

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 April 11, 2019

{¶ 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} Subsequently, Staff filed comprehensive written reports of its investigation of VEDO's applications, several parties were granted intervention, and a procedural schedule was issued. Additionally, on January 4, 2019, a Stipulation and Recommendation (Stipulation) was filed by VEDO and most of the intervening parties.

{¶ 5} Ultimately, the evidentiary hearing was conducted over three phases, which encompassed six days of testimony. At the conclusion of the hearing, the attorney examiners established a briefing schedule by which initial briefs were due to be filed April 2, 2019, and reply briefs are due April 23, 2019.

{¶ 6} On April 2, 2019, six initial post-hearing briefs were filed, including one submitted by Ohio Consumers' Counsel (OCC). On April 8, 2019, OCC filed correspondence to the docket through which it sought to correct its initial brief by modifying a citation and withdrawing specified statements.

{¶ 7} On April 9, 2019, VEDO filed a combined motion to strike portions of OCC's initial brief, request for expedited treatment, and request that the response timeframe be shortened to three days. In its memorandum in support regarding that last request, VEDO urges the Commission to reduce the time to respond to its motion to three days. VEDO explains that, prior to filing the motion, counsel for the Company informally requested that OCC withdraw the challenged portions of its brief; and, although OCC filed the April 8, 2019 corrections, VEDO believes those corrections to be insufficient. VEDO reasons that, had it filed the instant motion to strike rather than pursue informal resolution of the conflict,

any responsive filing to an expedited motion would have been due April 12, 2019 – the same date that would result if the response time is limited to three days. VEDO further submits that, if it prevails, the shortened response time will prevent parties from wasting resources countering the substance of the challenged portions of OCC’s brief in the reply briefs due April 23, 2019.

{¶ 8} The attorney examiner finds that VEDO’s request to reduce the timeframe for response to the Company’s motion to strike is reasonable and should be granted. Accordingly, any response to VEDO’s motion to strike portions of OCC’s initial post-hearing brief shall be filed on or before April 12, 2019.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That VEDO’s request to shorten the timeframe to respond to its motion to strike be granted. It is, further,

{¶ 11} ORDERED, That any response to VEDO’s motion to strike be filed on or before April 12, 2019, as stated in Paragraph 8. It is, further,

{¶ 12} 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

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in

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

Summary: Attorney Examiner Entry granting request to shorten timeframe to respond; any response to be filed on or before April 12, 2019 electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission