**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of the Ohio Department of Development to Adjust Ohio Power Company’s 2023 Universal Service Fund Rider Rate. | )  )  )  ) | Case No. 23-779-EL-UNC |

**MOTION TO SHORTEN THE DISCOVERY RESPONSE TIME**

**AND**

**REQUEST FOR EXPEDITED RULING**

**BY**

**OFFICE OF THE OHIO CONSUMERS' COUNSEL**

In this case, the Ohio Department of Development (“ODOD”) seeks to impose on AEP Ohio consumers new charges for the low-income consumer assistance program totaling $5,267,013.[[1]](#footnote-2) Comments on ODOD’s proposal are due on August 14, 2023, which precludes parties from conducting any meaningful discovery on the proposal.

The Office of the Ohio Consumers' Counsel ("OCC") moves to shorten the discovery response time in this proceeding to seven days. OCC further seeks an expedited ruling under O.A.C. 4901-1-12(C). OCC has contacted all parties and certifies that none opposed expedited ruling. The grounds for this Motion are more fully set forth in the accompanying Memorandum in Support.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Connor D. Semple*

Connor D. Semple (0101102)

Counsel of Record

Donald J. Kral (0042091)

Assistant Consumers’ Counsel

**Office of the Ohio Consumers’ Counsel**

65 East State Street, Suite 700

Columbus, Ohio 43215

Telephone: [Semple] (614) 466-9565

Telephone: [Kral]: (614) 466-9571

[connor.semple@occ.ohio.gov](mailto:connor.semple@occ.ohio.gov)

[donald.kral@occ.ohio.gov](mailto:donald.kral@occ.ohio.gov)

(willing to accept service by e-mail)

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of the Ohio Department of Development to Adjust Ohio Power Company’s 2023 Universal Service Fund Rider Rate. | )  )  )  ) | Case No. 23-779-EL-UNC |

**MEMORANDUM IN SUPPORT**

OCC seeks to protect consumers from additional charges for low-income consumer assistance programs.[[2]](#footnote-3) All consumers, including residential consumers, pay to support the low-income consumer programs through the Universal Service Fund rider. ODOD seeks to impose on AEP consumers new charges for the low-income consumer assistance program totaling $5,267,013.[[3]](#footnote-4) To assess this request and prepare a thorough record for the PUCO to consider, stakeholders need adequate time to conduct discovery.

The current procedural schedule deprives the PUCO of information that would help it make an informed decision in this matter. At present, initial comments are due on August 14, 2023. But parties can take up to 20 days to respond to discovery requests.[[4]](#footnote-5) That means comments are due in this proceeding before discovery requests can be served and answered. The PUCO should shorten the discovery response time in this proceeding to seven days. This would give parties adequate time to conduct thorough discovery and file complete comments, creating a full record in this case.

Good cause exists for the modification OCC requests. ODOD filed its application to modify AEP’s USF Rider revenue requirement on July 25, 2023. Comments are due just 19 days later, on August 14, 2023. But parties are permitted to take up to 20 days to answer discovery requests. This prevents parties opposing the revenue increase from serving discovery in response to the filed application and incorporating answers into comments. A shortened discovery response period will remedy this and allow parties to provide the PUCO a more complete record upon which it can base its decision in this proceeding. Further, no prejudice will result from OCC’s request, which will not delay a resolution to this proceeding.

For the reasons described above and in the interests of consumers, OCC requests an expedited ruling that shortens the time for discovery responses to seven days.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Connor D. Semple*

Connor D. Semple (0101102)

Counsel of Record

Donald J. Kral (0042091)

Assistant Consumers’ Counsel

**Office of the Ohio Consumers’ Counsel**

65 East State Street, Suite 700

Columbus, Ohio 43215

Telephone: [Semple] (614) 466-9565

Telephone: [Kral]: (614) 466-9571

[connor.semple@occ.ohio.gov](mailto:connor.semple@occ.ohio.gov)

[donald.kral@occ.ohio.gov](mailto:donald.kral@occ.ohio.gov)

(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Shorten the Discovery Response Time and Request for Expedited Ruling was served on the persons stated below via electronic transmission, this 2nd day of August 2023.

*/s/ Connor D. Semple*

Connor D. Semple

Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

**SERVICE LIST**

|  |  |
| --- | --- |
| [amy.botschnerobrien@ohioago.gov](mailto:amy.botschnerobrien@ohioago.gov)  [steven.beeler@ohioago.gov](mailto:steven.beeler@ohioago.gov)  Attorney Examiners:  [megan.addison@puco.ohio.gov](mailto:megan.addison@puco.ohio.gov)  [greg.price@puco.ohio.gov](mailto:greg.price@puco.ohio.gov) | [dstinson@brickergraydon.com](mailto:dstinson@brickergraydon.com) |

1. Application at 4. [↑](#footnote-ref-2)
2. R.C. 4928.52. [↑](#footnote-ref-3)
3. Application at 4. [↑](#footnote-ref-4)
4. O.A.C. Rule 4901-1-19, Rule 4901-1-20. [↑](#footnote-ref-5)