

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. 14-206-GA-GCR  
Brainard Gas Corporation, Northeast Ohio ) Case No. 14-209-GA-GCR  
Natural Gas Corporation, and Orwell ) Case No. 14-212-GA-GCR  
Natural Gas Company and Related )  
Matters. )

In the Matter of the Uncollectible Expense )  
Riders of Northeast Ohio Natural Gas ) Case No. 14-309-GA-UEx  
Corporation and Orwell Natural Gas ) Case No. 14-312-GA-UEx  
Company. )

In the Matter of the Percentage of Income )  
Payment Plan Rider of Northeast Ohio ) Case No. 14-409-GA-PIP  
Natural Gas Corporation. )

ENTRY

The attorney examiner finds:

- (1) Brainard Gas Corporation (Brainard), Northeast Ohio Natural Gas Corporation (NEO), and Orwell Natural Gas Company (Orwell), (together Companies) are gas or natural gas companies as defined by R.C. 4905.03 and public utilities by reason of R.C. 4905.02. As such, these companies are subject to the jurisdiction of the Commission in accordance with R.C. 4905.04 and 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. Furthermore, the Commission has authorized NEO and Orwell to recover uncollectible expenses (UEx) through riders. In approving the UEx riders for these companies, the Commission required that these riders would be audited in the course of each company's GCR audit. Further, the Commission authorized NEO to recover percentage of income payment plan (PIPP) arrearages through a rider that is audited in the course of NEO's GCR audit.

- (3) By Entry of February 13, 2014, the Commission directed that a hearing in the above-captioned GCR cases be held on January 20, 2015, directed Staff to initiate GCR financial audits and the UEX and PIPP audits for the companies, and file the audit reports for each company.
- (4) On January 22, 2015, Staff filed the GCR financial audits of the Companies and, on January 27, 2015, Staff filed the UEX audits of Northeast and Orwell and the PIPP rider audit of NEO.
- (5) By previous entries, the hearing in these proceedings was continued, most recently to July 28, 2015. In addition, the parties were directed to follow a procedural schedule under which the direct testimony of any witnesses testifying on behalf of each company was to be filed at least 16 days prior to the hearing (July 10, 2015), and all direct testimony to be presented by any other party was to be filed at least seven days prior to the hearing (July 21, 2015).
- (6) On July 14, 2015, the Companies filed a stipulation and recommendation (stipulation) that it has entered into with Staff.
- (7) On July 15, 2015, the Companies filed the direct testimony of Martin Whelan, in support of the stipulation, a motion for leave to file the testimony, and a request for expedited treatment. In support of their motion for leave to file the testimony, the Companies state that they were involved in settlement negotiations with Staff and the Ohio Consumers' Counsel (OCC); however, they only were able to reach a settlement with Staff, and a stipulation was filed on July 14, 2015. The Companies further indicate that the Commission has previously granted similar motions and has considered whether leave should be granted based on whether any other party would be prejudiced. According to the Companies, Staff is not opposed to the motion. Furthermore, OCC, while not a party to the stipulation, has been involved in the settlement process, was provided a copy of the stipulation before it was filed, and, therefore, OCC should not be surprised by the terms of the stipulation. The Companies also explain that, if the Commission believes that OCC needs additional time to review the stipulation and testimony of Mr. Whelan, the Companies would not be opposed to extending OCC's deadline to file direct testimony to July 23, 2015.
- (8) On July 20, 2015, OCC filed a memorandum contra the Companies' July 16, 2015 motion. OCC contends that the Companies are requesting what amounts to another continuance of the hearing

and that the Commission has determined that intervenors should have eight days to review testimony of the Companies. OCC also claims that it must now review the stipulation in addition to testimony and either modify its direct testimony or file stand-alone testimony opposing the stipulation. OCC asserts that five days to review testimony, the filed stipulation, and file its own testimony is unreasonable and prejudicial. OCC contends that it should be afforded at least the eight days prescribed by the Commission numerous times to review the testimony and file its own testimony, and that, at a minimum, it should also be provided the 16 days to analyze the testimony prior to proceeding to hearing.

- (9) Upon review, the attorney examiner finds that, as OCC has been involved in the settlement discussions leading up to the stipulation and the six page testimony filed by the Companies relates to the stipulation, OCC will not be prejudiced by granting the Companies' motion. However, the attorney examiner believes that OCC should be afforded its requested eight days, to file its testimony. Accordingly, the date for OCC to file all direct testimony should be extended to July 23, 2015.

It is, therefore,

ORDERED, That the Companies' motion for leave to file the direct testimony of Martin Whelan be granted. It is, further,

ORDERED, That the date for filing testimony of OCC be extended to July 23, 2015. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Scott E. Farkas

By: Scott E. Farkas  
Attorney Examiner

GAP/dah

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**in**

**Case No(s). 14-0206-GA-GCR, 14-0209-GA-GCR, 14-0212-GA-GCR, 14-0309-GA-UEx, 14-0312-GA-UEx**

Summary: Attorney Examiner Entry that the Companies' motion for leave to file the direct testimony of Martin Whelan be granted; and that the date for filing testimony of OCC be extended to July 23, 2015; electronically filed by Debra Hight on behalf of Scott E. Farkas, Attorney Examiner.