

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The East Ohio Gas Company)
d/b/a Dominion Energy Ohio for Approval of) Case No. 19-0468-GA-ALT
an Alternative Form of Regulation.)

**MOTION FOR WAIVERS FROM CERTAIN STANDARD FILING REQUIREMENTS
AND MEMORANDUM IN SUPPORT OF
THE EAST OHIO GAS COMPANY D/B/A DOMINION ENERGY OHIO**

In accordance with Ohio Adm. Code 4901-1-12, 4901-7-01, Appendix A, Chapter II(A)(4), and 4901:1-19-02(D), The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or the Company) respectfully requests that the Commission issue an entry approving a waiver from certain provisions of the Commission's Standard Filing Requirements (SFRs). Good cause exists to grant this motion as set forth in the accompanying memorandum in support. DEO asks for an expedited ruling approving its waiver request, so that DEO may promptly submit the application and supporting exhibits identified in its February 27, 2019 Notice in this proceeding.

Dated: March 29, 2019

Respectfully submitted,

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ATTORNEYS FOR THE EAST OHIO GAS
COMPANY D/B/A DOMINION ENERGY OHIO

MEMORANDUM IN SUPPORT

I. INTRODUCTION

On February 27, 2019, DEO filed a notice of intent to file an application for approval of an alternative rate plan under R.C. 4929.05, 4929.111, and 4909.18. That notice specifically indicated DEO's intent to establish a capital expenditure program (CEP) rider. Ohio Adm. Code 4901:1-19-06(C) provides that for an alternative rate plan application that is an increase in rates, the applicant shall submit the exhibits described in divisions (A) to (D) of R.C. 4909.18 and Ohio Adm. Code 4901-7-01 unless the Commission otherwise waives the requirement. Ohio Adm. Code 4901:1-19-02(D) provides that the Commission may waive any requirement of Chapter 4901:1-19, unless the requirement is mandated by statute. Ohio Adm. Code 4901-7, Appendix A, Chapter II(A)(4) similarly allows for the Commission to waive any requirement in the SFRs, other than those mandated by statute, "for good cause shown."

With this motion, DEO seeks the Commission's waiver of certain SFRs for DEO's alternative rate plan application. For the reasons stated below, there is good cause for the Commission to grant DEO's request for waiver of certain SFRs. DEO also asks that the Commission issue an expedited ruling granting its requested waiver of certain SFRs, so that DEO may promptly submit its application in this proceeding for Staff's review.

II. DISCUSSION

The Commission should grant DEO's motion. Ohio Adm. Code 4901:1-19-02(D) does not incorporate a "good cause" standard, specify the factors to consider "when determining whether good cause has been shown," or indicate any "specific timeframes for the filing of waivers." *In re Review of Chapter 4901:1-19, Ohio Adm. Code*, Case No. 11-5590-GA-ORD, Finding and Order, ¶ 22 (Dec. 12, 2012). Chapter II(A)(4)(d) of the SFRs, however, does

identify several factors that the Commission may consider in its discretion in determining whether to grant DEO's request for waiver. These factors are:

- (i) Whether other information, which the utility would provide if the waiver is granted, is sufficient so that the commission staff can effectively and efficiently review the rate application.
- (ii) Whether the information, which is the subject of the waiver request, is normally maintained by the utility or reasonably available to it from the information which it maintains.
- (iii) The expense to the utility in providing the information, which is the subject of the waiver request.

Ohio Adm. Code 4901-7-01, Appx. A, Chapter II(A)(4)(d).

As explained below, DEO's requested waivers meet the criteria specified in Ohio Adm. Code 4901-7-01, Appendix A, Chapter II(A)(4)(d), are reasonable, and should be granted. DEO's request is also consistent with the waivers granted by the Commission in Case No. 17-2202, involving the similar filing for a CEP Rider by Columbia Gas of Ohio, Inc. *In re Appl. of Columbia Gas of Ohio, Inc.*, Case No. 17-2202-GA-ALT, Entry ¶ 21 (May 16, 2018).

DEO would clarify that this request for a waiver—and the granting of its request—does not and would not preclude Staff from requesting such waived information during the course of its review. If Staff should determine that any of the information identified below would assist Staff in its review of DEO's application, DEO would provide the relevant information in response to Staff data requests. This request merely asks the Commission to waive compliance with certain SFRs at the time that DEO submits its application and supporting exhibits in this proceeding. The Commission approved similar conditional waivers for Columbia Gas of Ohio, Inc. in Case No. 17-2202-GA-ALT. *See id.*

Chapter II(B)(1) through (B)(6) – Supplemental Filing Requirements. These sections require an applicant to provide its most recent five-year capital expenditures budget; its most

recent five-year financial forecast; the underlying assumptions supporting its financial forecast; a five-year projection of revenue requirements; certain balance sheet items for each forecast year; and certain elements of a statement of changes in financial position. Because DEO's application seeks to establish a rider for the return of and on historical CEP investment and related costs, five-year forecasts and projections are not applicable or necessary here. For these reasons, DEO does not believe that the information required under this specific SFR would materially assist Staff in its review of DEO's application. The Commission granted a similar waiver request in Case No. 17-2202-GA-ALT. *In re Appl. of Columbia Gas of Ohio, Inc.*, Case No. 17-2202-GA-ALT, Entry ¶ 21 (May 16, 2018).

