

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Co-)
Columbia Gas of Ohio, Inc. for Approval)
of an Alternative Form of Regulation to)
Extend and Increase Its Infrastructure)
Replacement Program)

Case No. 16-2422-GA-ALT

**MOTION OF COLUMBIA GAS OF OHIO, INC.
FOR WAIVER AND EXTENSION AND
REQUEST FOR EXPEDITED RULING**

Pursuant to Rules 4901-1-12(C), 4901-1-13(A), and 4901:1-19-02(D), Ohio Administrative Code, Columbia Gas of Ohio, Inc. ("Columbia") respectfully requests a waiver of the 30-day deadline for filing objections to the Staff Report issued July 10, 2017, and a five-day extension of that deadline from August 9, 2017, to August 14, 2017. Columbia seeks this additional extension because it requires additional time to review, analyze, and prepare a response to Staff's findings and recommendations. Counsel for intervenors Industrial Energy Users-Ohio ("IEU-Ohio") and Ohio Partners for Affordable Energy ("OPAE") have confirmed that they do not oppose the requested waiver and extension. Columbia further requests an expedited ruling on this Motion. A memorandum in support of this motion is attached.

Respectfully submitted,

/s/ Eric B. Gallon

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MEMORANDUM IN SUPPORT

On February 27, 2017, Columbia filed its application for authorization to continue its alternative rate plan (most recently reapproved in Case No. 11-5515-GA-ALT) for another five-year period (2018-2022). On March 24, 2017, Commission Staff informed Columbia by letter that Columbia's application complied with Rule 4901:1-19-06, Ohio Adm. Code ("O.A.C."). On April 6, 2017, the Commission issued an Entry setting deadlines of July 10, 2017, for the filing of the Staff Report on Columbia's application and August 9, 2017, for the filing of objections to the Staff Report or to the application.

Columbia now asks that the Commission extend the deadline for filing objections to the Staff Report and/or the application by five days, to August 14, 2017. The Commission's rules require parties to file objections to a Staff Report "within thirty calendar days after the filing of the report." Rule 4901:1-19-07(F)(1)(a), O.A.C. However, the rules permit the Commission to waive any requirement of Chapter 4901:1-19, O.A.C., "other than a requirement mandated by statute." Rule 4901:1-19-02(D), O.A.C. Here, the thirty-day deadline for filing objections to the Staff Report is not mandated by statute. Although Ohio Rev. Code § 4909.19 sets forth certain procedural requirements when the Commission receives objections "within thirty days after the filing of [a Staff] report," Ohio Rev. Code § 4909.19(C), the statute does not require that objections be filed within thirty days, or direct the Commission to disregard objections filed after the thirtieth day. *See id.* Moreover, that statute applies only to an application for an increase in rates. *See* Ohio Rev. Code § 4909.19(A). Here, Columbia is "seeking authorization to continue a previously approved alternative rate plan," which must be "considered an application not for an increase in rates." Ohio Rev. Code § 4929.051(B). Accordingly, the procedural requirements in Ohio Rev. Code § 4909.19 do not apply.

The Commission's rules allow parties to file motions to extend deadlines "for good cause shown," so long as those motions are timely and, if the motion is filed fewer than five business days before the relevant deadline, the other parties receive "a brief summary of the request." Rule 4901:1-13(B), O.A.C. Here, Columbia has good cause for the request. Staff has issued a report that recommends that the Commission approve Columbia's application with modifications. Columbia requires additional time to review, analyze, and prepare a response to Staff's recommended modifications. This motion is also timely. Columbia is filing the motion in advance of the relevant deadline and has contacted counsel for each of the parties by telephone and e-mail to describe and discuss the motion.

For all of these reasons, as permitted by Rules 4901-1-12(C), 4901-1-13(A), and 4901:1-19-02(D), O.A.C., Columbia Gas of Ohio, Inc. respectfully requests that this Commission waive the 30-day default deadline for filing objections to the Staff Report and extend the deadline by five days to August 14, 2017. Columbia respectfully requests an expedited ruling on this motion.

Respectfully submitted,

/s/ Eric B. Gallon

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served via electronic mail on the 7th day of August, 2017, upon the parties listed below.

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Summary: Motion for Waiver and Extension and Request for Expedited Ruling electronically filed by Cheryl A MacDonald on behalf of Columbia Gas of Ohio, Inc.