

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
SUBURBAN NATURAL GAS COMPANY,**

COMPLAINANT,

V.

CASE NO. 17-2168-GA-CSS

COLUMBIA GAS OF OHIO, INC.,

RESPONDENT.

ENTRY ON REHEARING

Entered in the Journal on June 5, 2019

I. SUMMARY

{¶ 1} The Commission grants the application for rehearing filed by Suburban Natural Gas Company to further consider the matters specified in the application.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} Columbia Gas of Ohio, Inc. (Columbia) is a natural gas company and public utility as defined in R.C. 4905.03 and R.C. 4905.02, respectively. As such, Columbia is subject to the Commission's jurisdiction.

{¶ 4} On October 20, 2017, Suburban Natural Gas Company (Suburban) filed a verified complaint and request for emergency relief against Columbia.¹ Columbia filed an answer to the complaint on November 13, 2017.

¹ Suburban is also a natural gas company and public utility as defined in R.C. Chapter 4905.

{¶ 5} Subsequently, an evidentiary hearing was conducted over a three-day period beginning April 3, 2018.

{¶ 6} On April 10, 2019, the Commission issued its Opinion and Order. Ultimately, the Commission found in favor of Columbia.

{¶ 7} Pursuant to R.C. 4903.10, any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days after the Commission's order is journalized.

{¶ 8} On May 10, 2019, Suburban filed an application for rehearing.

{¶ 9} On May 13, 2019, a Monday, Suburban filed a motion for leave to file a corrected application for rehearing and request for expedited ruling. In the motion, Suburban states that, in reviewing the service copy of the May 10, 2019 application, counsel discovered that several footnote references were blank or incomplete. After investigating, counsel determined that the wrong version of the document, which contained missing or incomplete footnotes, was inadvertently filed. Suburban notes that the missing or incomplete footnotes in the first-filed version are technical defects, not substantive deficiencies that preclude consideration of the arguments made on rehearing, and that permitting the corrected version would not unduly prejudice any party. Thus, Suburban asks that it be permitted to file the corrected and complete application for rehearing. Lastly, although no representations are made regarding whether Columbia was contacted or had objections regarding the motion, Suburban offers that it has no objection to waiver of Ohio Adm.Code 4901-1-35(B) such that Columbia's ten-day response period would run from the date of the corrected application for rehearing rather than the original filing.

{¶ 10} On May 20, 2019, Columbia filed its memorandum contra Suburban's application for rehearing. No mention is made of Suburban's May 13, 2019 motion.

{¶ 11} Upon review, the Commission finds that Suburban's motion for leave to file a corrected application for rehearing must be denied. Although Suburban accurately notes

that the May 13, 2019 version of its application for rehearing contains only corrections to footnotes, with no substantive changes to the main text or the arguments raised on rehearing, the Commission simply lacks the authority to grant the motion. The Commission has no power to entertain an application for rehearing filed after the expiration of the statutory 30-day period. *Greer v. Pub. Util. Comm.*, 172 Ohio St. 361, 362, 176 N.E.2d 416, 417 (1961). That the late-filed document Suburban seeks to have considered is a corrected version of its timely-filed application for rehearing does not change the mandated outcome. See *In re Complaint of Luntz Corporation v. Ohio Edison Company*, Case No. 94-1783-EL-CSS, Entry on Rehearing (Apr. 4, 1996) (Commission rejected amended application for rehearing filed beyond statutory 30-day period).

{¶ 12} The Commission further finds, however, that Suburban's May 10, 2019 application for rehearing sets forth sufficient reason to warrant further consideration of the matters specified therein. Accordingly, the application should be granted for the purpose of further consideration of the matters specified within the application for rehearing.

III. ORDER

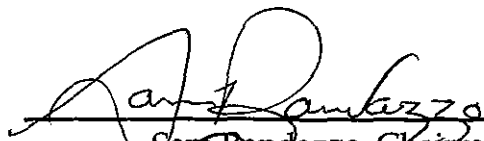
{¶ 13} It is, therefore,

{¶ 14} ORDERED, That Suburban's May 13, 2019 motion for leave to file a corrected application for rehearing be denied. It is, further,

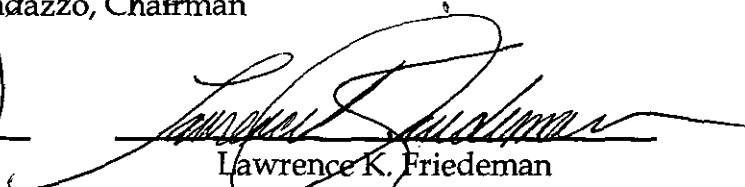
{¶ 15} ORDERED, That Suburban's May 10, 2019 application for rehearing be granted for further consideration of the matters specified therein. It is, further,

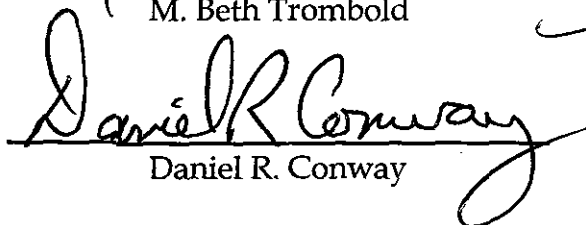
{¶ 16} ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

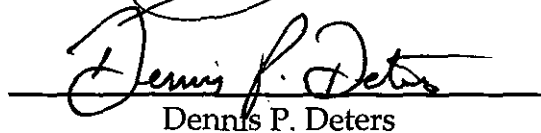
THE PUBLIC UTILITIES COMMISSION OF OHIO


Sam Randazzo, Chairman


M. Beth Trombold


Lawrence K. Friedeman


Daniel R. Conway


Dennis P. Deters

PAS/hac

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Tanowa M. Troupe
Secretary