

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
ORWELL-TRUMBULL PIPELINE COMPANY,
LLC TO AMEND ITS RATES AND CHARGES.

CASE NO. 16-1726-PL-AIR

ENTRY

Entered in the Journal on July 12, 2017

I. SUMMARY

{¶ 1} The Commission selects Schumaker & Company to conduct the audit services necessary to assist the Commission with the review of Orwell-Trumbull Pipeline Company, LLC's plant records.

II. DISCUSSION

{¶ 2} Orwell-Trumbull Pipeline Company, LLC (OTP or the Company) is a pipeline company under R.C. 4905.03 and a public utility as defined under R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On August 15, 2016, OTP filed its application in the above-captioned case, in response to the Commission's Opinion and Order in Case No. 14-1654-GA-CSS, et al. In its Order, the Commission directed OTP and any other pipeline companies owned or controlled by Richard Osborne to file applications, pursuant to R.C. Chapter 4909, to determine just and reasonable rates that include charges for firm and interruptible transportation services and rates for shrinkage. *In re Complaint of Orwell Natural Gas Co. v. Orwell-Trumbull Pipeline Co., LLC*, Case No. 14-1654-GA-CSS, et al., Opinion and Order (June 15, 2016) at 35.

{¶ 4} On August 25, 2016, Staff sent OTP a letter stating that its application did not comply with the Standard Filing Requirements for Rate Increases covered in Ohio Adm.Code 4901-7-01 and that Staff did not receive enough information to begin its review of the application. Staff's letter detailed the information OTP must provide in order to complete the application and stated the information should be provided not later than 30 days from the date of that letter.

{¶ 5} An amended abbreviated application was filed by OTP on September 26, 2016. By Entry dated November 9, 2016, OTP's amended application was accepted as of the filing date of September 26, 2016.

{¶ 6} On June 7, 2017, the Commission issued an Entry directing Staff to issue a request for proposal (RFP) to acquire audit services to assist the Commission with the review of OTP's plant records. Bidders were directed to demonstrate their understanding of the project and the work required by showing a clear understanding of the tasks to be completed, the experience and qualifications of the personnel who will perform the work, and the anticipated breakdown of costs and timing. All proposals were submitted on June 23, 2017, in accordance with the terms of the RFP.

{¶ 7} The proposals received in response to the RFP have been evaluated and, after consideration of those proposals, the Commission selects Schumaker & Company (Schumaker). The Commission finds that Schumaker has the necessary experience to complete the required work.

{¶ 8} The Company shall enter into a contract with Schumaker by July 28, 2017, for the purpose of providing payment for its auditing services. The contract shall incorporate the terms and conditions of the RFP, the auditor's proposal, and relevant Commission entries in this case.

{¶ 9} The Commission shall solely direct the work of the auditor. Staff will review and approve payment invoices submitted by the auditor.

{¶ 10} Schumaker will execute its duties pursuant to the Commission's statutory authority to investigate and acquire records, contracts, reports, and other documentation under R.C. 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16. Schumaker is subject to the Commission's statutory duty under R.C. 4901.16, which provides:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or acting in any other capacity under the appointment or employment of the commission.

{¶ 11} Upon request of Schumaker or Staff, the Company shall provide any and all documents or information requested. The Company may conspicuously mark such documents or information "confidential" if the Company believes the document should be deemed as such. In no event, however, shall the Company refuse or delay in providing such documents or information.

{¶ 12} Once disclosure is permitted by R.C. 4901.16, the following process applies to the release of any document or information marked as confidential. Three days' prior notice of intent to disclose shall be provided to the party claiming confidentiality. Three days after such notice, Staff or the auditor may disclose or otherwise make use of such documents or information for any lawful purpose, unless the Commission receives a request for a protective order pertaining to such documents or information within the three-day notice period. The three-day notice period will be computed according to Ohio Adm.Code 4901-1-07.

{¶ 13} Schumaker shall perform its audit and investigation as an independent contractor. Any conclusions, results, or recommendations formulated by Schumaker may be examined by any participant to this proceeding. Further, it shall be understood that the Commission and/or its Staff shall not be liable for any acts committed by Schumaker or its agents in the preparation and presentation of the report.

III. ORDER

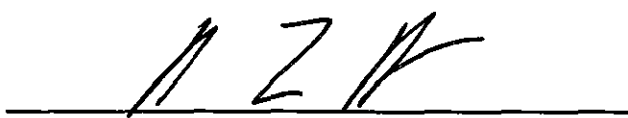
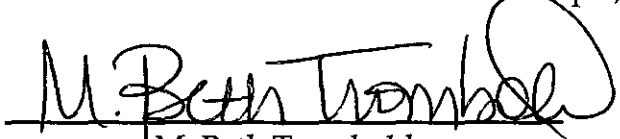

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That Schumaker be selected to perform the consulting activities set forth above and in the RFP. It is, further,

{¶ 16} ORDERED, That the Company and Schumaker shall observe the requirements set forth herein. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Asim Z. Haque, Chairman
M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedeman
Daniel R. Conway

HW/SJP/sc

Entered in the Journal

JUL 12 2017
Barcy F. McNealBarcy F. McNeal
Secretary