

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of)
Columbia Gas of Ohio, Inc. for Approval)
of Tariffs to Recover Through An)
Automatic Adjustment Clause Costs)
Associated with the Establishment of an)
Infrastructure Replacement Program)
and for Approval of Certain Accounting)
Treatment)**

Case No. 07-478-GA-UNC

**UTILITY SERVICE PARTNERS, INC.'S
MEMORANDUM IN SUPPORT OF MOTION FOR CONTINUANCE,
MOTION FOR CLARIFICATION AND
REQUEST FOR EXPEDITED RULING BY THE OFFICE OF
THE OHIO CONSUMERS' COUNSEL**

Utility Service Partners, Inc. ("USP") supports the Motion for Continuance, Motion for Clarification and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel made yesterday afternoon. Given that Columbia Gas of Ohio, Inc. has the burden of proof in this case, it would be appropriate for the Attorney Examiner or the Commission to establish a filing date of testimony for intervenors that would be subsequent to the due date for Columbia's testimony. USP also believes that given the complexity of the subject matter additional time for discovery and the preparation of testimony is appropriate.

USP appreciates the Commission's sense of urgency in commencing this proceeding, however following the more common procedure of having the applicant file their testimony first so that the details of the proposed program are available for discovery and review before the intervenors file their testimony calling for change to the application would produce a better

record from which the Commission may base its decision. Further, the staggered testimony filing dates may not add any days to the hearing.

The problem with filing concurrent testimony in an application case is that the Intervenor has to anticipate the details of the implementation of the proposal and the reasons that the Applicant's witnesses will present to meet their burden of proof. Since it is likely that the Intervenor, despite their best efforts, are unlikely to anticipate all the arguments and facts which will be presented by the Applicant; concurrent filing of testimony in an application type proceeding ensures rebuttal and then surrebuttal testimony. Thus, concurrent filing of testimony may not save any proceeding time at all, produce bulkier testimony from the intervenors as they guess the positions to be taken by the applicant's witnesses and leave a somewhat disjointed record as the witnesses, both rebuttal and surrebuttal, explain how their earlier testimony did not cover an aspect of the case made clear once they read opponents testimony (in the case of the intervenors) or rebuttal testimony (in the case of the Applicant).

Wherefore, Utility Service Partners supports OCC's request to separate the testimony filing dates so that the Applicant's testimony is filed first, and for a hearing schedule in which Columbia testimony being filed on October 10, intervenors testimony being due on November 7, and a hearing date of November 14, 2007.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Memorandum in Support of the Motion for Continuance, Motion for Clarification and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel was served upon the following persons by electronic mail this 28th day of September, 2007.

/s/

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Summary: Memorandum Utility Service Partners, Inc.'s Memorandum in Support of Motion for Continuance, Motion for Clarification, and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel electronically filed by Howard Petricoff on behalf of Utility Service Partners, Inc.