

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 ) Case No. 12-209-GA-GCR  
Northeast Ohio Natural Gas Corporation )  
and Related Matters. )

In the Matter of the Regulation of the )  
Purchased Gas Adjustment Clauses )  
Contained Within the Rate Schedules of ) Case No. 12-212-GA-GCR  
Orwell Natural Gas Company and )  
Related Matters. )

ENTRY

The attorney examiner finds:

- (1) Northeast Ohio Natural Gas Corporation (Northeast) and Orwell Natural Gas Company (Orwell) are gas or natural gas companies as defined by Sections 4905.03(A)(4) and (5), 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) Section 4905.302, Revised Code, and Rule 4901:1-14-07, Ohio Administrative Code (O.A.C.), provide that the Commission shall conduct, or cause to be conducted, periodic audits of each gas or natural gas company under the Commission's jurisdiction. Such audits shall review each company's compliance with the gas cost recovery (GCR) mechanism as delineated in Rule 4901:1-14-07, O.A.C.
- (3) By entry of January 23, 2012, the Commission directed the Commission Staff (Staff) to examine the compliance of each company under the GCR mechanism and to file audit reports by December 20, 2012. The January 23, 2012, entry scheduled the above-captioned cases for hearing on

February 19, 2013, and directed that the direct testimony of any witnesses testifying on behalf of each company should be filed at least 16 days prior to the GCR hearing. All direct testimony to be presented by any other party should be filed at least seven days prior to the hearing.

- (4) On March 6, 2012, the Office of the Ohio Consumers' Counsel (OCC) filed motions to intervene in the above-captioned cases. OCC states that it has a real and substantial interest and should be permitted to intervene in these proceedings. OCC submits that the interests of Northeast's or Orwell's customers may be adversely affected by these cases, especially if residential consumers were unrepresented in proceedings in which imprudent, unreasonable, or inappropriate procurement policies and practices have led to charges for residential natural gas commodity service that could be avoided. OCC claims that it satisfies the criteria for intervention under Section 4903.221(B), Revised Code. OCC claims that it advocates for residential customers and its legal positions regarding the reasonableness and lawfulness of the applications have an actual relation to the merits of the cases. It also claims that its participation will not unduly prolong or delay these proceedings, and that its intervention will significantly contribute to the full development and equitable resolution of the factual issues. No memoranda contra were filed in response to OCC's motions.
- (5) The attorney examiner finds that OCC's motions to intervene should be granted.
- (6) On January 18, 2013, Staff filed a motion for an extension of time to file the audit reports for the above-captioned cases and a motion for a continuance of the hearing. Staff states that logistical difficulties in obtaining and verifying information have precluded Staff from meeting the audit deadline originally set by the Commission. Staff notes that, following discussions with Northeast, Orwell, and OCC, Staff moves for an extension of time until February 28, 2013, to file the audit reports, which will allow sufficient

time for information exchange and review. Staff also requests that the hearing be continued to April 30, 2013. Staff requests an expedited ruling on this motion, stating that the companies and OCC agree with these new dates.

- (7) Upon review, the attorney examiner finds good cause to grant the motion for an extension of time. Accordingly, Staff should file the audit reports in these cases by February 28, 2013, and the hearing in these cases should be continued to April 30, 2013, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Commission 180 East Broad Street, Columbus, Ohio 43215. All direct testimony of any witnesses testifying on behalf of each company should be filed at least 16 days prior to the GCR hearing. All direct testimony to be presented by any other party should be filed at least seven days prior to the hearing.
- (8) On January 22, 2013, Orwell and Northeast filed a motion for an extension of the date for publication of the legal notice of the hearing. Orwell and Northeast state that, in order to avoid public confusion and because the hearing date has been continued, the requirement for publication of the notice of the hearing be extended until between 15 and 30 days prior to the April 30, 2013, hearing date. The attorney examiner finds good cause to grant the motion.
- (9) Accordingly, Orwell and Northeast should publish notice of the hearing in these cases, in accordance with Rule 4901:1-14-08(C), O.A.C., between 15 and 30 days prior to the new hearing date of April 30, 2013. The notice may be provided by publication of a display ad in a newspaper (in a section other than the legal notice section), bill message, bill insert, or direct mailing to the customers. The form of the notice should be in substantially the following form as applicable to the individual company:

**LEGAL NOTICE**

The Public Utilities Commission of Ohio has set for public hearing Case Nos. 12-209-GA-GCR and 12-212-GA-GCR to review the gas cost recovery rates of Northeast Ohio Natural Gas Corporation and Orwell Natural Gas Company and the operation of its Purchased Gas Adjustment Clause, and related matters. This hearing is scheduled to begin at 10:00 a.m. on Tuesday, April 30, 2013, at the offices of the Commission, 180 East Broad Street, Hearing Room 11-C, Columbus, Ohio 43215. All interested persons will be given an opportunity to be heard. Further information may be obtained by viewing the Commission's web page at <http://www.puc.state.oh.us>, or contacting the Commission's hotline at 1-800-686-7826. Hearing or speech impaired customers may contact the Commission via 7-1-1 (Ohio Relay Service).

It is, therefore,

ORDERED, That OCC's motions to intervene are granted. It is, further,

ORDERED, That Staff's motion for an extension of time to file the audit reports and Staff's motion for a continuance of the hearing are granted. It is, further,

ORDERED, That Staff file the audit reports by February 28, 2013. It is, further,

ORDERED, That the hearing in these cases be held on April 30, 2013, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Commission 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That Northeast's and Orwell's motion for an extension of the requirement to publish legal notice of the hearing is granted. It is, further,

ORDERED, That Northeast and Orwell publish notice of the hearing in accordance with finding (9). It is, further,

ORDERED, That all direct testimony of any witnesses testifying on behalf of each company be filed at least 16 days prior to the GCR hearing and all direct testimony to be presented by any other party be filed at least seven days prior to the hearing. It is, further,

ORDERED, That a copy of this entry shall be served upon all parties of record to these proceedings.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Scott Farkas

By: Scott E. Farkas  
Attorney Examiner

JRJ/sc

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

**Commission of Ohio Docketing Information System on**

**1/23/2013 4:43:37 PM**

**in**

**Case No(s). 12-0209-GA-GCR, 12-0212-GA-GCR**

Summary: Attorney Examiner Entry granting OCC's motions to intervene, Staff's motion for an extension of time to file audit reports ordering them to be filed by 02/28/2013, granting Staff's motion for a continuance of the hearing ordering the hearing for 04/30/2013, and granting Northeast's and Orwell's motion for an extension of the requirement to publish legal notice of the hearing in accordance with finding (9). - electronically filed by Sandra Coffey on behalf of Scott Farkas, Attorney Examiner, Public Utilities Commission of Ohio