

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion to Modify the)	
Exemption Granted to The East Ohio Gas)	Case No. 18-1419-GA-EXM
Company d/b/a Dominion Energy Ohio.)	

**JOINT MOTION FOR A CONTINUANCE
AND REQUEST FOR EXPEDITED RULING**

Pursuant to Rule 4901-1-13 of the Ohio Administrative Code, the Retail Energy Supply Association, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Interstate Gas Supply, Inc. and Dominion Energy Solutions, Inc. (“the Joint Movants”) respectfully ask the Commission for a 30-day continuance of the procedural schedule as follows:

- Continue the filing of comments and/or memorandum contra OPAE’s and OCC’s motions to modify DEO’s exemption from October 4 to November 4, 2019;
- Continue the filing of reply comments and/or replies to memoranda contra OPAE’s and OCC’s motions from October 18 to November 18, 2019;
- Continue the deadline for the filing of direct testimony from October 25 to November 25, 2019; and
- Continue the start of the evidentiary hearing from November 5 to December 5, 2019.

Good cause exists for granting a 30-day continuance and for granting it in an expedited manner. First, the parties have begun exploring a full or partial resolution of the issues. With the current case schedule condensed, there will be little time available to engage in meaningful discussions on any stipulation of the issues if the parties are forced to prepare for hearing at the same time.

Second, further time to conduct discovery is needed for preparing comments and/or memorandum contra, preparing testimony and preparing for the hearing. The parties have little data at this time to allow for a thorough presentation of the facts on the issues presented in this proceeding. Also, discovery regarding the details of the monthly variable rate program has only

recently become available with the September 24, 2019 intervention of The East Ohio Gas Company d/b/a Dominion Energy Ohio. All of the above reasons support the requested continuance and are further explained in the accompanying memorandum in support.

WHEREFORE, the Retail Energy Supply Association, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Interstate Gas Supply, Inc. and Dominion Energy Solutions, Inc. respectfully request that the Commission grant, on an expedited basis, this request for a 30-day continuance of the procedural schedule in this case. Counsel for the Retail Energy Supply Association contacted the other parties in this matter. Dominion Energy of Ohio and the Ohio Partners for Affordable Energy do not oppose the sought extension, and no party objects to the issuance of an expedited ruling pursuant to Rule 4901-1-12(C), Ohio Administrative Code.

Respectfully submitted,

/s/ Scott Dismukes (per authorization)
Scott Dismukes, Esquire (OH Registration No. 0071769)
Daniel Clearfield, Esquire
Sarah Stoner, Esquire
Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower, 600 Grant Street, 44th Floor
Pittsburgh, PA 15219
sdismukes@eckertseamans.com
dclearfield@eckertseamans.com
sstoner@eckertseamans.com
Attorneys for Direct Energy Business Marketing, LLC and Direct Energy Services, LLC

/s/ Joseph Olikier (per authorization)
Joseph Olikier (0086088), Counsel of Record
Michael Nugent (0090408)
Bethany Allen (0093732)
Interstate Gas Supply, Inc.
6100 Emerald Parkway
Dublin, Ohio 43016
Joe.Olikier@igs.com
Michael.Nugent@igs.com
Bethany.Allen@igs.com
Attorneys for Interstate Gas Supply, Inc.

/s/ Michael J. Settineri
Michael J. Settineri (0073369), Counsel of Record
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street / P.O. Box 1008
Columbus, OH 43216-1008
614-464-5462
mjsettineri@vorys.com
glpetrucci@vorys.com
Attorneys for the Retail Energy Supply Association

/s/ Barth E. Royer (per authorization)
Barth E. Royer (0016999)
Barth E. Royer, LLC
2740 East Main Street
Bexley, Ohio 43209
Phone: 614-817-1331
Attorneys for Dominion Energy Solutions, Inc.

**MEMORANDUM IN SUPPORT OF THE JOINT MOTION FOR CONTINUANCE
AND REQUEST FOR EXPEDITED RULING**

This proceeding was initiated more than a year ago (in September 2018) when the Attorney Examiner ordered the Office of the Ohio Consumers' Counsel and the Ohio Partners for Affordable Energy to refile in a new docket their requests to modify the exemption granted by the Public Utilities Commission of Ohio. OPAE filed its motion in this proceeding in September 2018; no procedural schedule was set. OCC did not file its motion until August 16, 2019. Both argue that the Commission should modify the exemption granted to The East Ohio Gas Company d/b/a Dominion Energy Ohio ("Dominion") by eliminating the Commission-approved monthly variable rate program in the Choice program.

The Attorney Examiner established a procedural schedule for this proceeding by Entry issued August 16, 2019. The procedural schedule included a September 27, 2019 deadline for motions to intervene, followed by comments and /or memorandum contra due October 4, reply comments and /or memorandum contra due October 18, testimony due October 25 and a hearing commencing on November 5, 2019. Dominion, whose Choice Program would be affected by the OPAE and OCC motions in this proceeding, filed its motion to intervene on September 25, 2019 – a week and two days before comments and memorandum contra are due.

