

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE EAST OHIO GAS COMPANY D/B/A
DOMINION ENERGY OHIO TO ADJUST ITS
PIPELINE INFRASTRUCTURE
REPLACEMENT PROGRAM COST
RECOVERY CHARGE AND RELATED
MATTERS.

CASE NO. 21-1095-GA-RDR

ENTRY

Entered in the Journal on April 4, 2022

{¶ 1} The East Ohio Gas Company d/b/a Dominion Energy Ohio (Dominion or Company) is a natural gas company, as defined by R.C. 4905.03, and a public utility, as defined by R.C. 4905.02. As such, Dominion is subject to the jurisdiction of the Commission pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 2} R.C. 4929.11 provides that the Commission may allow any automatic adjustment mechanism or device in a natural gas company's rate schedules that allows a natural gas company's rates or charges for a regulated service or goods to fluctuate automatically in accordance with changes in a specified cost or costs.

{¶ 3} In Case No. 07-829-GA-AIR, et al., the Commission approved, pursuant to a stipulation with certain modifications, Dominion's recovery mechanism for its pipeline infrastructure replacement (PIR) program and the process for annual updates to the PIR cost recovery charge. *In re The East Ohio Gas Company d/b/a Dominion East Ohio*, Case No. 07-829-GA-AIR, et al. (*Distribution Rate Case*), Opinion and Order (Oct. 15, 2008).

{¶ 4} In Case No. 11-2401-GA-ALT, the Commission approved a stipulation and recommendation that modified Dominion's PIR program. As part of the modified program, Dominion agreed to transition its PIR cost recovery charge filings from a fiscal-year basis to a calendar-year basis and to submit a pre-filing notice by November 30 each year, and an updated filing with actual data by February 28, with the goal of the revised PIR charge becoming effective as of the first billing cycle in May of each year. *In re The East Ohio Gas*

Company d/b/a Dominion East Ohio, Case No. 11-2401-GA-ALT, Opinion and Order (Aug. 3, 2011).

{¶ 5} Subsequently, the Commission approved a stipulation that extended Dominion's PIR program and rider through 2021. *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).

{¶ 6} On November 29, 2021, in the above-noted docket, Dominion filed a prefiling notice consistent with the procedures established in Case No. 11-2401-GA-ALT.

{¶ 7} On February 25, 2022, Dominion filed its application to adjust its PIR cost recovery charge for costs incurred January 1, 2021, through December 31, 2021.

{¶ 8} By Entry issued March 2, 2022, the procedural schedule in this matter was established such that motions to intervene and comments on the application by Staff and intervenors were due by March 23, 2022; a statement from Dominion as to whether all issues raised in the comments have been resolved was due by March 29, 2022; expert testimony on behalf of intervenors and Staff was due to be filed with the Commission by March 31, 2022; in the event the parties were able to negotiate a settlement, the stipulation was due to be filed with the Commission by 9:00 a.m., on April 4, 2022; and, in the event that all issues were not resolved or the parties entered into a stipulation, a hearing was scheduled to commence on April 6, 2022, at the offices of the Commission.

{¶ 9} Staff filed its comments on Dominion's PIR application on March 23, 2022.

{¶ 10} On March 23, 2022, Ohio Consumers' Counsel (OCC) filed a motion to intervene pursuant to R.C. 4903.221(B) and Ohio Adm.Code 4901-1-11(A). On March 23, 2022, OCC also filed comments on the application making one recommendation. OCC recommends that the pre-tax rate of return used to calculate the revenue requirement for the PIR be reduced from 9.91 percent, as approved in the *Distribution Rate Case*, to no more than 7.20 percent.

{¶ 11} The attorney examiner finds that OCC’s motion to intervene meets the requirements of R.C. 4903.221(B) and, therefore, the motion should be granted.

{¶ 12} On March 25, 2022, Dominion filed its statement to inform the Commission whether the issues raised in the comments have been resolved. Dominion states that only one issue, the applicable rate of return, has not been resolved.

{¶ 13} Consistent with the established procedural schedule, on March 31, 2022, Dominion filed the supplemental testimony of Lori S. Parker; OCC filed the testimony of Daniel J. Duann; and Staff filed the testimony of Jonathan J. Borer.

{¶ 14} On April 1, 2022, Dominion filed a correspondence representing that the parties had reached an agreement as to certain aspects of the procedural process. The correspondence states that the parties have agreed to waive cross-examination of all witnesses and agreed to the admission of the following exhibits into the record:

Exhibit	Date Filed	Description
Dominion Ex. 1	February 25, 2022	Dominion’s Application
Dominion Ex. 2	March 31, 2022	Supplemental Testimony of Lori S. Parker
OCC Ex. 1	March 31, 2022	Testimony of Daniel J. Duann
OCC Ex. 2	March 23, 2022	OCC Comments
Staff Ex. 1	March 31, 2022	Testimony of Jonathan J. Borer
Staff Ex. 2	March 23, 2022	Staff Comments

{¶ 15} Further, according to the letter, Dominion, OCC, and Staff agree that, given their agreement to the admission of the above-noted exhibits, the hearing scheduled for April 6, 2022, is not necessary and the parties do not object to the cancellation of the hearing, with the issuance of an order specifying the exhibits entered into the record and a briefing

schedule being established. The parties also propose that initial briefs be due on April 20, 2022, and reply briefs be due May 4, 2022, unless the Commission or the attorney examiner finds it is unnecessary for the parties to brief the issues in this case.

{¶ 16} The attorney examiner finds that the parties' agreement facilitates the Commission's consideration of Dominion's application and the parties' respective positions regarding the application, without raising due process concerns. Considering that the parties have agreed to the admission of the application, the comments, and the testimony offered, the attorney examiner finds it is not necessary to conduct a hearing and, therefore, the hearing scheduled for April 6, 2022, is cancelled. As the parties have proposed a reasonable briefing schedule, initial briefs shall be due on April 20, 2022, and reply briefs are due on May 4, 2022.

{¶ 17} It is, therefore,

{¶ 18} ORDERED, That OCC's motion to intervene be granted. It is, further,

{¶ 19} ORDERED, That the list of exhibits presented in Paragraph 14 be admitted into the record. It is, further,

{¶ 20} ORDERED, That the hearing scheduled for April 6, 2022, at the offices of the Commission, be cancelled, and initial briefs be due on April 20, 2022, and reply briefs be due on May 4, 2022. It is, further,

{¶ 21} ORDERED, That a copy of this Entry be served upon all persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Greta See

By: Greta See
Attorney Examiner

JRJ/hac

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4/4/2022 1:37:34 PM**

in

Case No(s). 21-1095-GA-RDR

Summary: Attorney Examiner Entry ordering that OCC's motion to intervene be granted; that the list of exhibits presented in Paragraph 14 be admitted into the record; and, that the hearing scheduled for April 6, 2022, at the offices of the Commission, be cancelled, and initial briefs be due on April 20, 2022, and reply briefs be due on May 4, 2022 electronically filed by Heather A. Chilcote on behalf of Greta See, Attorney Examiner, Public Utilities Commission