

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) Case No. 12-3125-GA-RDR
Infrastructure Replacement Program Cost)
Recovery Charge and Related Matters.)

ENTRY

The attorney examiner finds:

- (1) By opinion and order issued October 15, 2008, in *In the Matter of the Application of The East Ohio gas Company d/b/a Dominion East Ohio for Authority to Increase Rates for its Gas Distribution Service*, Case No. 07-829-GA-AIR *et al.* (DEO Distribution Rate Case), the Commission, *inter alia*, approved the joint stipulation and recommendation (stipulation) filed by The East Ohio Gas Company d/b/a Dominion East Ohio (DEO) and the other parties in the *DEO Distribution Rate Case*. Included in the stipulation approved by the Commission was a provision adopting, with some modifications, the Staff's recommendations set forth in the Staff Report filed in the *DEO Distribution Rate Case* on May 23, 2008. The Staff Report set forth procedures to be followed for the annual updates to DEO's pipeline infrastructure replacement (PIR) program cost recovery charge. Specifically, the process provided that DEO would file an annual application, beginning in August 2009, supporting an initial charge and subsequent adjustments to the PIR cost recovery charge. The application was to be based on the costs incurred for the fiscal year ending June 30 of the same year. DEO was directed to file a prefiling notice 90 days prior to filing its application. Staff and other parties then were given an opportunity to file comments, and DEO had until October 1 of each year to resolve the issues raised in the comments. If the issues raised in the comments were not resolved, then a hearing would be held. The goal of the process approved in the *DEO Distribution Rate Case* was for the proposed amendment to the PIR cost recovery rider to be effective in November.

- (2) By opinion and order issued August 3, 2011, in *In the Matter of the Application of the East Ohio Gas Company d/b/a Dominion East Ohio for Approval to Modify and Further Accelerate its Pipeline Infrastructure Replacement Program and to Recover the Associated Costs*, Case No. 11-2401-GA-ALT (11-2401), the Commission approved a stipulation and recommendation that modified DEO's PIR program. As part of the modified program, DEO would transition its PIR cost recovery charge filings from a fiscal-year basis to a calendar-year basis. To facilitate the transition, the process approved required DEO to submit a filing by February 28, 2012, with actual data for the period July 1, 2011 to December 31, 2011. The goal of the process was for the Commission to authorize a revised PIR charge to go into effect as of the first billing cycle in May 2012. Thereafter, DEO is to submit a prefiling notice by November 30 each year, and an updated filing with actual data by February 28, with the goal of the revised PIR charge becoming effective as of the first billing cycle in May of each year.
- (3) On February 28, 2013, DEO filed an application requesting an adjustment to its PIR cost recovery rider in accordance with the procedure approved in 11-2401 for costs incurred between January 1, 2012, and December 31, 2012.
- (4) In order to accomplish the review of DEO's proposed adjustment to its PIR cost recovery rider that was envisioned in the *DEO Distribution Rate Case* and 11-2401, the attorney examiner finds that the following procedural schedule should be established:
 - (a) March 27, 2013 - Deadline for the filing of motions to intervene.
 - (b) March 27, 2013 - Deadline for Staff and intervenors to file comments on the application.
 - (c) April 3, 2013 - Deadline for DEO to file a statement informing the Commission whether the issues raised in the comments have been resolved.

- (d) April 5, 2013 - Deadline for the parties and Staff to file expert testimony.
 - (e) In the event that some or all of the parties enter into a stipulation resolving some or all of the issues in this case, the parties must file such stipulation with the Commission by 9:00 a.m. on April 9, 2013.
 - (f) In the event that all of the issues are not resolved or the parties enter into a stipulation, a hearing shall commence on April 10, 2013, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215. Any party requesting a continuance of the hearing must file a motion to continue the hearing with the Commission by 9:00 a.m. on April 9, 2013.
- (5) In light of the time frame for this proceeding, the attorney examiner requires that, in the event that any motion is made in this proceeding, any memoranda contra shall be filed within three business days after the service of such motion, and reply memoranda to any memorandum contra will not be accepted. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.
- (6) In addition, the attorney examiner finds that response time for discovery shall be shortened to seven calendar days. Unless otherwise agreed by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served, in advance, to advise him/her that a request will be forthcoming.

It is, therefore,

ORDERED, That the procedural schedule set forth in finding (4) be adopted. It is, further,

ORDERED, That the parties adhere to the processes established in findings (5) and (6). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

By: Katie L. Stenman
Attorney Examiner

JRJ/sc

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in

Case No(s). 12-3125-GA-RDR

Summary: Attorney Examiner Entry ordered the procedural schedule set forth in finding (4) be adopted and ordered the parties to adhere to the processes established in findings (5) and (6). - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio