**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Motion to Modify the Exemption Granted to the East Ohio Gas Company d/b/a Dominion Energy Ohio. | )  )  )  ) | Case No. 18-1419-GA-EXM |

**MEMORANDUM CONTRA MARKETERS’ MOTION FOR CONTINUANCE**

**BY**

**THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

This case involves a program that randomly assigns customers to gas marketers without the customers’ consent and usually at prices that are significantly above market rates. The Office of the Ohio Consumers’ Counsel, on March 9, 2018 and then again on August 15, 2019, requested the Public Utilities Commission of Ohio (“PUCO”) to recognize the program as a failed experiment and to cut consumers’ losses by ending it. Accordingly, the PUCO should protect consumers by eliminating the “Monthly Variable Rate” program for residential customers in the Dominion Energy Ohio (“Dominion”) service territory.

Yesterday, two days before comments and memoranda contra are due,[[1]](#footnote-2) five parties representing natural gas marketing interests (“Marketers”) that support the program filed a Joint Motion for a Continuance. They seek a 30-day continuance of the procedural schedule.[[2]](#footnote-3) They also seek an expedited ruling on their motion.

A 30-day extension of the procedural schedule is not warranted. After years of subjecting consumers to this program, it’s time to move on. The existing deadlines should remain, as Marketers have not shown good cause. At most, a continuance of five calendar days should be considered. In any event, the current schedule would allow time for settlement negotiations, as needed. We note recent precedent where the Consumers’ Counsel sought and was denied an extension in a case involving a marketer’s abuse of Ohio consumers.[[3]](#footnote-4)

The PUCO should adopt the Consumers’ Counsel’s recommendations instead of the Marketers’ proposal.

Respectfully submitted,

Bruce Weston (0016973)

Consumers’ Counsel

*/s/ Terry L. Etter*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Memorandum Contra was served via electronic transmission upon the parties this 3rd day of October 2019.

*/s/ Terry L. Etter*

Terry L. Etter

Assistant Consumers’ Counsel

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

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1. As background, on August 16, 2019, the PUCO established a procedural schedule for this case. Comments and memoranda contra the motions initiating this case are due October 4, 2019, reply comments and replies to memoranda contra are due on October 18, 2019, direct testimony is due October 25, 2019, and the hearing is scheduled for November 5, 2019. Entry (August 16, 2019), ¶15. [↑](#footnote-ref-2)
2. The Marketers are the Retail Energy Supply Association, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Interstate Gas Supply, Inc. and Dominion Energy Solutions, Inc. [↑](#footnote-ref-3)
3. *See* Case No. 19-957-GE-COI, Entry (September 3, 2019). [↑](#footnote-ref-4)