

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
Columbia Gas of Ohio, Inc. for Authority	)	Case No. 08-72-GA-AIR
to Amend Filed Tariffs to Increase the	)	
Rates and Charges for Gas Distribution.	)	
In the Matter of the Application of	)	
Columbia Gas of Ohio, Inc. for Approval	)	Case No. 08-73-GA-ALT
of an Alternative Form of Regulation and	)	
for a Change in its Rates and Charges.	)	
In the Matter of the Application of	)	
Columbia Gas of Ohio, Inc. for Approval	)	Case No. 08-74-GA-AAM
to Change Accounting Methods.	)	
In the Matter of the Application of	)	
Columbia Gas of Ohio, Inc. for Authority	)	Case No. 08-75-GA-AAM
to Revise its Depreciation Accrual Rates.	)	

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**MOTION FOR AN EXTENSION OF TIME TO FILE TESTIMONY  
AND  
REQUEST FOR EXPEDITED RULING  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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Pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13(A), the Office of the Ohio Consumers' Counsel ("OCC"), on behalf of the residential utility consumers of Columbia Gas of Ohio, Inc. ("COH" or "Company"), moves the Public Utilities Commission of Ohio ("PUCO" or "Commission") for an extension of time for the filing of intervenor testimony. Specifically, the due date for intervenor testimony would be extended from September 22, 2008 to September 29, 2008. OCC seeks an expedited ruling under Ohio Adm. Code 4901-1-12(C). The reasons supporting these requests, along with an

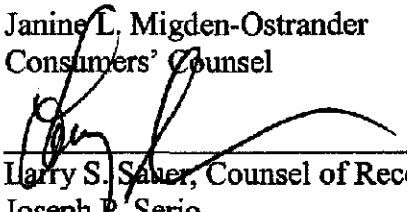
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explanation of the need to determine the filing date on an expedited basis, are set forth in the attached Memorandum in Support.

Respectfully submitted,

Janine L. Migden-Ostrander  
Consumers' Counsel



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**MEMORANDUM IN SUPPORT OF MOTION FOR AN EXTENSION OF TIME  
TO FILE TESTIMONY  
AND REQUEST FOR EXPEDITED RULING**

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**I. INTRODUCTION**

This case affects the rates paid by the approximately 1.3 million residential customers of COH for gas service. On February 1, 2008, the Company filed a Notice of Intent that opened these cases. COH subsequently filed an Application on March 3, 2008, that, among other matters, sought an increase in distribution rates. OCC, the state's advocate for residential utility consumers, moved to intervene in this case on March 10, 2008.

On August 21, 2008, the PUCO Staff's Report of Investigation ("Staff Report") was filed, as well as a Report of Conclusions and Recommendations on the Financial Audit of

Columbia Gas Of Ohio, Inc. by Blue Ridge Consulting Services ("Consultant's Report"). September 22, 2008 is the current deadline for the filing objections to the Staff Report, as provided in R.C. 4909.19. September 22, 2008 is also the deadline for filing direct expert testimony, in accordance with the Commission's procedural rules.<sup>1</sup>

## **II. APPLICABLE PROCEDURAL RULES**

Ohio Adm. Code 4901-1-13(A) specifically permits parties to move for extensions of time to file testimony. That rule provides for the granting of such motions for "good cause shown."

Ohio Adm. Code 4901-1-12(C) allows parties to request an expedited ruling on their motions. If the moving party certifies that it has contacted all the other parties and that all the parties do not object to the granting of the motion without the filing of memorandum contra, the Commission or the Attorney Examiner may issue an immediate ruling.

## **III. ARGUMENT**

Pursuant to Ohio Adm. Code 4901-1-13(A), OCC seeks an extension of time to file its testimony one week later than currently scheduled. This extension of time would change the due date for written testimony from September 22, 2008 to September 29, 2008. OCC proposes that the extension apply to the Company, as well as all intervenors. The extension is requested because there is both the Staff Report and Consultant's Report to review, and the current procedural schedule adds an additional burden during a period that includes a tremendous amount of case work by OCC personnel who are involved in both the Dominion East Ohio distribution rate case (Case No. 07-829-GA-AIR, et al.) and the Vectren Energy

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<sup>1</sup> Ohio Adm. Code 4901-1-29(A)(1)(b)

Delivery of Ohio, Inc. distribution rate case (Case No. 07-1080-GA-AIR, et al.) The extension will not cause undue delay, and should not work to prejudice any party. Similar motions have recently been granted by the Commission in other distribution rate cases.<sup>2</sup> For these reasons, the Commission should grant OCC's Motion for an Extension of Time to File Testimony ("Motion").

Finally, OCC certifies that it has contacted all the parties to this case, pursuant to Ohio Adm. Code 4901-1-12(C), to inquire if they object to the issuance of a ruling on an expedited basis. Neither the Company nor any of the other parties that responded to OCC's notice object to the PUCO issuing an expedited ruling or granting the extension of time to file testimony without the opportunity for parties to file a memorandum in response to OCC's Motion. The non-objecting parties include (at the time of filing) COH (does not object to this Motion, with the understanding that the hearing date remains October 14, 2008), the PUCO Staff (does not object to this Motion, if the entire schedule is extended by one week"), The Ohio Energy Group, The Ohio Gas Marketers Group, and Stand Energy Corporation; however, not all parties have responded. OCC is not requesting a one-week continuance of the evidentiary hearing; however, OCC would not oppose such a continuance either. OCC requests an expedited ruling on this Motion for the purpose of permitting all parties to plan their schedules.

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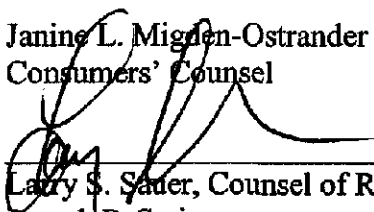
<sup>2</sup> *In re FirstEnergy Distribution Rate Cases*, Case Nos. 07-551-EL-AIR, et al., Entry at 2 (December 21, 2007), *In the Matter of the Application of Duke Energy Ohio, Inc to Increase Gas Rates*, Case No. 07-589-GA-AIR, Entry at 2 (January 7, 2008); and *In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc.* Case No. 07-1080-GA-AIR, et al. Entry at 2 (June 26, 2008).

#### IV. CONCLUSION

For the reasons stated above, the Commission should grant OCC's Motion based upon the OCC's showing of good cause. The Commission should grant this Motion on an expedited basis.

Respectfully submitted,

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Consumers' Counsel



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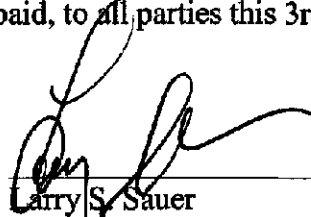
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### **CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing *Motion for Extension of Time to File Testimony and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel*, was served by Regular U.S. Mail Service (also electronically as a courtesy copy, where possible), postage prepaid, to all parties this 3rd day of September, 2008.



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