

FILE

the legal aid society of cleveland

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Chief of Docketing
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

February 21, 2007

SUBJECT: *In re Vectren Energy Delivery Service of Ohio, Inc., for Vectren Energy Delivery of Ohio, Inc., for Approval {Pursuant to Revised Code Section 4929.11, of Tariffs to Recover Conservation Expenses and Decoupling Revenues pursuant to Automatic Adjustment Mechanisms and for Such Accounting Authority as May be Required to Defer such Expenses and Revenues for Future Recovery through Such Adjustment Mechanisms, CASE No.: 05-1444-GA-UNC*

Dear friends:

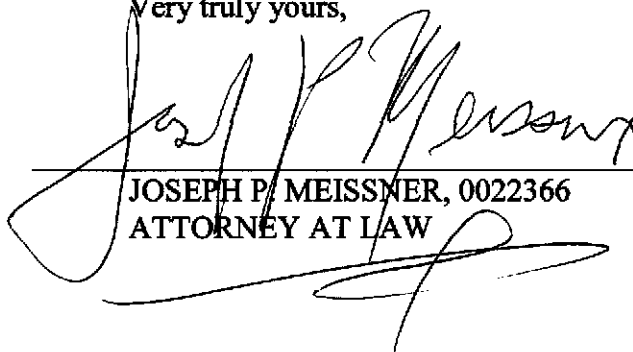
We are enclosing our legal filing in this case. These are the Comments for our clients, the Neighborhood Environmental Coalition and the Consumers for Fair Utility Rates, supporting the OCC request for an additional six weeks before hearings start in this case.

We are faxing this in today. Please file it today. We are mailing by overnight express the original and requisite copies. Other parties are being served.

We have also enclosed an envelope addressed back to us. Please time-stamp one of the enclosed copies and return this to us.

Let us know of any problems. Thank you.

Very truly yours,


JOSEPH P. MEISSNER, 0022366
ATTORNEY AT LAW

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2007 FEB 22 AM 10:24
PUCO

Original

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

PUCO

2007 FEB 22 AM 10:24

RECEIVED-DOCKETING DIV

In the Matter of the Application of Vectren)
Energy Delivery of Ohio, Inc. for)
Approval, Pursuant to Revised Code)
Section 4929.11, of Tariffs to Recover)
Conservation Expenses and Decoupling)
Revenues Pursuant to Automatic)
Adjustment Mechanisms and for Such)
Accounting Authority as May be Required)
to Defer Such Expenses and Revenues for)
Future Recovery through Such Adjustment)
Mechanisms.)

Case No. 05-1444-GA-UNC

COMMENTS
URGING THE PUCO AND THE HEARING EXAMINER
TO CONTINUE THE FEBRUARY 28th HEARING DATE
FOR SIX WEEKS
IN ORDER TO ALLOW SUFFICIENT TIME
FOR APPROPRIATE DISCOVERY AND DEPOSITIONS,
ALL COMMENTS FILED ON BEHALF OF
CONSUMERS FOR FAIR UTILITY RATES
AND
THE NEIGHBORHOOD ENVIRONMENTAL COALITION

Now come the Consumers for Fair Utility Rates and the Neighborhood
Environmental Coalition (also known as "The Citizens Coalition") who submit these
comments urging the PUCO to continue for six weeks the hearing date in this proceeding,
which is now set for February 28, 2007. This additional time is required in order that

appropriate discovery and depositions, as well as parties' objections, can be properly conducted and resolved. This request of the Citizens' Coalition is based upon the following considerations:

First, this is a very important case not only for Vectren and its customers, but also for all utilities in Ohio and for all Ohio's utility customers. Up until now, utility rates have generally been established through a test year process which looks at revenues, expenditures, and an appropriate rate of return, completed by distributing any rate increases to various customer classes. In this present case, "decoupling" has been allowed which could lead to customer rates being increased when Vectren's revenues decreased due to the effectiveness of conservation and energy efficiency programs, agreed to by Vectren, OCC, and OPAE. Before the Commission makes a final decision on this extraordinary "decoupling" process, the Commission and its hearing examiner must insure that the parties have been able to gather and present all necessary evidence. The OCC has filed pleadings saying that an additional six weeks beyond February 28th is needed for appropriate discovery and depositions

Second, some of the parties—although none representative of Vectren's customers—have devised a new Stipulation, dated December 21, 2006, which has only recently been provided to the Commission and OCC and which is missing the signature of any party representative of Vectren's customers. Again, in order to insure that the Commission and its staff has all available and relevant evidence related to this Stipulation, enough time must be allowed the parties to gather such evidence. Again OCC has requested an additional six weeks for this.

Third, Vectren, seemingly supported by its OPAE Collaborator, has argued that enough time has already been allowed for OCC to have conducted all necessary discovery. They cite to the time expended prior to the First Stipulation dated April 10, 2006, and signed in this case by parties representative of all interests, including Vectren's customers. Of course, back then all the parties had been expending their energies at arriving at a Stipulation which could provide extensive conservation, energy assistance, and other assistance to all customers of Vectren while still protecting Vectren's economic interests. Unfortunately, that historic stipulation was torpedoed by the PUCO, which masterfully divided up the signatory parties, pitted the interests of low-income customers against the interests of higher income customers, and allowed the "decoupling" mechanism without any appropriate consideration for both the general Vectren customers and all other customers of all utilities in Ohio.

