

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
VECTREN ENERGY DELIVERY OF OHIO,  
INC. FOR APPROVAL OF AN INCREASE IN  
GAS RATES.

CASE NO. 18-298-GA-AIR

IN THE MATTER OF THE APPLICATION OF  
VECTREN ENERGY DELIVERY OF OHIO,  
INC. FOR APPROVAL OF AN ALTERNATIVE  
RATE PLAN.

CASE NO. 18-299-GA-ALT

IN THE MATTER OF THE APPLICATION OF  
VECTREN ENERGY DELIVERY OF OHIO,  
INC. FOR APPROVAL OF AN ALTERNATIVE  
RATE PLAN.

CASE NO. 18-49-GA-ALT

### ENTRY

Entered in the Journal on November 9, 2018

{¶ 1} Vectren Energy Delivery of Ohio, Inc. (VEDO or the Company) is a natural gas company and a public utility as defined by R.C. 4905.03 and R.C. 4905.02, respectively. As such, VEDO is subject to the jurisdiction of this Commission pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 2} On January 3, 2018, VEDO filed a notice of intent to file an application for approval of an alternative rate plan under R.C. 4929.05. *In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc. for Approval of an Alternative Rate Plan*, Case No. 18-49-GA-ALT (CEP Rider Case). On February 21, 2018, the Company filed two additional notices of intent: one to file an application for an increase in rates and charges under R.C. 4909.18 and a second notice of intent to file a separate application for approval of an alternative rate plan under R.C. 4929.05. *In the Matter of Vectren Energy Delivery of Ohio, Inc. for Approval of an Increase in Gas Rates*, Case No. 18-298-GA-AIR; *In the Matter of Vectren Energy Delivery of Ohio, Inc. for Approval of an Alternative Rate Plan*, Case No. 18-299-GA-ALT (together, *Rate Case Proceedings*).

{¶ 3} On March 30, 2018, VEDO filed its combined application to increase rates and charges and for approval of an alternative rate plan pursuant to R.C. 4909.18 and R.C. 4929.05 in the *Rate Case Proceedings*. And, on April 13, 2018, VEDO filed its application for approval of an alternative rate plan in the *CEP Rider Case*. By Entry issued May 24, 2018, the attorney examiner granted a motion to consolidate all three of VEDO's cases into one proceeding.

{¶ 4} Staff conducted an investigation of the facts, exhibits, and matters relating to VEDO's applications. On October 1, 2018, Staff filed a comprehensive written report of its investigation (Staff Report) in the docket for Case No. 18-298-GA-AIR. Staff filed the Staff Report in the remaining two case dockets on October 2, 2018.

{¶ 5} By Entry dated October 3, 2018, the attorney examiner issued a procedural schedule for these consolidated cases. Amongst other deadlines, the procedural schedule directed that motions to intervene be filed by October 31, 2018, and pre-filed testimony be filed pursuant to Ohio Adm.Code 4901-1-29. Later, in an October 26, 2018 Entry, the attorney examiner extended the deadline for submission of pre-filed testimony (other than Staff testimony) to November 7, 2018.

{¶ 6} Over the course of this proceeding, the following entities requested intervention: Ohio Consumers' Counsel (OCC), Ohio Partners for Affordable Energy (OPAE), Environmental Law & Policy Center (ELPC), Honda of America Mfg., Inc. (Honda), the City of Dayton (Dayton), Interstate Gas Supply, Inc. (IGS), Retail Energy Supply Association (RESA), and Federal Executive Agencies (FEA). The motions are unopposed. Upon review, the attorney examiner finds that the motions to intervene are reasonable and should be granted.<sup>1</sup>

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<sup>1</sup> The attorney examiner notes that OCC, ELPC, and Honda did not seek leave to intervene in the *CEP Rider Case*. OCC, ELPC, and Honda filed their motions to intervene in the *Rate Case Proceedings* prior to the May 24, 2018 Entry consolidating them with the *CEP Rider Case*. In granting the motions to intervene, the attorney examiner clarifies that the intervenors will be treated as parties to all three cases in this consolidated proceeding.

