

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 ALTERNATIVE FORM OF
REGULATION TO CONTINUE ITS PIPELINE
INFRASTRUCTURE REPLACEMENT
PROGRAM.**

CASE NO. 20-1634-GA-ALT

ENTRY

Entered in the Journal on September 9, 2021

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

{¶ 2} Under R.C. 4929.05, a natural gas company may file an application for an alternative rate plan. After an investigation, the Commission shall approve the alternative rate plan if the natural gas company demonstrates and the Commission finds the natural gas company is in compliance with R.C. 4905.35; is in substantial compliance with the policy of the state, as set forth in R.C. 4929.02; and is expected to continue to be in substantial compliance with the policy of the state specified in R.C. 4929.02 after implementation of the alternative rate plan. The Commission must also find that the alternative rate plan is just and reasonable.

{¶ 3} R.C. 4929.051(B) provides that an alternative rate plan filed by a natural gas company under R.C. 4929.05 and seeking authorization to continue a previously approved alternative rate plan shall be considered an application not for an increase in rates.

{¶ 4} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies were required to implement procedures consistent with recommendations from the Ohio Department of Health to prevent or alleviate the public health threat associated with COVID-19.

{¶ 5} On October 30, 2020, Dominion filed a notice of intent to file an application for approval of the continuation of an alternative rate plan under R.C. 4929.05.

{¶ 6} On December 8, 2020, Dominion filed its application, along with supporting exhibits, pursuant to R.C. 4929.05, 4929.051(B), 4929.11, and 4909.18. In its application, Dominion states that it seeks to continue, with several limited modifications, its pipeline infrastructure replacement (PIR) program and associated cost recovery charge last approved by the Commission in *In re The East Ohio Gas Company d/b/a Dominion East Ohio*, Case No. 15-362-GA-ALT, Opinion and Order (Sept. 14, 2016). The PIR program was previously approved in Case Nos. 08-169-GA-ALT and 11-2401-GA-ALT. Dominion asserts that its application should be considered an application not for an increase in rates.

{¶ 7} On January 8, 2021, the Ohio Consumers' Counsel (OCC) filed a motion to intervene. In its motion, OCC asserts that it has a real and substantial interest in the issues in this proceeding, as it is an advocate for residential utility customers, and it seeks to address matters that may affect the price of utility services. No party filed a memorandum contra.

{¶ 8} Additionally, on January 12, 2021, Ohio Partners for Affordable Energy (OPAE) filed a motion to intervene asserting that it includes as members nonprofit organizations located in the service area that will be affected by this proceeding. No party filed a memorandum contra.

{¶ 9} On January 12, 2021, Staff filed a letter reflecting that Dominion's application is in technical compliance with Ohio Adm.Code 4901:1-19-06.

{¶ 10} By Entry issued January 14, 2021, the attorney examiner set the deadline for the filing of motions to intervene for February 10, 2021, the deadline for the filing of comments by intervenors for February 17, 2021, and the deadline for the filing of reply comments by Dominion and intervenors for March 3, 2021. Further, the attorney examiner

set the deadline for the filing of the Staff Report for April 5, 2021, and the deadline for the filing of objections to the Staff Report for May 5, 2021.

{¶ 11} OCC and OP&E filed comments on February 17, 2021. Dominion filed reply comments on March 3, 2021.

{¶ 12} Thereafter, on April 5, 2021, Staff filed its Report of Investigation.

{¶ 13} On May 5, 2021, the Industrial Energy Users-Ohio (IEU-Ohio) filed a motion to intervene. In its motion, IEU-Ohio asserts that it has a real and substantial interest in the issues in this proceeding, as it has members who pay Dominion's PIR rider. IEU-Ohio argues that, although its motion to intervene is not timely, the Commission should grant its motion to intervene because extraordinary circumstances exist. IEU-Ohio states that no other party intervened to represent commercial and industrial customers, and the Staff Report does not indicate that Staff considered rate impacts to commercial or industrial customers. No party filed a memorandum contra.

{¶ 14} IEU-Ohio, OP&E, OCC, and Dominion filed objections to the Staff Report on May 5, 2021.

{¶ 15} In light of the various issues raised in the comments, reply comments, and objections to the Staff Report, the attorney examiner finds it appropriate to set this matter for hearing and establish the following procedural schedule:

- (a) October 12, 2021 – Deadline for the filing of supplemental testimony on behalf of Dominion.
- (b) October 18, 2021 – Deadline for the filing of testimony on behalf of Staff and intervenors.
- (c) November 1, 2021 – The evidentiary hearing shall be held remotely, via Webex, at 10:00 a.m. ET. Instructions for participation in the

evidentiary hearing shall be emailed to the parties. Anyone interested in observing the evidentiary hearing as a nonparty can access the hearing using the link <https://bit.ly/20-1634-EVH>, and entering the password PUCO, or by calling 1-408-418-9388, and entering code 2332 187 5832.

{¶ 16} All exhibits intended to be used on direct-examination and cross-examination, with the exception of exhibits that have already been filed in the docket, shall be provided to the parties and the attorney examiner by electronic mail no later than 10:00 a.m., on Friday, October 29, 2021. Counsel for the parties should ensure that their witnesses have access to all of the exhibits that have been filed in the docket or exchanged among the parties.

{¶ 17} Counsel and witnesses that will speak during the hearing should join the Webex event through internet access and must have a computer or smart device with a camera, microphone, and speakers; an electronic mail address; and reliable internet service.

{¶ 18} In the event Dominion comes to an agreement with some or all of the parties in this case on some or all of the facts or issues in this case, the attorney examiner finds it appropriate to set forth a schedule for the filing of such stipulations prior to the commencement of the hearing in this case. Accordingly, Dominion must file any applicable stipulation before 10:00 a.m. on Friday, October 29, 2021.

{¶ 19} The attorney examiner finds that OCC, OP&E, and I&E-Ohio have satisfied the intervention requirements set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11 and that extraordinary circumstances warrant granting I&E-Ohio's intervention. Further, the attorney examiner finds that the motions to intervene are reasonable and should be granted.

{¶ 20} It is, therefore,

{¶ 21} ORDERED, That the procedural schedule set forth in Paragraph 15 be observed. It is, further,

{¶ 22} ORDERED, That the motions to intervene filed by OCC, OP&E, and I&U-Ohio be granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John
Attorney Examiner

SJP/kck

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in

Case No(s). 20-1634-GA-ALT

Summary: Attorney Examiner Entry ordering that the procedural schedule set forth in Paragraph 15 be observed and granting the motions to intervene filed by OCC, OP&E, and I&E-Ohio.
electronically filed by Kelli C. King on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio