

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Regulation of the)
Purchased Gas Adjustment Clause)
Contained Within the Rate Schedules of) Case No. 13-206-GA-GCR
Brainard Gas Corporation and Related)
Matters.)

ENTRY

The attorney examiner finds:

- (1) Brainard Gas Corporation (Brainard) is a gas or natural gas company as defined by R.C. 4905.03(A)(4) and (5) and a public utility by reason of R.C. 4905.02. As such, Brainard is subject to the jurisdiction of the Commission in accordance with R.C. 4905.04 and R.C. 4905.05.
- (2) R.C. 4905.302 and Ohio Adm.Code 4901:1-14-07 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 Ohio Adm.Code 4901:1-14-07.
- (3) By entry of January 30, 2013, the Commission directed Staff to examine, in part, the compliance of Brainard under the GCR mechanism and to file the audit report by November 22, 2013. The January 30, 2013 entry scheduled the above-captioned case for hearing on January 21, 2014, and directed that direct testimony of any witnesses testifying on behalf of each company should be filed at least 16 days prior to the hearing and all direct testimony to be presented by any other party should be filed at least seven days prior to the hearing.
- (4) On November 20, 2013, as amended on November 22, 2013, Staff filed a motion for an extension of time to file the audit report for the above-captioned case, a motion for a continuance of the hearing, and a request for expedited treatment. Staff states that, in *In re Northeast Ohio Natural Gas Corp. and Orwell Natural Gas Company*, Case Nos. 12-209-

GA-GCR et al., Opinion and Order (Nov. 13, 2013), the Commission made a number of findings that are relevant to Brainard's current GCR case. As a result, Staff requests that the deadline for the filing of the GCR audit report in this case be extended to December 20, 2013. In addition, Staff requests that the January 21, 2014 public hearing be continued to February 18, 2014. Staff indicates that it contacted counsel for Brainard and Brainard does not oppose its motion and that it understands that Brainard has not published notice of the hearing.

- (5) On November 22, 2013, Brainard filed a memorandum indicating it does not oppose Staff's motion. In addition, Brainard requested that the Commission extend the date of publication of the GCR hearing. Further, Brainard requests that a prehearing conference be held on January 21, 2014, the date currently scheduled for the hearing. Brainard also indicated that Staff does not oppose its request.
- (6) Upon review, the attorney examiner finds good cause to grant the motion for an extension of time to file the audit report and the motion to continue the hearing. Accordingly, Staff should file the audit report in this case by December 20, 2013, and the hearing in this case should be continued to February 18, 2014, 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 witness testifying on behalf of Brainard should be filed at least 16 days prior to the hearing. All direct testimony to be presented by any other party should be filed at least seven days prior to the hearing.
- (7) The attorney examiner also finds good cause to grant Brainard's motion to extend the date of publication of the GCR hearing. Accordingly, Brainard should publish notice of the hearing in this case, in accordance with Ohio Adm.Code 4901:1-14-08(C) between 15 and 30 days prior to the new hearing date of February 18, 2014. 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:

LEGAL NOTICE

The Public Utilities Commission of Ohio has set for public hearing Case No. 13-206-GA-GCR to review the gas cost recovery rate of Brainard Gas Corporation 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, February 18, 2014, 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).

- (8) The attorney examiner also finds that a prehearing conference should be held at 10:00 a.m., on January 21, 2014, at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215.

It is, therefore,

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

ORDERED, That Staff file the audit report by December 20, 2013. It is, further,

ORDERED, That the hearing in this case be held on February 18, 2014, 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 all direct testimony of any witnesses testifying on behalf of Brainard be filed at least 16 days prior to the 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 Brainard publish notice of the hearing in accordance with finding (7). It is, further,

ORDERED, That a prehearing conference be held in accordance with finding (8). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Scott Farkas

By: Scott E. Farkas
Attorney Examiner

JRJ/sc

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Case No(s). 13-0206-GA-GCR

Summary: Attorney Examiner Entry orders a prehearing conference for 01/21/14, grants Staff's motions for an extension of time to file the audit report by 12/20/13 and for a continuance of the hearing to 02/18/14 with notice published by Brainard in accordance with finding (7), orders direct testimony of any witnesses testifying o/b/o Brainard to be filed at least 16 days prior to the hearing and by any other party to be filed at least 7 days prior to hearing. - electronically filed by Sandra Coffey on behalf of Scott Farkas, Attorney Examiner, Public Utilities Commission of Ohio