**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval of Demand Side Management Program for its Residential and Commercial Customers.  In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval to Change Accounting Methods. | )  )  )  )  )  )  )  ) | Case No. 16-1309-GA-UNC  Case No. 16-1310-GA-AAM |

**MOTION FOR A PROCEDURAL SCHEDULE**

**BY**

**THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") requests that the Public Utilities Commission of Ohio (the "PUCO") establish a procedural schedule that modifies the schedule that Columbia Gas of Ohio, Inc. ("Columbia" or the "Utility") proposed in its application. OCC proposes the following schedule to balance the interests of those involved:

|  |  |  |
| --- | --- | --- |
|  | Columbia's Proposal | OCC's Proposal |
| Utility Direct Testimony |  | July 15, 2016 |
| Comments | August 1, 2016 | August 15, 2016 |
| Reply Comments | August 29, 2016 | August 29, 2016 |
| Intervenor Testimony |  | September 9, 2016 |
| Hearing Begins |  | October 3, 2016 |
| Opinion and Order | September 28, 2016 | At PUCO’s discretion |

OCC respectfully requests that the PUCO grant this motion and enter an order adopting OCC's proposed procedural schedule for the reasons stated in the following memorandum in support.

Respectfully submitted,

BRUCE J. WESTON (0016973)

OHIO CONSUMERS' COUNSEL

*/s/ Christopher Healey*

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*Outside Counsel to the Office of the Ohio Consumers' Counsel*

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**MEMORANDUM IN SUPPORT**

The PUCO should adopt a procedural schedule that allows for the full development of a factual record, for the benefit of PUCO decision-making. Columbia's proposed procedural schedule is unduly accelerated and lacks a needed hearing.[[1]](#footnote-1) The schedule should allow for appropriate due process in this case about DSM programs that, while providing energy efficiency benefits to some customers, would cost about $26 in subsidy payments per consumer for each of six years (approximately $156 in total payments). And the consumer costs would come at a time when natural gas prices are at historic lows, reducing the benefits that customers receive from DSM programs.

**A. Parties should be permitted to file testimony to develop a complete factual record that will benefit the PUCO, the Utility, and customers' interest in full and fair consideration of the Application.**

The PUCO’s rules permit parties to filed direct expert testimony in PUCO proceedings. *See* Ohio Adm. Code ("OAC") 4901-1-29(A)(1) ("[A]all expert testimony to be offered in commission proceedings . . . shall be reduced to writing, filed with the commission, and served upon all parties prior to the time such testimony is to be offered."); OAC 4901-1-29(A)(1)(h) (direct expert testimony in cases other than general rate proceedings, emergency rate proceedings, purchased gas adjustment proceedings, and long-term forecast report proceedings "shall be filed and served no later than seven days prior to the commencement of the hearing").

The PUCO routinely relies on testimony in contested cases, including testimony with respect to natural gas DSM programs. *See, e.g.,* Direct Testimony of Wilson Gonzalez (July 23, 2008), *In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc. for Authority to Amend its Filed Tariffs to Increase the Rates and Charges for Gas Services and Related Matters*, Case No. 07-1080-GA-AIR (discussing Vectren Energy's natural gas DSM proposal).[[2]](#footnote-2) Parties should have a similar opportunity in this case, in which Columbia seeks approval of DSM programs that would cost customers more than $200 million over six years in program costs and Utility profits.

**B. The PUCO should schedule a hearing to consider all parties' interests in this case.**

A hearing is an important part of any contested matter before the PUCO.[[3]](#footnote-3) The PUCO rules provide that "[t]he commission, the legal director, the deputy legal director, or an attorney examiner shall assign the time and place for each hearing."[[4]](#footnote-4) The hearing serves many purposes, including presentation of testimony, ruling on objections and procedural matters, and examination of witnesses, among many others.[[5]](#footnote-5) In fact, when an Ohio electric utility files an application to approve its energy efficiency programs, which is analogous to Columbia's Application in this case, a hearing is mandatory. *See* Ohio Adm. Code ("OAC") 4901:1-39-04(E) ("The commission shall set the matter for hearing . . .) (emphasis added).

The PUCO should set a hearing date to consider the positions of all parties when determining if the Application is in parties' best interests and should be approved.

**C. The PUCO should adopt a schedule that is reasonable and balances the interests of the PUCO, the Utility, and customers.**

OCC proposes the following procedural schedule:

|  |  |  |
| --- | --- | --- |
|  | Columbia's Proposal | OCC's Proposal |
| Utility Direct Testimony |  | July 15, 2016 |
| Comments | August 1, 2016 | August 15, 2016 |
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This proposed schedule is reasonable because: (i) it gives parties 60 days to file comments or objections, which is the amount of time that parties have to file objections in similar cases filed by electric utilities under OAC 4901:1-39-04(D);[[6]](#footnote-6) (ii) it provides parties an opportunity to file testimony; (iii) it includes a hearing so that the PUCO can consider all parties' positions; and (iv) it allows for a timely ruling on the Application.

The PUCO should grant this motion and adopt OCC's proposed procedural schedule.

Respectfully submitted,

BRUCE J. WESTON (0016973)

OHIO CONSUMERS' COUNSEL

*/s/ Christopher Healey*

Christopher Healey (0086027)  
Counsel of Record

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*Outside Counsel to the Office of the Ohio Consumers' Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion was served on the persons stated below viaelectric transmission this 22nd day of June 2016.

*/s/ Christopher Healey*

Christopher Healey  
Assistant Consumers' Counsel

**SERVICE LIST**

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1. *See* Application of Columbia Gas of Ohio, Inc. to Continue its Demand Side Management Program § 7, Case No. 16-1309-GA-UNC (June 10, 2016) (the "Application") (requesting an "accelerated procedural schedule"). [↑](#footnote-ref-1)
2. *See also* Ohio R.C. 4903.09 (providing that the PUCO must include "a transcript of all testimony" in its written opinion in a contested case). [↑](#footnote-ref-2)
3. Ohio R.C. 4905.95(A)(1) ("The public utilities commission, regarding any proceeding under this section, shall provide reasonable notice and the opportunity for a hearing in accordance with rules adopted under section 4901.13 of the Revised Code."). Ohio R.C. Chapter 4903 (entitled "Public Utilities Commission – Hearings"). [↑](#footnote-ref-3)
4. Ohio Adm. Code ("OAC") 4901-1-27(A). [↑](#footnote-ref-4)
5. *See* OAC 4901-1-27(B). *See also* Ohio R.C., Chapter 4903. [↑](#footnote-ref-5)
6. *See* OAC 4901:1-39-04(D) ("any person may file objections within sixty days after the filing of an electric utility's program portfolio plan"). [↑](#footnote-ref-6)