Fourth, there is no need to rush this case. Low-income customers might have gained some help this past winter from the stipulation, butchered by the PUCO, if the low-income portion of the original April 10th Stipulation had been implemented. It is now too late to implement even the "half of a program" contained in the Stipulation rewritten by the Commission. Whether Vectren and OPAE could have and/or should have gone ahead with the program even after OCC withdrew from the original stipulation are really moot questions. Such issues are not worth the time and effort of Vectren, OCC, and OPAE even to discuss. The Citizens' Coalition holds the view that the real culprits who have undermined the truly historic stipulation and hurt all Vectren customers this past winter are not Vectren, nor OPAE, nor OCC. But leaving aside such divisive discussions, there is no reason for the PUCO to rush into holding hearings on February 28. A six week

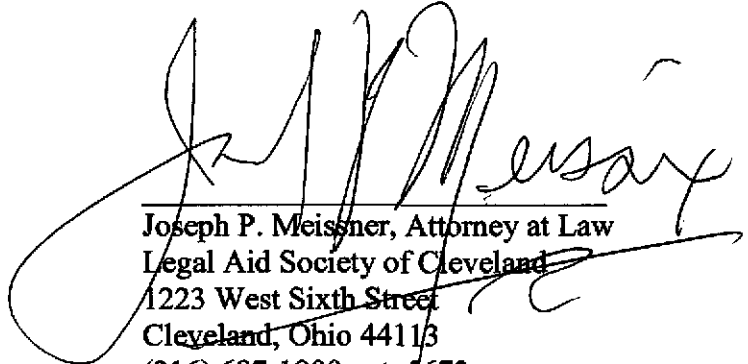
postponement until April 11, 2007, would still provide enough time for the implementation of conservation and energy efficiency programs before the next Heating Season.

Fifth, when the February 28th date was set in December, there seemed to be an understanding that Vectren would cooperate with an expedited discovery process. At a minimum that would seem to include accelerating response times, waiving the more technical objections to discovery, and working informally with all deliberate speed to resolve any obstacles. This has not happened. It is not a question that Vectren has tried to delay anything or acted illegally. Vectren has simply fallen back on invoking the rules and spreading out discovery responses. Vectren has filed various objections, none of which are "prima facie" inappropriate, but the net effect of this has been to slow down the discovery and deposition processes. The PUCO should not permit what now appears to have been an overly optimistic scheduled hearing date of February 28 to impede the presentation of all relevant and pertinent evidence. OCC has requested an additional Six weeks to complete all discovery, prepare and submit all necessary testimony, and resolve all the objections and arguments raised by Vectren. This hardly seems like an extreme request, given the importance of this case and its possible precedent effect in Ohio utility law.

In conclusion, the OCC has requested from the PUCO that an additional six weeks be allowed for appropriate depositions and discovery. This seems like a rather modest request, given how critical and vital this case is, not only for Vectren and its customers, but also for our State of Ohio and all Ohio utility customers. For the reasons set forth

above, the Citizens' Coalition urges the PUCO and its Hearing Examiner to grant this request.

Respectfully submitted,

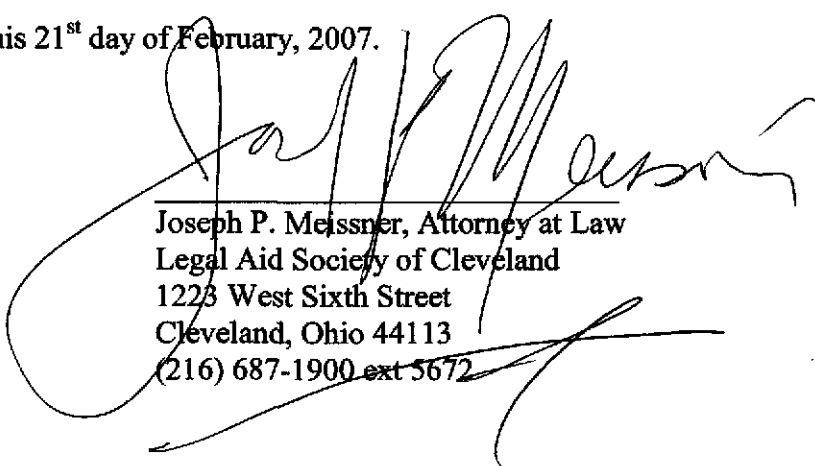


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Counsel for Citizens' Coalition
CONSUMERS FOR FAIR UTILITY
RATES, and
THE NEIGHBORHOOD
ENVIRONMENTAL COALITION,

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the address of all the parties in this proceeding, by email on this 21st Day of February and by ordinary first class mail, postage prepaid, on this 21st day of February, 2007.



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