

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Suburban Natural Gas Company for an Increase in Gas Distribution Rates.)))	Case No. 18-1205-GA-AIR
In the Matter of the Application of Suburban Natural Gas Company for Tariff Approval.)))	Case No. 18-1206-GA-ATA
In the Matter of the Application of Suburban Natural Gas Company for Approval of Certain Accounting Authority.))))	Case No. 18-1207-GA-AAM

**OBJECTIONS TO SUBURBAN’S NON-COMPLIANT TARIFFS
BY
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

In OCC’s appeal, the Supreme Court of Ohio overturned the PUCO’s ruling that made Suburban’s consumers pay for plant (pipeline) that was not shown under the law to be used and useful for their utility service.¹ The Court remanded the PUCO’s ruling and directed the PUCO to determine whether Suburban’s 4.9 mile pipeline was used and useful as of the date certain.² On February 23, 2022, the PUCO issued an Order on Remand finding that only 2.0 miles of pipeline were used and useful for consumers as of the date certain. The PUCO directed Suburban to file revised tariffs and “to issue a refund to customers for any amounts collected as of September 21, 2021, that included costs associated with more than 2.0 miles of the 4.9-mile DEL-MAR pipeline extension.”³

¹ *In re Application of Suburban Natural Gas Co.*, Slip Opinion No. 2021-Ohio-3224.

² *Id.* at ¶ 35.

³ Order on Remand, ¶ 61 (February 23, 2022).

In response to the PUCO's Order on Remand, Suburban filed tariffs on March 4, 2022. However, those filed tariffs do not include a separate refund to consumers. They should.

The PUCO's Order on Remand provides:

Within 20 days of the date of this Order on Remand, Suburban should submit to Staff for its approval a proposed notice regarding the refund, as well as the final calculation of the exact amount to be refunded. Suburban should work with Staff to establish a mutually acceptable refund method in a timely fashion. *Suburban is then directed to file revised tariffs, crediting back the full amount of the refund to customers over a period of no more than three billing cycles.* Once the refund has been fully implemented, Suburban should again file revised tariffs to remove reference to the bill credit. Suburban's revised tariffs remain subject to final approval by the Commission.⁴

Suburban's tariffs reflect the \$33.59 per month residential customer service charge "regardless of usage."⁵ However, the tariffs do not reflect the credit back to consumers for amounts previously charged by Suburban for costs associated with more than 2.0 miles of pipeline. Suburban's omission of the credit to consumers in the tariff contradicts the PUCO's Order on Remand.

Accordingly, the PUCO should take swift and appropriate actions under law to give consumers the protection of its decision and the decision of the Supreme Court. R.C. 4905.54 enables the PUCO to impose financial penalties for Suburban's violation of a PUCO order. Noncompliance with a PUCO Order is not an option for a natural gas utility.

⁴ Order on Remand, at ¶ 61. (Emphasis added).

⁵ Suburban Tariffs, PUCO No. 4, Fourth Revised Sheet No. 6 (March 4, 2022).

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Objections was served by electronic transmission upon the parties below this 10th day of March 2022.

/s/ Angela D. O'Brien _____
Counsel of Record

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Objection Objections to Suburban's Non-Compliant Tariffs by Office of the Ohio Consumers' Counsel electronically filed by Mrs. Tracy J. Greene on behalf of O'Brien, Angela D