Given the condensed schedule in this proceeding, the Joint Movants seek a 30-day extension of the case schedule to allow for continued settlement discussions and the discovery necessary to develop a complete factual record at hearing. First, the parties have begun settlement discussions in an attempt to resolve in full or in part the issues raised in this proceeding. The Joint Movants wish to continue those discussions and submit that a 30-day continuance is reasonable for further exploration of settlement. The discussions could narrow the issues and/or result in a resolution that can be presented to the Commission for its approval.

Absent the extension, the parties will be forced to complete briefing, comments and testimony along with preparing for hearing over the next month. That effort will make it very difficult to engage in meaningful discussions on the issues in this proceeding. The Joint Movants believe that allowing parties the time to explore settlement will be more beneficial, and an extension of all deadlines will allow the parties to devote resources to a resolution rather than a litigated result.

The second reason supporting the extension is that the Joint Movants require additional time for discovery prior to filing comments and/or memorandum contra, filing testimony and the start of the hearing. Dominion filed to intervene last week and has received discovery requests from both RESA and OCC. The information sought in those responses will be helpful in developing the factual record in this proceeding, and it is possible there will be follow-up discovery requests. More importantly, the information sought through discovery will be helpful in ensuring that all parties to this proceeding are reviewing the same data about the MVR program when discussing possible resolution of the issues.

Accordingly, the Joint Movants submit that each of the above reasons establishes good cause for extending the procedural schedule by 30 days. The requested continuance will not unjustly or unduly delay the proceedings or a Commission decision, and no harm will result. The continuance, however, could result in a resolution (in full or in part) of the issues, which then may streamline this proceeding. It will also ensure all parties have the necessary data to evaluate the MVR program.

Additionally, the Joint Movants request an expedited ruling on this motion so that all parties are promptly and adequately informed of the ruling prior to the October 4 deadline for comments. Counsel for the Retail Energy Supply Association contacted the other parties in this matter. Dominion Energy of Ohio and the Ohio Partners for Affordable Energy do not oppose

the sought extension, and no party objects to the issuance of an expedited ruling pursuant to Rule 4901-1-12(C), Ohio Administrative Code.

WHEREFORE, the Retail Energy Supply Association, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Interstate Gas Supply, Inc. and Dominion Energy Solutions, Inc. respectfully request that the Commission grant their Joint Motion for a 30-day continuance of the deadlines for comments and/or memorandum contra, reply comments and/or memorandum contra, testimony and the hearing as outlined above.

Respectfully submitted,

/s/ Scott Dismukes (per authorization)

Scott Dismukes, Esquire (OH Registration No. 0071769)

Daniel Clearfield, Esquire

Sarah Stoner, Esquire

Eckert Seamans Cherin & Mellott, LLC

U.S. Steel Tower, 600 Grant Street, 44th Floor
Pittsburgh, PA 15219

sdismukes@eckertseamans.com

dclearfield@eckertseamans.com

sstoner@eckertseamans.com

*Attorneys for Direct Energy Business
Marketing, LLC and Direct Energy Services,
LLC*

/s/ Joseph Olikar (per authorization)

Joseph Olikar (0086088), Counsel of Record

Michael Nugent (0090408)

Bethany Allen (0093732)

Interstate Gas Supply, Inc.

6100 Emerald Parkway

Dublin, Ohio 43016

Joe.Olikar@igs.com

Michael.Nugent@igs.com

Bethany.Allen@igs.com

Attorneys for Interstate Gas Supply, Inc.

/s/ Michael J. Settineri

Michael J. Settineri (0073369), Counsel of
Record

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street / P.O. Box 1008

Columbus, OH 43216-1008

614-464-5462

mjsettineri@vorys.com

glpetrucci@vorys.com

*Attorneys for the Retail Energy Supply
Association*

/s/ Barth E. Royer (per authorization)

Barth E. Royer (0016999)

Barth E. Royer, LLC

2740 East Main Street

Bexley, Ohio 43209

Phone: 614-817-1331

Attorney for Dominion Energy Solutions, Inc

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, I certify that a copy of the foregoing document will be served via electronic mail on all parties listed below this 2nd day of October 2019.

/s/ Michael J. Settineri

Michael J. Settineri

OPAE	cmooney@ohiopartners.org cmooney@opae.org
OCC	terry.etter@occ.ohio.gov bojko@carpenterlipps.com
The East Ohio Gas Company d/b/a Dominion Energy Ohio	kennedy@whitt-sturtevant.com andrew.j.campbell@dominionenergy.com
Interstate Gas Supply, Inc.	joe.oliker@igsenergy.com michael.nugent@igsenergy.com bethany.allen@igsenergy.com
Direct Energy Business, LLC and Direct Energy Services, LLC	sdismukes@eckertseamans.com dclearfield@eckertseamans.com sstoner@eckertseamans.com
Dominion Energy Solutions, Inc.	barthroyer@aol.com
Staff of the Public Utilities Commission of Ohio	werner.margard@ohioattorneygeneral.gov

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Summary: Motion Joint Motion for a Continuance and Request for Expedited Ruling
electronically filed by Mr. Michael J. Settineri on behalf of Retail Energy Supply Association