1285-GA-EXM.

hearing are well known by the parties, as evidenced by the acknowledgement of the parties in the stipulation that there may be a need for the presentation of evidence in support of an SCO auction, the Commission believes that ample time for discovery has been afforded the parties in this case consistent with Section 4903.082, Revised Code. Nonetheless, upon consideration of OCC's request for a revised procedural schedule in this matter, as well as Columbia's concern that the Commission's decision be issued by September 1, 2011, and OGMG's response, the Commission finds that a brief extension of the procedural schedule would not be unreasonable, and would still enable the Commission to deliberate on the issues prior to September 1, 2011. Therefore, the Commission finds that, with regard to the filing of testimony and the hearing date, OCC's motion for rehearing should be granted, in part, and the procedural schedule would be revised, as follows:

- (a) July 8, 2011 - Deadline to file testimony.
- (b) July 14, 2011 - The evidentiary hearing shall commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-C, Columbus, Ohio 43215-3793.

With regard to OCC's request for briefs, rather than closing statements, the Commission finds that OCC failed to set forth any justification in support of its preference for briefs in this case; therefore, OCC's request should be denied. Finally, the Commission notes that OCC's request for the service of discovery by e-mail was addressed in the June 1, 2011, entry when the Commission provided that discovery requests and replies shall be served by hand delivery, facsimile, or e-mail; therefore, OCC's application for rehearing on this point should be denied. Accordingly, the Commission finds that OCC's application for rehearing should be granted, in part, and denied, in part, as set forth above.

It is, therefore,

ORDERED, That OCC's application for rehearing be granted, in part, and denied, in part, as set forth in finding (9). It is, further,

ORDERED, That copies of the entry on rehearing be served upon all parties of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO


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Todd A. Snitchler, Chairman

  
Paul A. Centolella

  
Steven D. Lesser

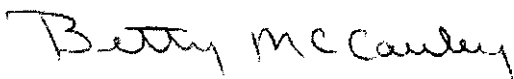
  
Andre T. Porter

  
Cheryl L. Roberto

CMTP/vrm

Entered in the Journal

**JUN 15 2011**

  
Betty McCauley  
Secretary