Chapter II(B)(8) through (B)(9) – Supplemental Filing Requirements. These sections require an applicant to provide executive summaries of its corporate process utilized by the board of directors and corporate officers, and of its management policies, practices, and organization employed to meet the applicant's corporate goals. This information is not maintained in the ordinary course of business, and due to the limited nature of R.C. 4929.111 and DEO's application, compiling and providing this information with its application would impose an undue burden on DEO. DEO does not believe that the information required under this specific SFR would materially assist Staff in its review of DEO's application. The Commission granted a similar waiver request in Case No. 17-2202-GA-ALT. *In re Appl. of Columbia Gas of Ohio, Inc.*, Case No. 17-2202-GA-ALT, Entry ¶ 21 (May 16, 2018).

Chapter II(C) – Supplemental information provided at filing. This section requires an applicant to provide four copies of numerous reports and forms submitted to federal agencies; federal income tax information; and other worksheets and certificates. Given the limited focus of R.C. 4929.111 and DEO's application on historical capital expenditures, this information does

not appear relevant to DEO's application. Thus, compiling and providing this information with its application would cause undue burden on DEO. DEO does not believe that the information required under this SFR would materially assist Staff in its review of DEO's application. The Commission granted a similar waiver request in Case No. 17-2202-GA-ALT. *In re Appl. of Columbia Gas of Ohio, Inc.*, Case No. 17-2202-GA-ALT, Entry ¶ 21 (May 16, 2018).

Chapter II(D) – Supplemental information provided at audit. This section requires an applicant to provide additional information on the first day of the field audit, such as system maps, information regarding leased properties, depreciation studies, and state income tax information. Much of this information appears irrelevant to DEO's application and the factors applicable under R.C. 4929.111. DEO recognizes that an audit or other independent review will likely be undertaken, either by Staff or by a third party pursuant to Commission order, but DEO believes that the particulars and timing of such review can best be addressed at the time the review occurs. The Commission granted a similar waiver request in Case No. 17-2202-GA-ALT. *In re Appl. of Columbia Gas of Ohio, Inc.*, Case No. 17-2202-GA-ALT, Entry ¶ 21 (May 16, 2018).

Chapter II, Section C – Operating Income. This section requires an applicant to provide numerous schedules related to overall operating income used to determine appropriate base rates. This information is not applicable under R.C. 4929.111, relevant to DEO's application, or maintained in the ordinary course of business. Accordingly, compiling and providing this information with its application would cause undue burden on DEO. DEO does not believe that the information required under this specific SFR would materially assist Staff in its review of DEO's application. The Commission granted a similar waiver request in Case No. 17-2202-GA-

ALT. *In re Appl. of Columbia Gas of Ohio, Inc.*, Case No. 17-2202-GA-ALT, Entry ¶ 21 (May 16, 2018).

Chapter II, Section D – Rate of Return. This section requires an applicant to provide various rate-of-return schedules to establish an overall rate of return. The Commission previously has found that riders such as DEO’s proposed CEP rider should be developed using the rate of return determined in the utility’s most recent rate case. *See, e.g., In re Appl. of Columbia Gas of Ohio, Inc.*, Case No. 16-2422-GA-ALT, Opin. & Order ¶ 62 (Jan. 27, 2018). Additionally, the preparation of cost of capital analyses typically involves significant expense and consultant fees. For these reasons, compiling and providing this information with its application would cause undue burden on DEO, and would not materially assist Staff in its review of DEO’s application. The Commission granted a similar waiver request in Case No. 17-2202-GA-ALT. *In re Appl. of Columbia Gas of Ohio, Inc.*, Case No. 17-2202-GA-ALT, Entry ¶ 21 (May 16, 2018).

Chapter II, Section E – Rates and Tariffs. This section requires an applicant to provide current and proposed tariff schedules, narrative rationales for tariff changes, a cost of service study, and additional information related to a request for an increase in base rates. DEO’s application will contain current and proposed tariff pages for its CEP rider, a narrative rationale for tariff changes related to this rider, and a bill comparison. The remaining E schedules that relate to base rates are not applicable to DEO’s application. The Commission granted a similar waiver request in Case No. 17-2202-GA-ALT. *In re Appl. of Columbia Gas of Ohio, Inc.*, Case No. 17-2202-GA-ALT, Entry ¶ 21 (May 16, 2018).

III. CONCLUSION

For the reasons set forth above, DEO respectfully requests that the Commission issue an expedited ruling granting the requested waivers from certain Standard Filing Requirements, so that DEO may promptly submit its application in this proceeding for Staff's review.

Dated: March 29, 2019

Respectfully submitted,

/s/ Christopher T. Kennedy

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Summary: Motion for Waivers of Certain Standard Filing Requirements and Memorandum in Support electronically filed by Ms. Rebekah J. Glover on behalf of The East Ohio Gas Company d/b/a Dominion Energy Ohio