

MEMORANDUM IN SUPPORT

Applicant is seeking a waiver in the time of filing of expert testimony in support of its Rate of Return Schedules filed in the above-captioned case. The purpose of the waiver is to avoid the imposition of additional cost in preparing the rate case. Applicant believes and hopes that this rate increase application can be resolved by stipulation of the parties without the need for a hearing. If in fact this rate application can be resolved without the need to conduct a hearing, then significant expense may be saved by not preparing and filing expert testimony pertaining to the Rate of Return Schedules. Therefore, Applicant proposes not to file testimony of a consultant that supports the requested rate of return, but rather to submit testimony of one of its officers, Robert A Kopas, which would set forth the rationale and background for the rate of return proposed by Applicant.

In the event that the rate of return issue is not stipulated, Applicant requests a waiver so that it may hire a consultant to prepare and file expert testimony on rate of return at a later stage in the proceedings if it becomes evident that this issue will not be settled. By proceeding in this manner, Applicant is likely to save the expense of a consultant, a rate case expense that would, in the normal course, be passed onto ratepayers.

This waiver request meets the standards set forth in O.A.C. Rule 4901-7-01, Appendix A, Chapter II, Paragraph A(4)(c). Applicant has given the specific reason to support its request. Because Applicant will have provided rate of return testimony by an officer of the Applicant (not an outside consultant), the Commission staff will have the information that it needs to effectively and efficiently review the rate of return issue. Though the exact amount of cost savings from not having to file rate of return testimony is unknown, it is likely to be thousands of dollars based upon past experience.

WHEREFORE, Applicant respectfully moves the Commission to grant a waiver from the requirement to file written expert testimony on the rate of return issue fourteen (14) days after the application is filed, and in the unlikely event that the parties do not reach agreement on this issue, Applicant asks that it be given the opportunity to late file consultant testimony on the rate of return issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Bentine", is written over a horizontal line.

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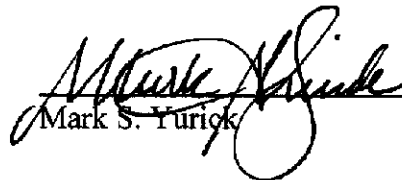
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing *Motion For Approval Of A Waiver In The Timing Of Filing Direct Testimony On Rate Of Return* was served by regular U.S. mail, postage prepaid, this 21 day of December, 2009 on the parties listed below.

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