

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE EAST OHIO GAS COMPANY D/B/A
DOMINION ENERGY OHIO FOR
APPROVAL OF AN ECONOMIC
DEVELOPMENT PROJECT WITH TRACTOR
SUPPLY COMPANY.

CASE NO. 20-1703-GA-EDP

ENTRY

Entered in the Journal on December 14, 2020

{¶ 1} The East Ohio Gas Company d/b/a Dominion Energy Ohio (Dominion or the Company) is a natural gas company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} R.C. 4929.163(A) provides that a natural gas company may file an application with the Commission for approval of an economic development project. The application must include a description of the economic development project, the infrastructure development costs to be expended on the project, and the support for the project by an economic development entity or chamber of commerce, as well as describe how the project meets the criteria set forth in rules adopted by the Commission. Ohio Adm.Code 4901:1-43-03 sets forth the requirements for an economic development project notice filed by a natural gas company with the Commission and the process for approval of the notice.

{¶ 3} As required under R.C. 4929.163(E), Ohio Adm.Code 4901:1-43-03(C) provides that a notice filed pursuant to R.C. 4929.163(A) shall be deemed automatically approved on the 30th day after the date of the notice filing unless the notice filing is suspended by the Commission for good cause shown. If the notice filing is suspended, the Commission shall approve, deny, modify, or hold a hearing on the notice filing not later than 45 days after the date that the suspension begins.

{¶ 4} On November 12, 2020, Dominion filed, pursuant to R.C. 4929.163 and Ohio Adm.Code 4901:1-43-03(A), an application for approval of an economic development project with Tractor Supply Company at the commercial/industrial development site

known as Stark County Farm, which is located in Navarre, Ohio. Dominion states that the project involves a 2,050-foot extension of a 12-inch mainline to provide service to the proposed development by Tractor Supply Company of approximately 117 acres of Stark County Farm, including the proposed construction of a distribution center, as well as the relocation of an existing six-inch gathering line.

{¶ 5} On December 10, 2020, the Ohio Consumers' Counsel (OCC) filed a motion to intervene and comments. With respect to its motion for intervention, OCC states that it represents Dominion's residential utility customers and that this case may adversely affect these customers' interests. OCC further submits that its participation will not unduly prolong or delay the proceeding and that its advocacy will significantly contribute to the full development and equitable resolution of the issues. OCC concludes that it meets the intervention criteria set forth in R.C. 4903.221, as well as Ohio Adm.Code 4901-1-11, and that granting its motion would be consistent with precedent of the Supreme Court of Ohio.

{¶ 6} In its comments, OCC contends that Dominion improperly seeks to use an economic development rider to collect costs from consumers for moving a gathering line that delivers gas to the Company's own facilities. OCC argues that this aspect of the economic development project does not satisfy the statutory definitions of "infrastructure development" or "infrastructure development costs" in R.C. 4929.16(A) and (B), respectively. OCC also asserts that Dominion should seek to recover these costs in a distribution rate case. According to OCC, the Commission should limit Dominion's application to collection of the costs for extending its 12-inch gas main to serve Tractor Supply Company. OCC states that it supports Dominion's request to collect from customers its prudently incurred line extension costs for this project. If the Commission does not reject Dominion's request to collect the costs for relocating the gathering line from customers as part of this project, OCC proposes that, alternatively, the Commission extend the 30-day review period to allow for further consideration of the application.

{¶ 7} The attorney examiner notes that Ohio Adm.Code 4901:1-43-04(E)(1) provides

that a motion to intervene and submit comments concerning any economic development project notice filed under Ohio Adm.Code 4901:1-43-03 must be submitted to the Commission within 15 days of the date of the filing of the notice. In this case, Dominion's economic development project notice was filed on November 12, 2020. OCC's motion to intervene and comments were not filed with the Commission within the 15-day period. OCC has not sought leave to file its motion and comments out of time. Neither has OCC explained why it waited to file the motion and comments until the end of the 30-day period for review of Dominion's economic development project notice. Further, although OCC represents that its intervention will not delay the proceeding, it effectively seeks either an immediate rejection of a portion of Dominion's application by the Commission or a suspension of the statutory review period, without allowing time for a response by the Company. Accordingly, OCC's motion to intervene in this case should be denied.

{¶ 8} In its comments, OCC raises concerns with Dominion's recovery of costs associated with relocating a gathering line that delivers gas to the Company's own facilities. As with its motion for intervention, OCC's comments were filed well after the deadline and at the near end of the 30-day review period. The attorney examiner notes, however, that OCC's concerns regarding Dominion's recovery of the costs to complete this economic development project may be raised by OCC or other interested persons in the Company's annual report proceeding, consistent with the process set forth in Ohio Adm.Code 4901:1-43-04.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That OCC's motion for intervention be denied. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Sarah J. Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/kck

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Commission of Ohio Docketing Information System on

12/14/2020 3:31:43 PM

in

Case No(s). 20-1703-GA-EDP

Summary: Attorney Examiner Entry denying OCC's motion for intervention. electronically filed by Kelli C. King on behalf of Sarah J. Parrot, Attorney Examiner, Public Utilities Commission of Ohio