{¶ 7} Additionally, two motions seeking permission to appear pro hac vice have been filed. The first is an April 20, 2018 motion requesting that the Commission grant P. Jason Stephenson permission to appear and participate as co-counsel on behalf of VEDO. The second is an August 15, 2018 request to permit Andrew J. Unsicker to appear and participate as counsel on behalf of FEA.

{¶ 8} Gov. Bar R. XII governs pro hac vice admission in Ohio, with Section 2 providing the rules governing eligibility to practice. Pursuant to Gov. Bar R. XII, Section 2(A)(7), an attorney seeking to appear pro hac vice must file a motion accompanied by a certificate of pro hac vice registration furnished by the Supreme Court of Ohio's Office of Attorney Services and include other specified information. The attorney examiner has examined the motions for admission pro hac vice submitted on behalf of Attorneys Stephenson and Unsicker and finds that the motions comply with Gov. Bar R. XII, Section 2(A)(7), are reasonable, and should be granted.<sup>2</sup>

{¶ 9} On November 7, 2018, OP&E, OCC, FEA, VEDO, IGS, RESA, and ELPC filed pre-filed testimony pursuant to the extended procedural schedule. On November 8, 2018, RESA submitted the direct testimony of James L. Crist, P.E., along with a motion to accept that testimony as timely filed or, in the alternative, for leave to file the testimony out-of-time. For cause, RESA states that it made multiple attempts to electronically file Mr. Crist's testimony on November 7, 2018, but each attempt failed. Ultimately, counsel personally delivered the testimony to the Commission's Docketing Division, but arrived, and therefore filed, the testimony shortly after the 5:30 p.m. deadline. RESA represents that the testimony was served on all parties on November 7, 2018, and that no harm or prejudice will befall the parties if the filing is accepted.

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<sup>2</sup> Attorney Stephenson filed his motion for permission to appear pro hac vice in the *Rate Case Proceedings* prior to the May 24, 2018 Entry consolidating them with the *CEP Rider Case*. In granting his motion to appear pro hac vice, the attorney examiner clarifies that Mr. Stephenson will be permitted to represent VEDO in all three cases in this consolidated proceeding.

{¶ 10} The attorney examiner finds that RESA's motion to accept testimony as timely filed is reasonable and should be granted. Accordingly, the direct testimony of James L. Crist, P.E., is accepted to the record as timely filed. Additionally, the attorney examiner notes that ELPC filed the corrected testimony of Tamara Dzubay on November 8, 2018, with correspondence requesting that the testimony be accepted in place of the version filed November 7, 2018. Also on November 8, 2018, FEA refiled the direct testimony of Brian C. Collins, which had been inadvertently attached as a source document to the November 7, 2018 direct testimony of Michael P. Gorman. The attorney examiner accepts to the record both the corrected testimony of Tamara Dzubay and the refiled direct testimony of Brian C. Collins.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the motions to intervene filed by OCC, OP&E, ELPC, Honda, Dayton, IGS, RESA, and FEA be granted. It is, further,

{¶ 13} ORDERED, That the motions to appear pro hac vice filed by P. Jason Stephenson and by Andrew J. Unsicker be granted. It is, further,

{¶ 14} ORDERED, That RESA's November 8, 2018 motion to accept testimony as timely filed be granted. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Patricia A. Schabo

By: Patricia A. Schabo  
Attorney Examiner

JRJ/hac

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/9/2018 11:20:56 AM**

**in**

**Case No(s). 18-0298-GA-AIR, 18-0299-GA-ALT, 18-0049-GA-ALT**

Summary: Attorney Examiner Entry granting motions to intervene, motions to appear pro hac vice, and motion to accept testimony as timely filed electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission