

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Review of its Rules for Competitive Retail)
Natural Gas Service Contained in) Case No. 12-925-GA-ORD
Chapters 4901:1-27 through 4901:1-34 of)
the Ohio Administrative Code.)

In the Matter of the Commission's)
Review of its Rules for Competitive Retail)
Electric Service Contained in Chapters) Case No. 12-1924-EL-ORD
4901:1-21 and 4901:1-24 of the Ohio)
Administrative Code.)

ENTRY

The attorney examiner finds:

- (1) Section 119.032, Revised Code, requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. At this time, the Commission is reviewing the competitive retail electric service (CRES) rules contained in Chapters 4901:1-21 and 4901:1-24, of the Ohio Administrative Code (O.A.C.), Case No. 12-1924-EL-ORD, as well as the competitive retail natural gas service (CRNGS) rules contained in Chapters 4901:1-27 through 4901:1-34, O.A.C., Case No. 12-925-GA-ORD, as required by Section 119.032, Revised Code.
- (2) By entry issued on July 2, 2012, the Commission scheduled a workshop to be held at the offices of the Commission on August 6, 2012, to elicit feedback on any proposed revisions to the CRES or CRNGS rules, which the Commission's Staff (Staff) may have, and to permit stakeholders to propose their own revisions to the rules for the Commission's consideration. The workshop was held, as scheduled, and stakeholder comments were offered by multiple stakeholders.

- (3) Thereafter, by entries issued on November 7, 2012, the Commission described Staff's recommended amendments to several CRES and CRNGS rules, attaching Staff's draft rules and business impact analyses for each chapter. Further, the Commission requested comments from interested persons to assist in the review of these rules to be filed by January 7, 2013, for initial comments, and to be filed by February 6, 2013, for reply comments.
- (4) On December 20, 2012, Ohio Partners for Affordable Energy (OPAE) filed a motion, in the above-captioned cases, for an extension of time to file initial comments and reply comments accompanied by a request for expedited ruling. In its motion, OPAE states that it intends to file comprehensive comments on the rules but, due to the "compressed timeline for comments to be filed in these dockets," as well as the press of other pending cases, has been prevented from allocating time to appropriately comment on the rules. OPAE requests an extension of time, until February 13, 2013, for initial comments, and March 20, 2013, for reply comments. Finally, OPAE notes that it contacted the only intervenor in the above-captioned cases, the Ohio Consumers' Counsel (OCC), and that OCC does not object to the expedited ruling.
- (5) Initially, the attorney examiner notes that the period to comment on Staff's recommended amendments began with the issuance of the entries calling for comments on November 7, 2012, and is scheduled to end on January 7, 2013, for initial comments, and February 6, 2013, for reply comments. This constitutes an approximate 60-day comment period for initial comments, and an additional 30 days for reply comments. The attorney examiner disagrees that this is a compressed timeline warranting a five-week extension for the filing of comments. Further, the attorney examiner finds that OPAE's general assertion of a pressing case load does not warrant a five-week extension for the filing of comments in the above-captioned cases, particularly in light of the reasonable comment period established by the Commission in the November 7, 2012, entries. Therefore, the attorney examiner finds that OPAE's motion for an extension of time should be denied.

It is, therefore,

ORDERED, That OPAA's motion for an extension of time to file initial comments and reply comments in the above-captioned cases is denied. It is, further,

ORDERED, That a copy of this entry be sent to the Electric-Energy and Gas-Pipeline industry service lists, and served upon all regulated natural gas service and electric companies, all CRES and CRNGS providers, the Ohio Gas Association, the Ohio Petroleum Council, the Ohio Oil and Gas Association, the Ohio Consumers' Counsel, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Mandy W. Chiles

By: Mandy Willey Chiles
Attorney Examiner

CMTP/sc

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in

Case No(s). 12-0925-GA-ORD, 12-1924-EL-ORD

Summary: Attorney Examiner Entry denying motion for extension of time to file comments. - electronically filed by Sandra Coffey on behalf of Mandy Willey Chiles, Attorney Examiner, Public Utilities Commission of Ohio