

**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. 21-0296-GA-ATA
Ohio for Approval of Changes in Rules and)	
Regulations regarding Heat Content)	
Conversion)	

In the Matter of the Application of The East)	
Ohio Gas Company d/b/a Dominion Energy)	Case No. 21-0297-GA-UNC
Ohio for Approval of Reliability)	
Enhancement Program)	

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)), 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,

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 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 (Report) filed in this proceeding on September 22, 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. To resolve all issues and reach resolution in this proceeding, DEO withdraws its request to initiate a Reliability Enhancement Program on a pilot basis and to recover the associated costs through DEO's existing Transportation Migration Rider B.

3. To resolve all issues and reach resolution in this proceeding, the Staff Report recommendation not to approve DEO's request to modify the Ohio Production Btu Adjustment factor in the calculation of Unaccounted-for Gas (UFG) Percentage based on the 2021 Heat Content Agreement (2021 HCA) shall hereby be withdrawn. Subject to the conditions set forth in this Stipulation, the Signatory Parties recommend approving DEO's Application to the extent it pertains to the 2021 Heat Content Agreement and Ohio Production Btu Adjustment (as respectively referred to in the Application and the Staff Report) and the tariff modifications proposed by DEO and reflected in Exhibit 1 to the Application.

4. Within five years of the date on which the Commission approves the Stipulation, DEO shall make a filing with the Commission submitting the modified Ohio Production Btu Adjustment factor, and any proposed changes thereto, for Staff's review and, in Staff's

discretion, any recommendations for consideration by the Commission. To the extent DEO requests any additional authorization or modification to the authorization granted in this proceeding, DEO shall not request or file a motion seeking expedited review or an otherwise accelerated procedural schedule, unless mutually agreed by Staff. If any Staff recommendations are filed in such proceeding, DEO shall be afforded a reasonable opportunity to respond.

5. 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 (filed April 1, 2021) (with exhibit)
DEO Exhibit 2.0	DEO's Response to the Staff Report (filed October 22, 2021)
Staff Exhibit 1.0	Staff Report (September 22, 2021)

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

The undersigned hereby stipulate and agree and each represents that it is authorized to enter into this Stipulation and Recommendation on this 18th day of March, 2022. 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 Kennedy
Counsel

By: Werner Margard (e-mail authorized)
Counsel

Date: March 18, 2022

Date: March 18, 2022

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 18th day of March, 2022:

Werner.Margard@OhioAGO.gov

Attorney Examiner:
greta.see@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
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in

Case No(s). 21-0296-GA-ATA, 21-0297-GA-UNC

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