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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV  
2011 SEP 16 PM 12:00  
PUCO

In the Matter of the Review of the Energy )  
Shortage Emergency Rules Contained in )  
Chapters 4901:5-17, 4901:5-19, 4901:5-21, )  
4901:5-23, 4901:5-25, 4901:5-29, 4901:5-33, )  
4901:5-35, and 4901:5-37 of the Ohio )  
Administrative Code. )

Case No. 11-4624-AU-ORD

COMMENTS OF  
THE EAST OHIO GAS COMPANY D/B/A DOMINION EAST OHIO

Pursuant to the Commission's August 17, 2011 Entry, The East Ohio Gas Company d/b/a Dominion East Ohio ("DEO") submits the following Comments.

**A. Filing Emergency Curtailment Plans – Ohio Adm. Code 4901:5-25-02(D)**

This rule currently requires each gas supplier to file its emergency curtailment plan in its respective tariff docket. After the curtailment plan is filed, the gas supplier is required to annually file any proposed changes to the plan or a statement that the company has no changes. Though this rule strives to ensure a gas supplier's current emergency curtailment plan is docketed with the Commission, this goal could be accomplished more simplistically. DEO proposes to amend this rule to require a filing only if the Company changes its curtailment plan. This change would alleviate the need for annual filings, and would provide a more timely update to a gas supplier's curtailment plan. Therefore, DEO proposes the following rule changes:

(D) Each curtailment plan shall be filed in the gas supplier's existing tariff filing docket or other docket, as designated by the commission. ~~Each year after the initial filing, each~~ THE gas supplier shall file, ~~on or before September first,~~ any revisions ~~it is proposing to make~~ to its curtailment plan ON OR BEFORE THE EFFECTIVE DATE OF THE REVISIONS. ~~If no revisions are to be made, a statement to that effect shall be filed.~~

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**B. Enforceability of Mandatory Curtailment Measures – Ohio Adm. Code 4901:5-25-05 and 4901:5-25-06(A)**

The Commission's rules detail the mandatory curtailment measures when an energy emergency is declared by the governor or the Commission. The rules in this section list measures that the Commission may order to curtail individual consumer gas usage. Though the Commission or governor would declare an energy emergency in the direst of situations, the Commission should recognize gas suppliers cannot easily implement or enforce the current energy emergency curtailment measures. For example, Ohio Adm. Code 4901:5-25-05(B)(1) prohibits "[a]ll outdoor gas lighting, except for essential safety and security purposes." Ohio Adm. Code 4901:5-25-05(B)(3), (C)(2), and (D)(2) provide for thermostat limits in the event of an energy emergency. Ohio Adm. Code 4901:5-25-06(A)(3) – (5) requires gas suppliers, if ordered by the Commission, to prohibit consumers from increasing consumption above normal levels, prohibit consumers from installing equipment that would increase consumption, and require consumers to verify that installing equipment would not increase fuel burning capacity. Practically, there is no reasonable method any gas supplier could track, let alone control, how a customer uses gas.

DEO recommends that the Commission's rules recognize the limitations on gas suppliers to enforce compliance with mandatory curtailment measures. Therefore, DEO proposes the following rule changes:

Ohio Adm. Code 4901:5-25-05

(B) Mandatory Curtailment – stage one. During an energy emergency, at such time as the governor or the Commission determines that it is appropriate, the following provisions shall be applicable TO THE EXTENT REASONABLY ENFORCEABLE BY THE GAS SUPPLIER AND in addition to the provisions set forth in paragraph (A) of this rule:

....

(C) Mandatory curtailment – stage two. During an energy emergency, at such time as the governor or the commission determines that it is appropriate, the following provisions shall be applicable TO THE EXTENT REASONABLY ENFORCEABLE BY THE GAS SUPPLIER AND in addition to the provisions set forth in paragraph (B) of this rule:

....

(D) Mandatory curtailment – stage three. During an energy emergency, at such time as the governor or the commission determines that it is appropriate, the following provisions shall be applicable TO THE EXTENT REASONABLY ENFORCEABLE BY THE GAS SUPPLIER AND in addition to the provisions set forth in paragraph (C) of this rule:

Ohio Adm. Code 4901:5-25-06

(A) During an energy emergency, each gas supplier, TO THE EXTENT REASONABLY POSSIBLE AND unless otherwise ordered by the commission, may:

**C. Restoration and Commencement of Service – Ohio Adm. Code 4901:5-25-06(B)**

The Commission's rules in Paragraph (B) of Ohio Adm. Code 4901:5-25-06 address the procedures to restore or commence service for a residential or small commercial customer. The rules onerously require gas suppliers to condition restoration, commencement, and transfer of service based upon a comparison between present consumption patterns and consumption patterns for the previous five years. See Ohio Adm. Code 4901:5-25-06(B)(2)(a); Ohio Adm. Code 4901:5-25-06(3)(a)-(b). In an energy emergency, the time and effort to research this data is unduly burdensome and not warranted.

The Commission should reconsider the reasonableness of these restrictions. Therefore, DEO proposes the following rule changes:

(B)(2) Gas service for eligible, currently unserved residential and small commercial premises may be restored provided that both of the following provisions are met:

(a) THE PROVISION OF GAS SERVICE TO SUCH PREMISES DOES NOT HAVE AN ADVERSE IMPACT ON THE COST OR RELIABILITY OF GAS SERVICE TO REMAINING CUSTOMERS. ~~The consumption pattern must be similar to the consumption pattern of the premises during the last five-year period that the premises was receiving gas service and the volume consumed must not exceed the largest volume consumed at that premises during the last five-year period during which the premises received gas service. If the gas supplier does not have records covering the entire preceding five-year period, then it may, for purposes of this paragraph, use data from the period for which such information is readily available.~~

(b) The customer ~~shall~~ reimburse the gas supplier for all direct costs, INCLUDING ANY INCREMENTAL GAS SUPPLY COSTS ABOVE THAT CHARGED TO REMAINING CUSTOMERS, to commence service at such premises.

(B)(3)(b) If gas is transferred to new or currently unserved premises, an application for service at the site of the premises from which service was transferred will be treated as an application for new service under this plan, ~~unless gas service was transferred to those premises from another location within the preceding five years.~~

For the reasons discussed above, the Commission should revise the rule language as commented or proposed in these Comments.

Dated: September 16, 2011

Respectfully submitted,

A handwritten signature in black ink, reading "Melissa L. Thompson". The signature is written in a cursive style with a horizontal line underneath.

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