

**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. 12-812-GA-RDR
Replacement Program Cost Recovery Charge)
and Related Matters.)

**COMMENTS ON THE APPLICATION OF THE EAST OHIO GAS COMPANY
D/B/A DOMINION EAST OHIO
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

I. INTRODUCTION

The Office of the Ohio Consumers' Counsel ("OCC"), an intervenor in the above-captioned proceeding, hereby files these Comments on the Application of the East Ohio Gas Company d/b/a Dominion East Ohio ("Dominion" or "the Company") to increase the rates it charges customers for systematic repair and/or replacement of its pipeline infrastructure distribution facilities. According to the Application that Dominion filed on February 28, 2012, the increase would be collected from customers via the Pipeline Infrastructure Replacement ("PIR") Program Rider ("PIR Cost Recovery Charge").

Pursuant to the Stipulation and Recommendation ("Stipulation") filed on August 22, 2008, in Case No. 07-829-GA-AIR et al., and the Opinion and Order of the Public Utilities Commission of Ohio ("PUCO" or "the Commission") dated October 15, 2008,

the PIR Cost Recovery Charge rates are subject to annual increases, up to a predetermined cap, in each year from 2009 through 2013.¹

On August 3, 2011, in Case No. 11-2401-GA-ALT, the Commission approved a Stipulation modifying various aspects of the PIR Program and associated PIR Charge. Pursuant to the Stipulation and Opinion and Order, these modifications are reflected in Dominion's filing, for the first time, in this case. The PIR Rider Rate includes cost recovery from customers for the period July 1, 2011 through December 31, 2011, and is slated to become effective on May 1, 2012.

II. BURDEN OF PROOF

The burden of proof regarding the Application rests upon Dominion. In a hearing regarding a proposal that does involve an increase in rates, R.C. 4909.19 provides that, “[a]t any hearing involving rates or charges sought to be increased, the burden of proof to show that the increased rates or charges are just and reasonable shall be on the public utility.” Similarly, Dominion in this case bears the burden of proof. Therefore, OCC does not bear any burden of proof in this case.

III. COMMENTS

In previous Dominion PIR cases, the Company has filed its testimony in support of its Application fifteen days after filing its Application.² In this case, Dominion filed its Application on February 28, 2012, but has not yet filed testimony in support. While OCC has no issues with the Application as filed, OCC reserves the right to supplement

¹ *In re DEO Rate Case*, Case No. 07-829-GA-AIR, et al., Stipulation at 8 (August 22, 2008); See also Case No. 08-169-GA-UNC, PIR Staff Report at 5 (June 12, 2008).

² See Dominion 2011 PIR Case, Case No. 11-3238-GA-RDR Application filed August 31, 2011, Testimony filed September 15, 2011.

these Comments and/or file expert testimony, in accordance with the procedural schedule in this case, should the Company's testimony include any unexpected issues. Pursuant to the procedural schedule included in the Attorney Examiner's March 8, 2012 Entry, the Parties have until April 2, 2012 to inform the Commission that issues raised in the Comments have been resolved, or otherwise file testimony on April 5, 2012 and prepare for hearing scheduled for April 6, 2012.³

IV. CONCLUSION

The Office of the Ohio Consumers' Counsel respectfully files these Comments on the Dominion PIR Application in accordance with the procedural schedule included in the Attorney Examiner's March 8, 2012 Entry.⁴

Respectfully submitted,

BRUCE J. WESTON

/s/ Larry S. Sauer

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³ Entry at 2 (March 8, 2012).

⁴ Id.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the *Comments* was served via electronic mail to the parties of record identified below, on this 26th day of March 2012.

/s/ Larry S. Sauer _____

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Summary: Comments Comments on the Application of the East Ohio Gas Company d/b/a Dominion East Ohio by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.