

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application)
of The East Ohio Gas Company for)
Authority to Implement Two New)
Transportation Services, for) Case No. 96-1019-GA-ATA
Approval of a New Pooling Agreement,)
and for Approval of a Revised)
Transportation Migration Rider.)

ENTRY

The Commission finds:

- (1) The East Ohio Gas Company (EOG) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) By Opinion and Order issued on July 2, 1997, the Commission approved, with changes, a Core Market Aggregation Service (CMAS) Program.
- (3) EOG has filed final tariffs, which are consistent with the Commission's Order.
- (4) After a thorough review of the final tariffs, the Staff agrees with the filing and, therefore, has recommended their approval to the Commission.
- (5) The Commission finds the final tariffs to be consistent with the Opinion and Order and the tariffs will, therefore, be approved.
- (6) In the Opinion and Order, the Commission imposed a moratorium on promotional advertising and customer solicitation by marketers which is to expire October 1, 1997. During the moratorium, only public service customer information may be distributed regarding the new gas transportation program by East Ohio, the Commission, and Ohio Consumers' Counsel. The Commission also stated that the moratorium in no way affects marketers' advertising and customer sign-up for current transportation programs.

- (7) To clear up any confusion as to the intent of the Commission's moratorium, the Commission wishes to make it clear that marketers are not to advertise or solicit any customers for the new transportation service until October 1, 1997. This includes soliciting its current customers for the new service. The marketers may solicit new customers for the current transportation programs but not for the new pilot program. To this extent, marketers should refrain (until the end of the moratorium) from any advertising that refers explicitly to, or implies availability of, the "new" or "pilot" program, or which uses phrases such as "for the first time" or "now." Use of these terms or similar phrases may be construed as advertising the new pilot program, in contravention of the moratorium. In addition, marketers should refrain from engaging in any advertising for choice in natural gas supply or transportation services directed at residential customers, since such advertising may be construed as marketing of the new pilot program. As noted in the Commission's July 2, 1997 order, individual marketers that do not comply with the moratorium may be subject by East Ohio to delayed start-up or sign-up dates, subject to the Commission's approval.

It is, therefore,

ORDERED, That the proposed final tariffs filed by The East Ohio Gas Company are approved. It is, further,

ORDERED, That The East Ohio Gas Company is authorized to file in final form four complete printed copies of its final tariffs consistent with the findings of this Entry. One copy shall be filed in this case docket, one copy shall be filed with the Applicant's TRF docket and the remaining two copies shall be designated for distribution to the Commission Staff. It is, further,

ORDERED, That the effective dates of the proposed revised tariffs shall be the dates specified in the tariffs approved herein. It is, further,

ORDERED, That nothing in this Entry shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule or regulation of The East Ohio Gas Company. It is, further,

ORDERED, That nothing in this Entry constitutes state action for the purposes of antitrust laws. It is, further,

ORDERED, That a copy of this Entry be served upon all marketers who have expressed an interest to the Commission regarding this program, and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

David W. Johnson

Judith A. Jones

DFG:dj