

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

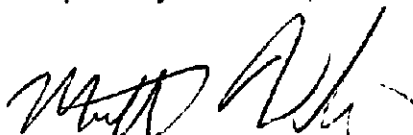
In the Matter of the Application of)
Interstate Gas Supply, Inc. for)
Certification as a Retail Natural Gas)
Supplier)

Case No. 02-1683-GA-CRS

MOTION FOR EXTENSION OF TIME TO FILE A MEMORANDUM CONTRA MOTION TO
CEASE AND DESIST

Pursuant to O.A.C. 4901-1-12(A), Interstate Gas Supply, Inc. ("IGS") files this Motion for a two day extension (to the extent an extension is necessary) to file is Memorandum Contra the Motion to Cease and Desist filed in the above captioned docket on September 28, 2010.

Respectfully submitted,



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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of
Interstate Gas Supply, Inc. for
Certification as a Retail Natural Gas
Supplier**

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Case No. 02-1683-GA-CRS

**MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE A
MEMORANDUM CONTRA MOTION TO CEASE AND DESIST**

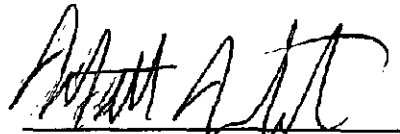
On September 28, 2010 a number of parties attempting to intervene in this proceeding filed a Motion to Cease and Desist arguing, inter alia, that Interstate Gas Supply, Inc. should be ordered by the Commission to immediately cease marketing under the service mark Columbia Retail Energy. O.A.C. 4901-1-12(B)(2) provides that "any party may file a memorandum contra within fifteen days after the service of a motion." Further, O.A.C. 4901-1-07(B) provides that "whenever a party is permitted or required to take some action within a prescribed period of time after a pleading or other paper is served upon him or her and service is made by mail, three days shall be added to the prescribed period of time."

The certificate service on the Motion to Cease and Desist indicated that IGS was served the Motion to Cease and Desist via "electronic transmission" on September 28, 2010. A search of IGS' counsel email records shows no electronic service of the Motion to Cease and Desist on September 28, 2010 or any other date. Further, IGS' counsel did not become aware that the Motion to Cease and Desist was filed until checking the docket on or around September 29, 2010. A phone call was placed to the Office of the Ohio Consumers' Counsel ("OCC") Counsel attempting to determine whether the OCC had email service records of the Motion to Cease and Desist, but as of the time of this filing, IGS' counsel has not heard back from OCC.¹ An affidavit by IGS' counsel attesting to these facts is attached to this pleading.

¹ Counsel for OCC signed the certificate of service attached to the Motion to Cease and Desist.

Further, O.A.C. 4901-1-05(4) provides "service of a document by electronic message to an attorney or party may be made only if the person to be served has consented to receive service of the document by electronic message." While it is not clear whether IGS' counsel has actually consented to electronic service, IGS' counsel only became aware of the possibility that it may have consented to electronic service, late in the afternoon today October 13, 2010. Accordingly, in light of the confusion surrounding the service of the Motion to Cease and Desist, the IGS respectfully requests a two day extension (to the extent an extension is needed) to file a memorandum contra the Motion to Cease and Desist.

Respectfully submitted,



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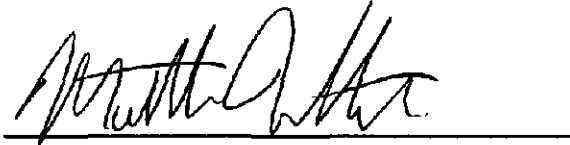
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Attorneys for Interstate Gas Supply, Inc.

AFFIDAVIT OF MATTHEW S. WHITE

Matthew S. White, being first duly sworn and cautioned, does swear and depose that:

- (1) A careful search of IGS' counsel email records found no electronic service of the Motion to Cease and Desist on September 28, 2010.
- (2) IGS' counsel did not become aware that the Motion to Cease and Desist was filed until checking the PUCO docket on or around September 29.
- (3) A phone call was placed to the Office of the Ohio Consumers' Counsel ("OCC") Counsel attempting to determine whether the OCC had email service records of the Motion to Cease and Desist, but as of the time of this filing, IGS' counsel has not heard back from OCC.

Further affiant sayeth naught.



Matthew S. White

Counsel for Interstate Gas Supply, Inc.

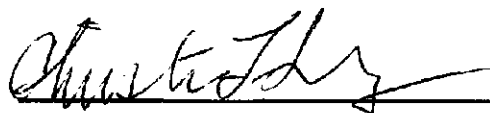
STATE OF OHIO

COUNTY OF FRANKLIN, SS:

On this 13th day of October 2010, Matthew S. White appeared before me, a notary public for the State of Ohio, and subscribed and swore that the foregoing is true and accurate to the best of his knowledge and belief.



Christina L. Schulenberg
Notary Public, State of Ohio
My Commission Expires on 10/24/12



CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing *Motion for Extension of Time to File a Memorandum Contra Motion to Cease and Desist* was served upon the following persons listed below by electronic and regular U.S. mail, postage prepaid, this 13th day of October, 2010.

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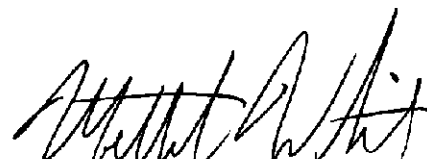
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