

# 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 ON REHEARING

Entered in the Journal on June 15, 2022

### I. SUMMARY

{¶ 1} The Commission grants the application for rehearing filed by Ohio Consumers' Counsel on May 20, 2022, for the purpose of further consideration of the matters specified in the application for rehearing.

### II. DISCUSSION

{¶ 2} 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.

{¶ 3} 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.

{¶ 4} 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.

{¶ 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, et al., 11-2401-GA-ALT, and 15-362-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 established certain deadlines, including deadlines for intervention, for the filing of comments, for the filing of the Staff Report of Investigation (Staff Report), and for filing objections to the Staff Report.

{¶ 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} On April 5, 2021, Staff filed its Staff Report.

{¶ 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, OP AE, 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, OP AE, 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. The attorney examiner granted the motion for an extension on October 18, 2021, and rescheduled the hearing for November 2, 2021.

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

{¶ 18} 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 stated that the parties no longer believe that a hearing is necessary.

{¶ 19} On October 29, 2021, the attorney examiner cancelled the hearing previously scheduled for November 2, 2021, and ordered that the exhibits referenced in Dominion's October 28, 2021 letter should be entered into the record. The attorney examiner also set deadlines for the filing of initial and reply post-hearing briefs for November 22, 2021, and December 8, 2021, respectively.

{¶ 20} Staff, Dominion, and OCC timely filed initial post-hearing briefs. Reply briefs were timely filed by OP&E, Dominion, Staff, and OCC.

{¶ 21} By Opinion and Order dated April 20, 2022, the Commission approved the Stipulation and emphasized that Dominion has been ordered to file its next base rate case by October 2023.

{¶ 22} R.C. 4903.10 provides that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined in the proceeding by filing an application within 30 days of the entry of the order upon the Commission's journal.

{¶ 23} On May 20, 2022, OCC filed an application for rehearing of the Opinion and Order issued in this case. Dominion filed a memorandum contra the application for rehearing on May 31, 2022.

{¶ 24} The Commission believes that sufficient reason has been set forth by OCC to warrant further consideration of the matters specified in the application for rehearing. Accordingly, the application for rehearing filed by OCC should be granted for the purpose of further consideration of the matters specified therein.

### III. ORDER

{¶ 25} It is, therefore,

{¶ 26} ORDERED, That OCC's May 20, 2022 application for rehearing be granted for further consideration of the matters specified therein. It is, further,

{¶ 27} ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

COMMISSIONERS:

*Approving:*

Jenifer French, Chair  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

JWS/mef

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

Summary: Entry on Rehearing granting the application for rehearing filed by Ohio Consumers' Counsel on May 20, 2022, for the purpose of further consideration of the matters specified in the application for rehearing electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio