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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of)
Vectren Energy Delivery of Ohio, Inc.)
for Approval of a General Exemption of)
Certain Natural Gas Commodity Sales)
Services or Ancillary Services from)
Chapters 4905, 4909, and 4935 except)
Sections 4905.10, 4935.01, and 4935.03,)
and from specified sections of Chapter 4933)
of the Revised Code.)

07-1285
Case No. -GA-EXM

**MOTION OF
VECTREN ENERGY DELIVERY OF OHIO, INC.
FOR WAIVERS AND TO ESTABLISH A PROCEDURAL SCHEDULE
AND
MEMORANDUM IN SUPPORT**

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December 21, 2007

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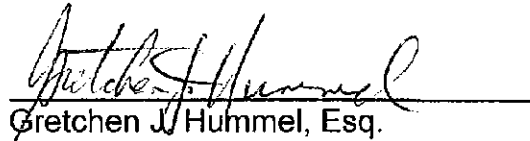
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In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc. for Approval of a General Exemption of Certain Natural Gas Commodity Sales Services or Ancillary Services from Chapters 4905, 4909, and 4935 except Sections 4905.10, 4935.01, and 4935.03, and from specified sections of Chapter 4933 of the Revised Code.

Now comes Vectren Energy Delivery of Ohio, Inc. ("VEDO"), Applicant herein, and respectfully moves that, pursuant to Rule 4901:1-19-03(C), O.A.C., the Commission grant certain waivers to the provisions of Rules 4901:1-19-06 and 4901:1-19-09, O.A.C. Consistent with the provisions of the rule, VEDO submits that it has consulted with Staff regarding the waiver requests proposed herein. Additionally, VEDO requests that the Commission establish a procedural schedule for this proceeding. The details and reasons for these requests are set out in the attached Memorandum in Support.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gretchen J. Hummel", is written over a horizontal line.

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and from specified sections of Chapter 4933)	
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MEMORANDUM IN SUPPORT

Rule 4901:1-19-03, O.A.C., provides that the Commission may waive any provision in Chapter 4901:1-19, O.A.C., for good cause shown. Of the five criteria listed in the rule which may be considered by the Commission in judging good cause, four of them relate only to the nature and amount of information required to be provided with the filing; the fifth criterion permits a consideration of the public interest. The waivers sought by VEDO do not seek relief from the provision of any information required to be filed by Rule 4901:1-19-04, O.A.C.

As described below, the waivers sought herein are not related to the substance of the Application in this proceeding, but are solely for the purpose of accommodating the timely implementation of the proposals made in the Application. The matters raised by the Application filed in this proceeding present

substantially the same issues recently considered and decided by the Commission in Case No. 05-474-GA-ATA ("Dominion Case").¹

The auctions for the services proposed in this Application will be conducted in the same manner as that approved by the Commission for Dominion. The Commission specifically stated that Dominion's auction proposal represented "a measured progression in the regulatory changes experienced since the implementation of the gas choice programs in Ohio" and agreed with Staff Witness Puican's testimony "that non-choice consumers would benefit from the purer market pricing of commodity service, thereby promoting more informed shopping, consumption and conservation choices by all end users...." Dominion Case Opinion and Order at 19. Both of the auctions proposed in this Application result in standard prices for customers and share the same attributes and rationale as that previously found by the Commission to be in the public interest. *Id.* at 13-19.

The VEDO Merchant Function Exit Working Group has been meeting regularly since October 12, 2006. These meetings have involved detailed discussions and significant information exchange leading to the content of the Application (and its exhibits) filed in this case simultaneous with this motion. It is anticipated that continuing discussions of the Working Group will result in a consensus agreement based on the proposals in this Application with revisions to be submitted to the Commission for approval in the near future. These

¹ See *In the Matter of the Application of the East Ohio Gas Company dba Dominion East Ohio for Approval of a Plan to Restructure Its Commodity Function*, Case No. 05-474-GA-ATA, Opinion and Order (May 26, 2006).

documents which comprise the Application are in full compliance with the filing requirements of Section 4929.04, Revised Code, and Rule 4901:1-19-04, O.A.C. VEDO seeks waivers only from certain procedural and timing requirements of Rules 4901:1-19-06 and 4901:1-19-09, O.A.C. in recognition of the proposed implementation schedule.

Accordingly, VEDO seeks waivers as follows:

1. Rule 4901:1-19-06, O.A.C.
 - a. VEDO seeks a waiver from the requirements of Rule 4901:1-19-06(A), O.A.C. VEDO requests that the Commission accept the Staff's participation in the fourteen month long process which resulted in the Application as demonstrative that the Application is in compliance and meets the filing requirements of Section 4929.04, Revised Code, and Rule 4901:1-19-04, O.A.C.
 - b. VEDO seeks a waiver from the requirements of Rule 4901:1-19-06(B), O.A.C. VEDO requests that the Commission rule that its entry granting this motion indicates explicitly that the Application satisfies the filing requirements of Section 4929.04, Revised Code, and Rule 4901:1-19-04, O.A.C.

2. Rule 4901:1-19-09, O.A.C.

VEDO seeks waivers from Rule 4901:1-19-04(C), (E), (F), and (G), O.A.C. As an alternative, and responsive to the hearing requirements of Rule 4901:1-19-08, O.A.C., VEDO requests that the Commission approve the following procedural schedule for its consideration of the Application in this proceeding:

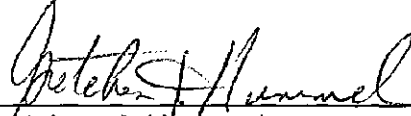
	<u>Due Date</u>
Deadline to Initiate Discovery	January 21, 2007
Prehearing Conference and Technical Conference	January 28, 2007
Intervenor Direct Testimony	February 14, 2007
Intervention Deadline	February 14, 2007
Reply Testimony	February 21, 2007
Evidentiary Hearing	March 3, 2007
Post-Hearing Briefs	March 17, 2007
Reply Briefs	March 24, 2007

This procedural schedule would provide sufficient time for Commission consideration and approval for the timely implementation of the proposed Standard Sales Offer Service so that commodity suppliers would have a reasonable opportunity to refill storage with more of their own gas (rather than purchasing gas from VEDO) resulting in maximum utilization of storage which should be reflected in a lower retail price adjustment in the SSO auction.

VEDO submits that, for the reasons set out above, this motion substantially meets the objectives of the Commission's rules.

WHEREFORE, for the reasons and on the basis set forth above, VEDO respectfully requests that the Commission, for good cause shown, grant the waivers requested herein consistent with the discussion above.

Respectfully submitted,



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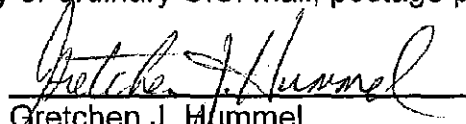
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**Attorneys for Vectren Energy Delivery
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion of Vectren Energy Delivery of Ohio, Inc. for Waivers and to Establish a Procedural Schedule and Memorandum in Support* was served upon the following parties of record this 21st day of December 2007, via electronic transmission, hand-delivery or ordinary U.S. mail, postage prepaid.


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