

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Suburban Natural Gas Company for an)	Case No. 18-1205-GA-AIR
Increase in Gas Distribution Rates.)	
In the Matter of the Application of)	
Suburban Natural Gas Company for)	Case No. 18-1206-GA-ATA
Tariff Approval.)	
In the Matter of the Application of)	
Suburban Natural Gas Company for)	Case No. 18-1207-GA-AAM
Approval of Certain Accounting Authority.)	

**OHIO PARTNERS FOR AFFORDABLE ENERGY'S
MEMORANDUM CONTRA**

Ohio Partners for Affordable Energy ("OPAE") herein submits its Memorandum Contra the motion of Suburban Natural Gas Company ("Suburban") to strike OPAE's Objections to the Staff Report of Investigation and Summary of Major Issues. Suburban's motion to strike is without merit and should be denied.

Suburban bases its motion on Ohio Administrative Code ("O.A.C.") 4901-1-28(B), which states that objections to a staff report must be specific and that "any objections that fail to meet this requirement **may** be stricken upon motion of any party." (Emphasis added.) There is no requirement that an objection must be stricken even if it lacks "specificity", an ambiguous quality. Under Rule 4901-1-28(C), objections frame the issues in the proceeding, but the Commission, the legal director, the deputy legal director, or the attorney examiner may designate additional issues or areas of inquiry. There is no reason to strictly construe the Commission's rule for objections to staff reports, nor has the Commission done so in other rate

proceedings. Suburban cites to no cases in which the Commission struck an objection similar to OPAE's objections for lack of specificity.

Suburban claims that OPAE's Objection No. 1 referring to the Straight Fixed Variable ("SFV") rate design is not specific and does not relate to the Staff investigation. The design of rates is a basic component of rate setting, and it is impossible that rate design is not an issue in an application to increase rates. The Staff Report states that the Commission approved Suburban's application for a two year phase-in of a full SFV rate design, and the application reflects the rate design approved in the last case. Staff Report at 27. This is another rate proceeding setting a new customer charge. OPAE may object to the use of the same rate design from the last case and its continuation in this case.

Suburban also quibbles about OPAE's reference to the collection of the "entire" revenue requirement through a high fixed customer charge. The Small General Service ("SGS") customer charge is obviously for SGS customers, and it recovers of the entire revenue requirement assigned to SGS customers.

Suburban also claims that OPAE did not articulate "specific" alternatives to the SFV rate design. Suburban claims that OPAE does not support "the idea of customer charges in general." Motion at 11. OPAE's objection states that of November 10, 2017, the customer service charge was \$9.18. The first phase of the two-year phase-in brought the charge to \$19.30. The second phase of the increase was effective November 2018 when the customer charge increased to \$29.42. The Staff recommends an increase in the charge from the current \$29.42 to \$33.88, a 15.16% increase. OPAE Objections at 2. The

alternative to the increased high fixed customer charge is a much lower fixed customer charge, such as the charge in effect in November 2017. Suburban's motion to strike has no merit.

Suburban also moves to strike OPAE's Objection No. 2 referring to the Staff Report's failure to recommend additional assistance for low-income customers. Suburban complains that OPAE does not recommend specific additional assistance, does not state why current funding is insufficient, or how the assistance will be funded. OPAE's objection that the Staff did not recommend additional assistance for low-income customers was made in light of the increased fixed customer charge and absence of any volumetric charge. As for the type of assistance, OPAE discussed the funding for the pilot program for low-income customers being initiated by Suburban. OPAE stated that the pilot program should be seen as a partial response to the high fixed customer charges resulting from the imposition of the full SFV rate design and its impact on low-income customers. Given that the Staff Report recommends an even higher fixed customer charge, the Staff should have addressed the need for additional assistance for Suburban's low-income customers. Suburban's motion has no merit.

Suburban moves to strike OPAE's Objection No. 4 that the Staff Report does not state when the theft of service/tampering investigation charge would be levied. Suburban refers to its proposed tariffs for the charge and claims that it is only levied when an investigation occurs after tampering has already occurred. Motion at 13. This does not resolve OPAE's objection that the Staff Report does not discuss how it is determined that tampering has occurred and when the investigation charge is

levied. The objection refers to the information in the Staff Report and should not be stricken.

Finally, Suburban moves to strike OPAE's summary of major Issues because Revised Code 4903.083 "does not require or allow" a summary of major Issues to be included with objections to the Staff Report. Suburban claims the listed issues are additional objections, which lack sufficient specificity. Motion at 14. There is no reason to strike the summary, which is included with objections even if it is not a substantive or specific list. The summary has not been stricken in other rate proceedings, nor has Suburban cited any other cases in which a summary of major issues was stricken for any reason. See *Duke Energy Ohio*, Case No. 17-32-EL-AIR, Duke Energy Ohio's Objections to the Staff Report and Summary of Major Issues (October 26, 2017).

Therefore, Suburban's motion to strike OPAE's objections and summary of major issues is without merit and should be denied in its entirety.

Respectfully submitted,

/s/Colleen L. Mooney
Colleen L. Mooney
Ohio Partners for Affordable Energy
PO Box 12451
Columbus, OH 43212
Telephone: (614) 488-5739

cmooney@opae.org
(will accept service by e-mail)

CERTIFICATE OF SERVICE

A copy of the foregoing Memorandum Contra will be served electronically by the Commission's Docketing Division upon the parties identified below on this 1st day of April 2019.

/s/Colleen L. Mooney
Colleen L. Mooney

SERVICE LIST

bojko@carpenterlipps.com
dressel@carpenterlipps.com
christopher.healey@occ.ohio.gov
william.wright@ohioattorneygeneral.gov

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/1/2019 1:59:04 PM

in

Case No(s). 18-1205-GA-AIR, 18-1206-GA-ATA, 18-1207-GA-AAM

Summary: Memorandum Contra the Motion to Strike electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy