

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 October 29, 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 12, 2021, Staff filed a letter reflecting that Dominion's application is in technical compliance with Ohio Adm.Code 4901:1-19-06.

{¶ 8} 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.

{¶ 9} Ohio Consumers' Counsel (OCC) and Ohio Partners for Affordable Energy (OPAE) filed comments on February 17, 2021. Dominion filed reply comments on March 3, 2021.

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

{¶ 11} Industrial Energy Users-Ohio (IEU-Ohio), OPAE, OCC, and Dominion filed objections to the Staff Report on May 5, 2021.

{¶ 12} On September 9, 2021, the attorney examiner granted pending motions to intervene previously filed by OCC, OPAE, and IEU-Ohio.

{¶ 13} Also on September 9, 2021, the attorney examiner established a procedural schedule and set the date for the evidentiary hearing for November 1, 2021.

{¶ 14} On October 12, 2021, Dominion filed a stipulation and recommendation (Stipulation), which was signed by Dominion, Staff, OPAE, and IEU-Ohio.

{¶ 15} Also on October 12, 2021, Dominion timely filed the testimony of Vicki H. Friscic in support of the Stipulation.

{¶ 16} On October 15, 2021, OCC filed a motion for an extension for filing testimony opposing the settlement, seven-day expedited discovery, and a one-day extension on the hearing date.

{¶ 17} The attorney examiner granted the motion on October 18, 2021, and rescheduled the hearing for November 2, 2021.

{¶ 18} On October 25, 2021, OCC timely filed the testimony of Daniel J. Duann in opposition to the Stipulation.

{¶ 19} On October 28, 2021, Dominion filed a letter in the docket stating that all the parties have agreed to waive cross-examination of the witnesses. The letter also listed exhibits from Dominion, Staff, and OCC and states that the parties are in agreement that the exhibits can be entered into the record. Further, the letter states that the parties no longer believe that a hearing is necessary. The letter also notes that the parties have conferred and agreed on a joint schedule proposal for briefing. The parties propose that initial briefs should be due November 22, 2021, and reply briefs should be due December 8, 2021.

{¶ 20} At this time, the attorney examiner finds that the hearing previously scheduled for November 2, 2021, should be cancelled, and the exhibits referenced in Dominion's October 28, 2021 letter should be entered into the record.

{¶ 21} The attorney examiner also finds that initial post-hearing briefs should be filed by November 22, 2021, and reply briefs should be filed by December 8, 2021.

{¶ 22} It is, therefore,

{¶ 23} ORDERED, That the hearing previously scheduled for November 2, 2021, be cancelled and the exhibits designated in Dominion's October 28, 2021 correspondence be entered into the record in accordance with Paragraph 20. It is, further,

{¶ 24} ORDERED, That parties wishing to file post-hearing initial or reply briefs do so no later than November 22, 2021, and December 8, 2021, respectively. It is, further,

{¶ 25} 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

MJA/mef

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in

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

Summary: Attorney Examiner Entry cancelling the hearing in this matter; and setting deadlines for post-hearing initial or reply briefs of November 22, 2021 and December 8, 2021, respectively electronically filed by Ms. Mary E. Fischer on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio