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#### BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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	BEFORE TIES COMMISSION OF OHIO	PU PHINDS
In the Matter of the Complaint of Amos Press, Inc.,	}	CO NOTE OF
Complainants,	) Case No. 08-484-GA-CSS	•
V.	)	
Vectren Energy Delivery of Ohio, Inc.,	) }	
Respondent.	ý	

#### MOTION FOR EXTENSION OF TIME TO FILE ANSWER. MOTION FOR EXPEDITED RULING AND **MEMORANDUM IN SUPPORT**

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**April 23, 2008** 

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## BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Amos Press, Inc.,	) )
Complainants,	/ ) )
v.	) )
Vectren Energy Delivery of Ohio, Inc.,	
Respondent.	, )

# MOTION FOR EXTENSION OF TIME TO FILE ANSWER, MOTION FOR EXPEDITED RULING AND MEMORANDUM IN SUPPORT

Pursuant to Rules 4901-1-12 and 4901-1-13(A), Ohio Administrative Code, Vectren Energy Delivery of Ohio, Inc. ("VEDO") moves the Public Utilities Commission of Ohio ("Commission") for an extension of time of ten business days for the filing of its Answer to the Complaint filed by Amos Press, Inc., ("Amos") in the above-captioned matter, on April 8, 2008. Rule 4901-9-01, Ohio Administrative Code, states in part that the public utility complained against shall file its answer within twenty-days, or such period of time directed by the Commission, the legal director or attorney examiner assigned to the case. Thus, VEDO's Answer is currently due to be filed with the Commission by April 28, 2008 unless otherwise directed by the Commission, legal director or attorney examiner. In addition to the Motion for Extension of Time, VEDO moves for an expedited ruling under Rule 4901-1-12(C), Ohio Administrative Code. The reasons supporting these requests, along with an explanation of the need to determine

the filing date on an expedited basis, are set forth in the attached Memorandum in Support.

Respectfully Submitted,

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Vectren Energy Delivery of Ohio, Inc.,	)
Respondent.	)

## MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE ANSWER AND MOTION FOR EXPEDITED RULING

Amos filed its Complaint with the Commission on April 8, 2008 regarding a billing dispute. Pursuant to Rule 4901-9-01, Ohio Administrative Code, VEDO must file an Answer to the Complaint no later than April 28, 2008, unless otherwise directed by the Commission, legal director or attorney examiner assigned to the case. Since Amos filed its Complaint, representatives of both parties have engaged in discussions in pursuit of an amicable resolution to this matter, which may render VEDO's Answer to the Complaint moot. Despite the current and continuing progress, however, the parties will be unable to have full resolution prior to VEDO's current due date for filing its Answer.

Rule 4901-1-13(A), Ohio Administrative Code, permits parties to move for extensions of time to file "pleadings or other papers" for "good cause shown." In addition, Rule 4901-1-12(C), Ohio Administrative Code, states in part that "...the party requesting an expedited ruling must first contact all other parties to determine whether any party objects to the issuance of such a ruling without the filing of memoranda. If the

moving party certifies that no party objects to the issuance of such a ruling, an immediate ruling may be issued."

Pursuant to Rule 4901-1-13(A), VEDO seeks an extension of time of ten business days to file its Answer, which would change the due date to May 13, 2008. Indeed, as indicated above, such an Answer may not even be necessary inasmuch as the parties expect to have all issues resolved by the time the Answer would be due under the proposed due date.

Pursuant to Rule 4901-1-12(C), the Commission may rule on an expedited basis regarding the extension requests, without the filing of memoranda if the party moving for the expedited ruling certifies that no other party objects to such a ruling. On April 23, 2008, VEDO's counsel contacted Amos to confirm that Amos would not object to the extension of time or the motion for expedited ruling in order to provide time for the parties to continue to address the issues raised in the Complaint. Amos indicated to VEDO's counsel, and VEDO hereby certifies, that Amos had no objection with either motion. Indeed, an expedited ruling would allow VEDO to focus its efforts on resolving the issues in the case by not having to draft and file an Answer to the Complaint, which may ultimately be unnecessary, by April 28, 2008. In any event, the course of action proposed would result in the most efficient resolution of the issues raised.

For the reasons stated above, the Commission should grant VEDO's Motion in the shortest period of time possible, based upon VEDO's showing of good cause.

#### Respectfully Submitted,

Daniel J. Neilsen (Trial Attorney)

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion for Extension of Time to File*Answer, Motion for Expedited Ruling and Memorandum in Support was served upon the following party of record this 23<sup>rd</sup> day of April, 2008 via U.S. mail, postage prepaid.

Daniel J. Neilsen

Amos Press, Inc. Attn: Harry Haberer 911 Vandemark Rd., P.O. Box 4129 Sidney, OH 45365-4129