

BEFORE THE PUBLIC
UTILITIES COMMISSION OF OHIO

In the Matter of the Regulation of the	:	
Purchased Gas Adjustment Clause	:	Case No. 21-204-GA-GCR
Contained Within the Rate Schedules of	:	
Foraker Gas Company, Inc., and	:	
Related Matters.	:	

STIPULATION AND RECOMMENDATION

I. INTRODUCTION

Pursuant to Ohio Administrative Code Rule 4901-1-30, the Foraker Gas Company, Inc. (Foraker) and the Staff of the Public Utilities Commission of Ohio (Staff)¹ (individually, Party, and collectively, Parties) do hereby stipulate and agree to resolve all issues in the instant proceeding.

While the Parties recognize that this Stipulation and Recommendation (Stipulation) is not binding upon the Public Utilities Commission of Ohio (Commission), the Parties state that the Stipulation is an agreement among all Parties to this proceeding; that the Stipulation is supported by adequate data and information; that it represents a just and reasonable resolution of all issue in these proceeding; that it violates no regulatory principles or precedent; and that, accordingly, the Stipulation is entitled to careful consideration and should be adopted in its entirety by the Commission. The Parties

¹ Staff will be considered a party for the purpose of entering into this Stipulation be virtue of O.A.C. 4901-1-10(C).

request that this Stipulation and Recommendation be marked and submitted as Joint Exhibit 1.

II. TERMS AND CONDITIONS

Subject to the terms and conditions set forth in this Stipulation, the Parties hereto agree, stipulate and recommend that the Commission find as follows:

- A. Foraker is a natural gas company within the meaning of R.C. 4905.03, and, as such, is a public utility subject to the jurisdiction and supervision of the Commission.
- B. By Entry dated January 27, 2021, the Commission directed that its Staff conduct an audit of Foraker's compliance with its gas cost recovery (GCR) mechanism from January 1, 2019 to December 31, 2020.
- C. The Staff performed the aforementioned audit of the GCR rates (GCR Audit) for the period January 1, 2019 to December 31, 2020. The Staff filed its GCR Audit Report in this docket on August 10, 2021. The GCR Audit Report shall be identified as Commission Ordered Exhibit 1 and admitted into evidence in these proceedings.
- D. Foraker agrees that all findings and recommendations to be implemented include:
 - i. That the Commission order a reconciliation adjustment of \$5,908 for an under-collection to correct for the differences identified in the Actual Adjustment (AA) Section of the GCR Audit to be applied in the first GCR filing following the Opinion and Order in this case.

- ii. That the Commission order a reconciliation adjustment of (\$458) for an over-collection to correct for the differences identified in the Balance Adjustment (BA) Section of the GCR Audit to be applied in the first GCR filing following the Opinion and Order in this case.
- G. Consistent with the Entry issued September 28, 2021, the Parties agree that the proof of publication, to be filed and submitted as Company Exhibit 1, demonstrates that notice of this proceeding has been published in compliance with the Commission's rules and in substantial compliance with the Commission's Entries herein dated January 27, 2021 and August 10, 2021, and should be admitted into evidence.

III. PROCEDURAL MATTERS

- A. This Stipulation shall not be cited as precedent for or against any signatory Party, if it is approved by the Commission. This Stipulation is a compromise involving a balancing of competing positions, and it does not necessarily reflect the position that any Party would have taken if these issues had been fully litigated.
- B. This Settlement is conditioned upon adoption of the Stipulation by the Commission in its entirety and without material modification. If the Commission rejects or materially modifies all or any part of this Stipulation, any Signatory Party shall have the right to apply for rehearing. If the Commission does not adopt the Stipulation without material modification upon rehearing, 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 thirty (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 (Notice of Withdrawal). 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 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. 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.

Agreed to and signed this 7th day of October, 2021.

/s/ Werner L. Margard III

**On Behalf of the Staff of the Public
Utilities Commission of Ohio**

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/s/ Kimberly W. Bojko

**On Behalf of the Foraker Gas
Company, Inc.**

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Summary: Stipulation and Recommendation electronically filed by Mrs. Tonnetta Y. Scott on behalf of PUCO