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**Via E-FILE**

February 10, 2020

Public Utilities Commission of Ohio  
PUCO Docketing  
180 E. Broad Street, 10th Floor  
Columbus, Ohio 43215

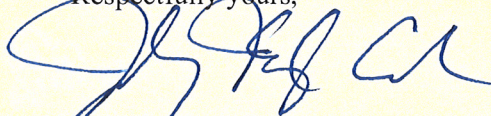
**In re: Case No. 18-275-AU-ORD, 18-276-AU-ORD, 18-277-AU-ORD and 18-278-AU-ORD**

Dear Sir/Madam:

Please find attached the REPLY COMMENTS OF THE OHIO ENERGY GROUP e-filed today in the above-referenced matters.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

A handwritten signature in blue ink, appearing to be "MLK", written over a horizontal line.

Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

**BOEHM, KURTZ & LOWRY**

MLKkew  
Attachment

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of Ohio Adm. Code Chapter 4901-1 Rules Regarding Practice and Procedure Before the Commission.	:	Case No. 18-275-AU-ORD
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	:	
In the Matter of the Review of Ohio Adm. Code Chapter 4901:1-1 Rules Regarding Utility Tariffs and Underground Utility Protection Service Registration.	:	Case No. 18-276-AU-ORD
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	:	
In the Matter of the Review of Ohio Adm. Code Chapter 4901-3 Rules Regarding Open Commission Meetings.	:	Case No. 18-277-AU-ORD
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In the Matter of the Review of Ohio Adm. Code Chapter 4901-9 Rules Regarding Commission Complaint Proceedings.	:	Case No. 18-278-AU-ORD
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**REPLY COMMENTS OF THE OHIO ENERGY GROUP**

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The Ohio Energy Group (“OEG”) submits these Reply Comments in response to comments filed by Ohio Power Company (“AEP Ohio” or “Company”).<sup>1</sup> While OEG understands AEP Ohio’s frustration with time-consuming discovery requests, the Company proposes rule changes that would severely restrict discovery and that may ultimately be counterproductive. For instance, AEP Ohio proposes to bar parties from serving discovery requests in a given proceeding unless a hearing is required/ordered or the Administrative Law Judge (“ALJ”) issues an entry granting discovery rights.<sup>2</sup> But in some cases, early discovery requests may eliminate subsequent intervenor requests for a hearing by allowing parties to resolve any potential misunderstandings or disputes outside of a hearing room. Maintaining broader discovery may therefore reduce the Company’s ultimate litigation burden. Additionally, AEP Ohio’s requested rule change would further encumber ALJs, who would be required to resolve numerous intervenor requests for discovery rights in proceedings where hearings are not scheduled.

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<sup>1</sup> OEG’s decision not to respond to comments filed by other parties should not be construed as agreement with those comments.

<sup>2</sup> AEP Ohio Comments at 3-4.

OEG also takes issue with AEP Ohio's proposed revision to limit the term "party" to those whose motion to intervene has been ruled on at the time of the discovery requests.<sup>3</sup> This revision is problematic because in some cases, motions to intervene are not ruled upon until well into the proceeding.<sup>4</sup> Accordingly, were this revision to be made, the Commission likewise would need to require ALJs to rule on motions to intervene within a compressed period of time so that intervenors would have sufficient time to serve and review discovery.

Respectfully submitted,



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February 10, 2020

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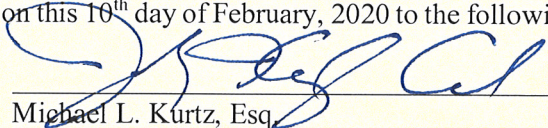
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<sup>3</sup> Id. at 4.

<sup>4</sup> See e.g. *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case No. 14-1297-EL-SSO (March 31, 2016) at 9-10 (noting that motions to intervene were granted four months after application was filed as well as verbally at a pretrial conference); *In the Matter of the Application of Columbia Gas of Ohio, Inc., for Approval to Change Accounting Methods*, Case No. 14-1615-GA-AAM (December 17, 2014) at 19-20 (granting motions to intervene and ruling on the merits of the application in the same order).

## CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO'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 this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on this 10<sup>th</sup> day of February, 2020 to the following:

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

**Commission of Ohio Docketing Information System on**

**2/10/2020 2:33:14 PM**

**in**

**Case No(s). 18-0275-AU-ORD, 18-0276-AU-ORD, 18-0277-AU-ORD, 18-0278-AU-ORD**

Summary: Comments Ohio Energy Group (OEG) Reply Comments electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group