

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The East )	
Ohio Gas Company d/b/a Dominion Energy )	Case No. 21-619-GA-RDR
Ohio for Authority to Adjust Its Capital )	
Expenditure Program Rider Charges.	

**STIPULATION AND RECOMMENDATION**

Ohio Adm.Code 4901-1-30 provides that any two or more parties to a proceeding may enter into a written stipulation covering the issues presented in such proceeding. The purpose of this document is to set forth the understanding and agreement of The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or the Company), and the Staff of the Public Utilities Commission of Ohio (Staff) (which, for the purpose of entering into this Stipulation and Recommendation, will be considered a party by virtue of Ohio Adm.Code 4901-1-10(C)),<sup>1</sup> and to recommend that the Public Utilities Commission of Ohio (PUCO or the Commission) approve and adopt this Stipulation and Recommendation (Stipulation), as part of its Opinion and Order, resolving all of the issues in the above-captioned proceeding.

This Stipulation, which shall be designated as Joint Exhibit 1.0, is supported by adequate data and information; represents, as an integrated and complete document, a just and reasonable resolution of all issues in this proceeding; violates no regulatory principle or precedent; is in the public interest; and is the product of lengthy, serious bargaining among knowledgeable and capable parties who represent the various interests and stakeholders in a cooperative process undertaken by the Signatory Parties. While this Stipulation is not binding on the Commission,

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<sup>1</sup> Interstate Gas Supply, Inc. (IGS) does not oppose the Stipulation, but is not a signatory party.

where, as here, it is sponsored by parties representing a significant cross section of interests, including the Commission's Staff, it is entitled to careful consideration by the Commission.

The Signatory Parties stipulate and recommend as follows:

1. DEO's Application for authority to adjust its Capital Expenditure Program (CEP) Rider filed in this proceeding on April 1, 2021, shall be approved as filed, subject to the findings and recommendations of the Staff Review and Recommendation (Staff Report) filed in this proceeding on August 2, 2021, except as otherwise specifically provided for in this Stipulation. If any proposed rate, charge, term, condition, or other item set forth in DEO's Application is not addressed in the Staff Report or this Stipulation, the proposed rate, charge, term, condition, or other item shall be treated in accordance with the Application.

2. For CEP investments from January 1, 2021, through the date certain of DEO's base rate case application to be filed not later than October 2024, DEO shall prospectively exclude capitalized amounts from any CEP revenue requirement for the Long-Term Incentive Program (LTIP) and Leadership Incentive Plan (LIP). DEO reserves the right to seek, and no Signatory Party is prohibited from opposing, recovery of costs associated with the aforementioned programs in other Commission proceedings.

3. The Signatory Parties agree that the following exhibits should be admitted into the record:

Joint Exhibit 1.0	Stipulation and Recommendation
DEO Exhibit 1.0	DEO's Application and Attachments A-E (filed April 1, 2021)
DEO Exhibit 2.0	Direct Testimony of Celia B. Hashlamoun (filed April 1, 2021) (Attachment F to the Application)
DEO Exhibit 3.0	DEO's Attachment D Supplement (filed on April 7, 2021)
Staff Exhibit 1.0	Staff Report (filed August 2, 2021)

Staff Exhibit 2.0

Plant-in-Service and Capital Expenditure Program Audit of  
The East Ohio Gas Company d/b/a Dominion Energy Ohio  
by Blue Ridge Consulting Services, Inc. (filed July 15,  
2021)

4. This Stipulation is entered into as an overall compromise and resolution of the issues presented in this proceeding and does not necessarily represent the position that any Signatory Party would have taken absent its execution. The Signatory Parties believe that this Stipulation represents a reasonable compromise of the varying interests that have been asserted in this proceeding.

5. This Stipulation is expressly conditioned upon adoption in its entirety by the Commission without material modification by the Commission; provided, however, that each Signatory Party has the right, in its sole discretion, to determine whether the Commission's approval of this Stipulation contains a material modification thereof.

6. If the Commission rejects or materially modifies all or part of this Stipulation, any Signatory Party shall have the right, within 30 days of issuance of the Commission's Order, to apply for rehearing. If, upon rehearing, the Commission does not adopt the Stipulation without material modification, or if the Commission makes a material modification to any Order adopting the Stipulation pursuant to any reversal, vacation and/or remand by the Supreme Court of Ohio, then within 30 days of the Commission's Entry on Rehearing or Order on Remand any Signatory Party may withdraw from the Stipulation by filing a notice with the Commission in this proceeding (Notice of Withdrawal), and serving said Notice of Withdrawal upon all Signatory Parties.

7. No Signatory Party shall file a Notice of Withdrawal without first negotiating in good faith with the other Signatory Parties to achieve an outcome that substantially satisfies the intent of the Stipulation. If a new agreement achieves such an outcome, the Signatory Parties will

file the new agreement for Commission review and approval. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are unsuccessful, and a Signatory Party files a Notice of Withdrawal, then the Commission will convene an evidentiary hearing to afford that Signatory Party the opportunity to contest the Stipulation by presenting evidence through witnesses, to cross-examine witnesses, to present rebuttal testimony, and to brief all issues that the Commission shall decide based upon the record and briefs. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are successful, then some or all of the Signatory Parties shall submit the amended Stipulation to the Commission for approval after a hearing if necessary.

8. Unless the Signatory Party exercises its right to terminate its Signatory Party status or withdraw as described above, each Signatory Party agrees to and will support the reasonableness of this Stipulation before the Commission and in any appeal that it participates in from the Commission's adoption and/or enforcement of this Stipulation.

9. This Stipulation is submitted for purposes of this proceeding only. This Stipulation, including any information and data submitted herewith, shall not be cited as precedent in any future proceeding for or against any Signatory Party, except as necessary to enforce the terms of this Stipulation.

10. The Signatory Parties stipulate, agree, and recommend that the Commission issue a final Opinion and Order in this proceeding, ordering the adoption of this Stipulation, including the terms and conditions agreed to in this Stipulation by all Signatory Parties.

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**JOINT EXHIBIT 1.0**

The undersigned hereby stipulate and agree and each represents that it is authorized to enter into this Stipulation and Recommendation on this 7th day of September, 2021. This Stipulation and Recommendation may be signed in counterparts.

**The East Ohio Gas Company  
d/b/a Dominion Energy Ohio**

**The Staff of the Public Utilities  
Commission of Ohio**

By: Christopher T. Kennedy  
Counsel

By: Kyle Kern (per e-mail authorization)  
Counsel

Date: September 7, 2021

Date: September 7, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that a courtesy copy of the foregoing Stipulation and Recommendation was served by electronic mail, to the following on this 7th day of September, 2021:

william.michael@occ.ohio.gov  
ambrosia.wilson@occ.ohio.gov  
Werner.Margard@OhioAGO.gov  
Kyle.Kern@ohioago.gov  
Michael.Nugent@igs.com

Attorney Examiners:  
sarah.parrot@puco.ohio.gov  
jacqueline.st.john@puco.ohio.gov

/s/ Christopher T. Kennedy  
One of the Attorneys for The East Ohio Gas  
Company d/b/a Dominion Energy Ohio

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

**Commission of Ohio Docketing Information System on**

**9/7/2021 12:00:49 PM**

**in**

**Case No(s). 21-0619-GA-RDR**

Summary: Stipulation Stipulation and Recommendation electronically filed by Christopher T. Kennedy on behalf of The East Ohio Gas Company d/b/a Dominion Energy Ohio