

BEFORE

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THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Vectren)
Energy Delivery of Ohio, Inc., for Approval)
of a General Exemption of Certain Natural) Case No. 07-1285-GA-EXM
Gas Commodity Sales Services or Ancillary)
Services.)

ENTRY

The Commission finds:

- (1) Vectren Energy Delivery of Ohio, Inc., (VEDO) is a natural gas company as defined in Section 4905.03(A)(6), Revised Code, and a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of the Commission pursuant to Sections 4905.04, 4905.05, and 4905.06, Revised Code.
- (2) Section 4929.04, Revised Code, provides that a natural gas company may request an exemption from certain provisions of Chapters 4905, 4909, 4933, and 4935, Revised Code, that govern the company's commodity sales services and ancillary services.
- (3) On December 21, 2007, VEDO filed an application pursuant to Section 4929.04, Revised Code, for approval of a general exemption of certain natural gas commodity sales services or ancillary services contained in Chapters 4905, 4909, 4933, and 4935, Revised Code. In addition, VEDO requests approval of a proposed rider, pursuant to Section 4929.11, Revised Code, which would recover certain related implementation costs.
- (4) Along with its application, VEDO filed a motion for waiver of certain provisions in Rules 4901:1-19-06 and 4901:1-09, Ohio Administrative Code (O.A.C.), and requested that the Commission establish a procedural schedule in this case. In support of its waiver request, VEDO states that it does not seek relief from the requirement that it provide any information required to be filed pursuant to Rule 4901:1-19-04, O.A.C., and the waivers are not related to the substance of the application. According to VEDO, the waivers are solely for the purpose of accommodating the timely implementation of the proposals in the application. No memoranda contra VEDO's motion were filed.

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- (5) Paragraph (A) of Rule 4901:1-19-06, O.A.C., requires the staff to inform VEDO whether the application is in compliance with the filing requirements and paragraph (B) of that same rule provides that the Commission may issue an entry accepting the application within 45 days of the date the application is filed. VEDO requests a waiver of these paragraphs. In support of its motion, VEDO explains that the Commission's staff participated in the VEDO merchant function exit working group, which has been meeting regularly for the last 14 months. According to VEDO, the 14-month long process resulted in the filing of this application. VEDO requests that the Commission accept this application, finding that staff's participation in the working group is demonstrative that the filing requirements of Section 4929.04, Revised Code, and Rule 4901:1-19-04, O.A.C., have been met. The Commission finds that VEDO's waiver request is reasonable and should be granted. Accordingly, the Commission concludes that the application filed by VEDO on December 21, 2007, is in compliance with the filing requirements.
- (6) Paragraphs (C), (E), (F), and (G) of Rule 4901:1-19-09, O.A.C., delineate the process which the Commission may employ in this type of proceeding for the filing of testimony and the service of discovery. VEDO requests a waiver from this process and recommends the following procedural schedule, which it maintains will provide sufficient time for the Commission to consider and approve the application, so that VEDO may implement the proposal on a timely basis:
- | | |
|-------------------|--|
| January 21, 2008 | Deadline to initiate discovery |
| January 28, 2008 | Prehearing, technical conference |
| February 14, 2008 | Intervention deadline and
intervener direct testimony due |
| February 21, 2008 | Reply testimony |
| March 3, 2008 | Evidentiary hearing |
| March 17, 2008 | Post-hearing briefs |
| March 24, 2008 | Reply briefs |
- (7) The Commission finds that VEDO's motion for a waiver of the procedural components set forth in paragraphs (C), (E), (F), and (G) of Rule 4901:1-19-09, O.A.C., should be granted, in part. The Commission is open to a reasonable procedural schedule that satisfies the necessary due process requirements but does not necessarily follow the procedure set forth in our rules. However, while the Commission will allow the establishment of abbreviated

discovery response time frames, we do not agree that January 21, 2008, was a reasonable deadline for the service of discovery requests. Furthermore, we find that it is appropriate that local hearings be held in VEDO's service territory. We also believe that it is appropriate to allow the filing of comments, as provided in the rule.

- (8) In order to ensure that the procedural schedule provides due process and allows for local public hearings, we direct the attorney examiner to issue an entry setting forth the procedural schedule to be followed in this case.

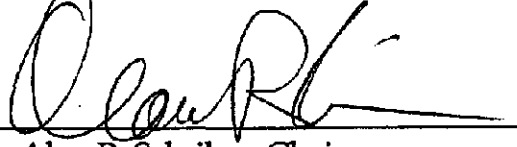
It is, therefore,

ORDERED, That VEDO's motion for waiver of paragraph (A) of Rule 4901:1-19-06, O.A.C., be granted and that the application filed by VEDO on December 21, 2007, be considered to be in compliance with the filing requirements. It is, further,

ORDERED, That VEDO's motion for a waiver of the procedural components set forth in paragraphs (C), (E), (F), and (G) of Rule 4901:1-19-09, O.A.C., be granted in part and denied in part, as set forth in finding (7), and that the attorney examiner issue an entry establishing a procedural schedule consistent with this entry. It is, further,

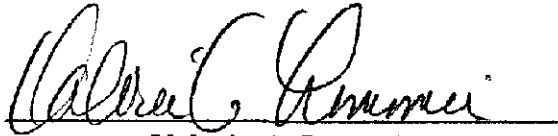
ORDERED, That a copy of this entry be served upon all interested persons of record.

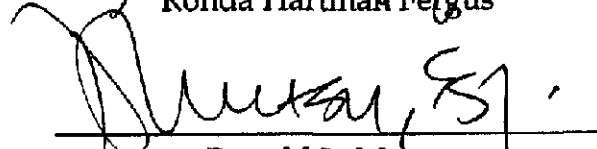
THE PUBLIC UTILITIES COMMISSION OF OHIO


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Entered in the Journal
JAN 23 2008


Renee J. Jenkins
Secretary