

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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3 In the matter of the :  
 4 Regulation of the :  
 5 Purchased Gas Adjustment: Case No. 11-206-GA-GCR  
 6 Clause Contained within :  
 7 the Rate Schedule of :  
 8 the Brainard Gas :  
 9 Corporation. :

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10 CONTINUED PROCEEDINGS

11 Before Christine Pirik, Hearing Examiner, at the  
 12 Public Utilities Commission of Ohio, 180 East  
 13 Broad Street, Columbus, Ohio, Hearing Room 11C,  
 14 on Thursday, November 3, 2011, at 1:00 p.m.

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18 VOLUME II

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APPEARANCES:

Mike DeWine, Ohio Attorney General  
William L. Wright, Section Chief  
By Mr. Werner L. Margard  
Assistant Attorney General  
Public Utilities  
180 East Broad Street, 6th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the Public  
Utilities Commission of Ohio.

Kegler, Brown, Hill & Ritter  
By Mr. Andrew J. Sonderman  
Capitol Square  
65 East State Street, Suite 1800  
Columbus, Ohio 43215

On behalf of Brainard Gas  
Corporation.

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1 Thursday Afternoon Session,  
2 November 3, 2011.

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4 HEARING EXAMINER PIRIK: We're  
5 reconvening the hearing in Case No.  
6 11-206-GA-GCR being in the matter of Brainard  
7 Natural Gas Company with regards to their  
8 financial audit for gas cost recovery.

9 Mr. Margard or Mr. Sonderman?

10 MR. SONDERMAN: I will be happy to  
11 address this. On October 26 the Commission  
12 entered its Opinion and Order in two cases  
13 involving affiliates of Brainard Gas  
14 Corporation, those being Orwell Natural Gas and  
15 Northeast Ohio Natural Gas, Docket Nos. 10-209  
16 and 10-212-GA-GCR. As part of that Opinion and  
17 Order the Commission adopted a stipulation  
18 entered by all the parties: OCC, the staff, and  
19 the companies. That stipulation provided for  
20 certain forward-looking steps to be taken by  
21 those two companies as well as Brainard Gas  
22 Corporation.

23 Brainard has filed testimony in this  
24 case by Mr. Tom Smith indicating that it would  
25 proceed under the terms of that stipulation once

1 adopted by the Commission. The Commission,  
2 however, did adopt the modification to the  
3 stipulation that the companies believe might  
4 constitute a material modification, and so  
5 negotiations are going on between the parties to  
6 a stipulation right now with respect to either  
7 an effort to modify the stipulation and provide  
8 a motion to that effect to the Commission, or  
9 failing that, a petition for reconsideration by  
10 the company.

11 We understand that the office of  
12 Consumers' Counsel, they have indicated to us  
13 that if a petition for reconsideration were  
14 filed and a stipulation were considered at risk  
15 at that point, they likely would intervene in  
16 this docket, the Brainard Gas Corporation docket  
17 which likely, again, would mean that we'd need  
18 to keep the record open; and, in fact, I think  
19 we need to keep the record open to see the  
20 impact on Brainard of the stipulation or any  
21 changes in the stipulation in the other cases.

22 I apologize for the long-winded  
23 explanation for the record, but the parties, or  
24 counsel for staff and the company, agreed to  
25 request a motion for a continuance of the

1 hearing scheduled today in this case for  
 2 cross-examination, and we would request that  
 3 that continuance be of indefinite duration with  
 4 the understanding that upon the resolution of  
 5 the other two dockets and a final understanding  
 6 of where the stipulation stands in that case as  
 7 it applies to Brainard Gas Corporation, counsel  
 8 will consult and get with the Attorney Examiners  
 9 to reset the procedural schedule.

10 I that a fair representation?

11 MR. MARGARD: It is, and staff is in  
 12 accord with that motion, Your Honor.

13 HEARING EXAMINER PIRIK: Okay. All  
 14 right. With that, we will grant a continuance  
 15 of the hearing for today until another date yet  
 16 to be determined pending feedback from the  
 17 parties as far as the status of the other two  
 18 associated cases: Northeast and Orwell.

19 Are there any other procedural  
 20 matters that we need to perhaps resolve today?

21 MR. SONDERMAN: Not as far as the  
 22 company is concerned, Your Honor.

23 HEARING EXAMINER PIRIK: So as far as  
 24 the information that you received the last time  
 25 at the hearing with regard to Mr. Sarver, you're

1 prepared to go forward with that?

2 MR. SONDERMAN: We are prepared to  
3 cross-examine on that testimony.

4 HEARING EXAMINER PIRIK: Okay. And  
5 staff is okay with everything, everything  
6 procedurally?

7 MR. MARGARD: At the moment, yes,  
8 Your Honor.

9 HEARING EXAMINER PIRIK: Okay. Well,  
10 that being said, we will recess for the day to  
11 be convened. It will be scheduled via an  
12 Attorney Examiner entry for some time in the  
13 future.

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15 Thereupon, at 1:05 p.m. the hearing  
16 was recessed to be rescheduled.

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CERTIFICATE

I do hereby certify that the foregoing  
is a true and correct transcript of the  
proceedings taken by me in this matter before  
the Public Utilities Commission of Ohio on  
Thursday, November 3, 2011.

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Iris I. Dillion  
Registered Professional  
Reporter.

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 11-0206-GA-GCR**

Summary: Transcript Transcript of Brainard Gas Corporation hearing held on 11/03/11 -  
Volume II electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and  
Dillion, Iris I. Mrs.