**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Vectren Energy Delivery of Ohio, LLC d/b/a CenterPoint Energy Ohio for Approval to Continue Demand Side Management Programs. | ))))) | Case No. 22-1015-GA-UNC |

**MOTION TO EXTEND THE PROCEDURAL SCHEDULE AND**

**REQUEST FOR EXPEDITED RULING**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

Vectren Energy Delivery of Ohio, LLC d/b/a CenterPoint Energy Ohio (“CenterPoint”) seeks approval from the Public Utilities Commission of Ohio (“PUCO”) to continue its Demand Side Management/Energy Efficiency (“DSM/EE”) Programs. The PUCO has issued a procedural schedule.[[1]](#footnote-2) The Office of the Ohio Consumers’ Counsel (“OCC”) respectfully moves[[2]](#footnote-3) the PUCO for an extension of time in the procedural schedule for discovery and for the filing of initial and reply comments. Under the current schedule, initial comments are due February 10, 2023, and reply comments are due March 27, 2023. OCC requests a thirteen day extension of the comments due date, and an eight day extension of the reply comment dates. This extension would make the date for the filing of initial comments February 23, 2023 and reply comments due April 4, 2023.

As required under O.A.C. 4901-1-13(A), there is good cause for OCC’s requested extension. OCC requires additional time to complete discovery and receive back CenterPoint’s discovery responses in order to adequately prepare comments.

Further, because comments are currently due on February 10, 2023, OCC requests an expedited ruling on this Motion under O.A.C. 4901-1-12(C). OCC certifies that no party opposes the request to extend the procedural schedule nor the expedited ruling. The reasons for this request are set forth more fully in the accompanying memorandum in support.

 Respectfully submitted,

 Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Ambrosia E. Wilson*

Ambrosia E. Wilson (0096598)

Counsel of Record

Amy Botschner O’Brien (0074423)

Assistant Consumers’ Counsel

**Office of the Ohio Consumers’ Counsel**

65 East State Street, Suite 700

Columbus, Ohio 43215-4213

Telephone [Wilson] (614) 466-1292

Telephone [Botschner O’Brien] (614) 466-9575

ambrosia.wilson@occ.ohio.gov

 amy.botschner.obrien@occ.ohio.gov

(willing to accept service by e-mail)

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Vectren Energy Delivery of Ohio, LLC d/b/a CenterPoint Energy Ohio for Approval to Continue Demand Side Management Programs. | ))))) | Case No. 22-1015-GA-UNC |

**MEMORANDUM IN SUPPORT**

This case involves the application of Vectren Energy Delivery of Ohio, LLC d/b/a CenterPoint Energy Ohio (CenterPoint) to continue its Demand Side Management/Energy Efficiency Programs. CenterPoint proposes to continue its DSM/EE programs and funding for an additional six years (calendar years 2024-2029). CenterPoint plans to spend the majority of their budget, $29.4 million (of the total $34 million), on residential programs. If approved, consumers—including low-income consumers and at-risk populations—will foot the bill for these programs.

OCC is diligently working on discovery to obtain information regarding CenterPoint’s programs. The Attorney Examiner issued a procedural schedule in this case.[[3]](#footnote-4) In light of the procedural schedule, OCC requests additional time for the filing of initial comments (and the subsequent filing of reply comments) to be able to work with the anticipated discovery responses.

Under O.A.C. 4901-1-13(A) extensions of time “may be granted upon motion of any party for good cause shown.” There is good cause to extend the comment and reply comment filing dates.

In accordance with the procedural schedule, OCC timely filed a motion to intervene on December 8, 2022, and served CenterPoint with a first set of discovery on December 19, 2022. CenterPoint served its responses to OCC’s first set on January 9, 2023, which OCC has been analyzing. OCC sent out its second set of discovery on January 25, 2023. However, given the 21-day discovery turnaround time, OCC may not receive the responses back in time under the current procedural schedule to be useful for the preparation of comments.

Under the current procedural schedule set by the Attorney Examiner, initial comments are to be filed by February 10, 2023.[[4]](#footnote-5) The Attorney Examiner also ordered that reply comments be filed March 27, 2023.[[5]](#footnote-6) OCC requests that the dates for the filing of initial comments and reply comments be extended by thirteen days (for initial comments) and any replies by eight days, making the new date for initial comments February 23, 2023, and the date for reply comments April 4, 2023. OCC’s proposal dedicates more time allotted in the current procedural schedule to the initial comments, and only extends the conclusion of the procedural schedule (Reply Comments) by eight days.

The extension OCC proposes for comments and reply comments will allow the parties to continue to pursue discovery and better prepare for meaningful pleadings once the discovery is provided. The additional time for comments and reply comments will also assist the PUCO in having a full and complete record. There will be no prejudice to CenterPoint or the current parties if OCC’s motion is granted.

Further, because comments are currently due on February 10, 2023, OCC requests an expedited ruling on this Motion under O.A.C. 4901-1-12(C). OCC certifies that no party opposes the request to extend the procedural schedule.

**III. CONCLUSION**

OCC respectfully requests that the PUCO grant OCC’s Motion to extend the procedural schedule, moving the filing dates for initial comments and reply comments to February 23, 2023 and April 4, 2023 respectively. This schedule will allow for OCC to have its legally protected case preparation for consumer advocacy.

Because initial comments are currently due on February 10, 2023, OCC requests an expedited ruling on this Motion.

 Respectfully submitted,

 Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Ambrosia E. Wilson*

Ambrosia E. Wilson (0096598)

Counsel of Record

Amy Botschner O’Brien (0074423)

Assistant Consumers’ Counsel

**Office of the Ohio Consumers’ Counsel**

65 East State Street, Suite 700

Columbus, Ohio 43215-4213

Telephone [Wilson] (614) 466-1292

Telephone [Botschner O’Brien] (614) 466-9575

ambrosia.wilson@occ.ohio.gov

 amy.botschner.obrien@occ.ohio.gov

(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Motion to Extend Procedural Schedule and Request for Expedited Ruling has been served upon the following parties via electronic transmission this 31st day of January 2023.

 */s/ Ambrosia E. Wilson*  Ambrosia E. Wilson 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**

|  |  |
| --- | --- |
| robert.eubanks@ohioAGO.govShaun.lyons@ohioAGO.govAttorney Examiner:patricia.schabo@puco.ohio.gov | whitt@whitt-sturtevant.comkennedy@whitt-sturtevant.comrdove@keglerbrown.com |

1. Case No. 22-1015-GA-UNC, Entry, ¶ 11 (December 6, 2022). [↑](#footnote-ref-2)
2. Under O.A.C. 4901-1-13. [↑](#footnote-ref-3)
3. Entry (December 6, 2022). [↑](#footnote-ref-4)
4. *Id.* at ¶11. [↑](#footnote-ref-5)
5. *Id.* [↑](#footnote-ref-6)