

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE JOINT  
APPLICATION OF UTILITY PIPELINE, LTD.,  
KNOX ENERGY COOPERATIVE  
ASSOCIATION, INC., AND THE EAST  
OHIO GAS COMPANY D/B/A DOMINION  
ENERGY OHIO TO SUBSTITUTE NATURAL  
GAS SERVICE AND TRANSFER ASSETS  
AND CUSTOMERS.

CASE NO. 21-814-GA-ATR

### ENTRY

Entered in the Journal on September 3, 2021

{¶ 1} The East Ohio Gas Company d/b/a Dominion Energy Ohio (Dominion) 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} On July 22, 2021, Dominion, Utility Pipeline, Ltd. (UPL), and Knox Energy Cooperative Association, Inc. (Knox) (collectively, Joint Applicants) filed a joint application seeking authority to substitute natural gas service and transfer certain assets and customers from Dominion to UPL, with UPL's subsequent assignment of the assets and customers to Knox. Specifically, Joint Applicants request approval of the transfer of Dominion's Powhatan Point natural gas distribution system in Belmont County, Ohio, including all tangible personal property and real property interests, and to substitute the provision of natural gas service to the affected customers by Knox instead of Dominion. According to Joint Applicants, Dominion mailed a notice to each of its affected customers on or about the date on which the joint application was filed.

{¶ 3} Joint Applicants state that UPL is a privately owned corporation involved in pipeline construction and utility operations in several states, including Ohio, and that Knox is a member-owned, not-for-profit cooperative natural gas utility operated exclusively for its members in Ohio and Pennsylvania. Joint Applicants assert that, in accordance with R.C. 4905.02 and 4905.04, the Commission does not have jurisdiction over Knox except for gas pipeline safety purposes. Additionally, Joint Applicants note that, as proposed, Knox would

own the Powhatan Point system, while UPL would manage and operate the system on Knox's behalf, pursuant to a management agreement between the two entities. Joint Applicants aver that their proposal would not constitute an abandonment of service by Dominion under R.C. 4905.20 and 4905.21, because the cessation of service by Dominion would be simultaneously accompanied by uninterrupted and adequate service by UPL and Knox as nonregulated entities. Finally, in order to ensure the timely closing of the associated transactions and an orderly transition of service, Joint Applicants request an expedited review of the application.

{¶ 4} R.C. 4905.20 provides that no public utility furnishing services within this state shall abandon any gas line or any portion thereof, or the service rendered thereby that has once been used for public business, except as provided in R.C. 4905.21. R.C. 4905.21 provides that any public utility wishing to abandon all or any part of its lines must file an application with the Commission and obtain authorization to abandon service prior to such abandonment. The Commission has previously found that certain transactions where customers moved from service by a regulated utility to service by a nonregulated entity were not tantamount to an abandonment of service or facilities, specifically where the proposed transfer resulted in uninterrupted and adequate service to the utility's existing customers. *In re Northern Industrial Energy Development, Inc. and Knox Energy Cooperative Association, Inc.*, Case No. 05-1267-GA-ATR, Finding and Order (Dec. 14, 2005); *In re Columbia Gas of Ohio, Inc.*, Case No. 04-1417-GA-ATR, Finding and Order (Feb. 2, 2005); *In re Ohio Edison Co.*, Case No. 99-955-EL-ATR, Finding and Order (Nov. 18, 1999).

{¶ 5} At this time, the attorney examiner finds that Dominion's customers on the Powhatan Point system and any other interested persons or entities should be afforded an opportunity to file comments regarding the joint application. Accordingly, any interested persons or entities may file comments in this docket by October 8, 2021, with any reply comments filed by Joint Applicants due on October 15, 2021. The comments should state the above-captioned case number and be addressed to the Public Utilities Commission of Ohio, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215-3793. Electronic

and facsimile options for filing comments are also available. Persons or entities seeking to file comments may contact the Commission's Docketing Division for assistance.

{¶ 6} In addition, Dominion is directed to send a letter of notice with an attached copy of this Entry, by September 13, 2021, to all of the customers on the Powhatan Point system and to file, in this docket, confirmation of the mailing of the letter of notice and attached Entry. By September 9, 2021, Dominion should provide the Director of the Commission's Service Monitoring and Enforcement Department its proposed draft of the letter for review and approval prior to mailing, along with a list of the customers to which the notice will be provided.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That all interested persons or entities wishing to file comments regarding the joint application do so no later than October 8, 2021, with any reply comments of the Joint Applicants filed by October 15, 2021. It is, further,

{¶ 9} ORDERED, That, by September 9, 2021, Dominion provide the Director of the Commission's Service Monitoring and Enforcement Department its draft letter of notice for review and approval, along with a customer list, and by September 13, 2021, Dominion send such letter with an attached copy of this Entry to all affected customers, as well as file confirmation of the mailing of the letter. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Sarah J. Parrot

By: Sarah J. Parrot  
Attorney Examiner

MJA/mef

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**Case No(s). 21-0814-GA-ATR**

Summary: Attorney Examiner Entry ordering all interested persons or entities wishing to file comments regarding the joint application do so no later than October 8, 2021, with reply comments due by October 15, 2021; and, requiring Dominion to provided approved notice of the same to affected parties, as detailed herein. electronically filed by Ms. Mary E. Fischer on behalf of Sarah J. Parrot, Attorney Examiner, Public Utilities Commission of Ohio