

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Cameron Creek Apartments,)	
)	
Complainant,)	
)	
v.)	Case No. 08-1091-GA-CSS
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On June 22, 2011, the Commission issued its opinion and order in this case initially determining that Columbia Gas of Ohio, Inc. (Columbia) had not violated its tariff, and that Columbia's practice of referencing and enforcing the most recent National Fuel Gas (NFG) Code is just and reasonable. However, the Commission further concluded that Cameron Creek Apartments (Cameron Creek or the complainant) had sustained its burden of proof such that Columbia may not disconnect or refuse reconnection of service citing potential unsubstantiated hazardous conditions due to noncompliance with the NFG Code.
- (2) Section 4903.10, Revised Code, states that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined in the proceeding by filing an application within 30 days after the entry of the order upon the journal of the Commission. In addition, Section 4903.10, Revised Code, provides that, if the Commission does not grant or deny the application for rehearing within 30 days from the date of filing, the application is denied by operation of law.
- (3) On July 22, 2011, Columbia filed an application for rehearing of the Commission's June 22, 2011, opinion and order in this matter.

- (4) Rule 4901-1-35, Ohio Administrative Code (O.A.C.), provides that any party may file a memorandum contra within 10 days after the filing of an application for rehearing.
- (5) On July 29, 2011, Cameron Creek filed a motion for extension of time to August 15, 2011, to file a response to Columbia's application for rehearing. In support of the request, counsel for the complainant states that he has been out of the office and will not return until August 1, 2011, and that his co-counsel just returned from vacation. Therefore, in order to have sufficient time to review and file a memorandum contra, Cameron Creek will need an extension of time. Cameron Creek did not request an expedited ruling of its motion for extension of time.
- (6) Rule 4901-1-12(F), O.A.C., provides that the attorney examiner may, upon her own motion, issue an expedited ruling on any motion, with or without the filing of memoranda. In light of the tight timeframes pertaining to the consideration of the application for rehearing, the attorney examiner finds that an expedited ruling should be issued regarding Cameron Creek's motion for an extension of time.
- (7) Pursuant to statute, the Commission has 30 days from July 22, 2011, to issue its entry on rehearing considering the application for rehearing and any responsive memoranda. Upon consideration of Cameron Creek's request, the attorney examiner finds that complainant's counsel should have been fully aware of Section 4903.10, Revised Code, and its statutory 30-day timeframes, as well as the Commission's rules for the filing of memorandum contra, and they should have planned accordingly. In order for the statutory timeframe to be met, it is essential that any memoranda contra be filed in a timely fashion. Because the Commission needs sufficient time to consider the application for rehearing and responsive memorandum, the attorney examiner finds that Cameron Creek's request for a two-week extension of time is unreasonable and should be denied. However, in order to permit Cameron Creek's counsel time to confer prior to filing a memoranda contra, the attorney examiner will grant a brief of extension of time until August 3, 2011, to file its response. Accordingly, Cameron Creek's motion for extension should be granted, in part, and Cameron Creek has until August 3, 2011,

to file a memorandum contra Columbia's application for rehearing.

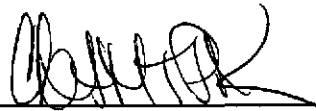
It is, therefore,

ORDERED, That an expedited ruling on Cameron Creek's motion for extension of time be issued, in accordance with finding (6). It is, further,

ORDERED, That, in accordance with finding (7), Cameron Creek's motion for extension of time be granted, in part, and Cameron Creek has until August 3, 2011, to file a memorandum contra Columbia's application for rehearing. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

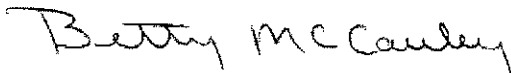
THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Christine M.T. Pirik
Attorney Examiner

S/vrm

Entered in the Journal
JUL 29 2011



Betty McCauley
Secretary