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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of Columbia Gas of Ohio, Inc., for Authority to Amend Filed Tariffs to Increase the Rates and Charges for Gas Distribution Service.)))))	Case No. 08-72-GA-AIR
 In the Matter of the Application of Columbia Gas of Ohio, Inc., for Approval of an Alternative Form of Regulation and for a Change in its Rates and Charges.)))))	 Case No. 08-73-GA-ALT
 In the Matter of the Application of Columbia Gas of Ohio, Inc., for Approval to Change Accounting Methods.))))	 Case No. 08-74-GA-AAM
 In the Matter of the Application of Columbia Gas of Ohio, Inc., for Authority to Revise its Depreciation Accrual Rates.))))	 Case No. 08-75-GA-AAM

**MOTION TO STRIKE OBJECTIONS TO THE STAFF REPORT
OF INVESTIGATION AND MEMORANDUM IN SUPPORT
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Pursuant to Section 4909.19 of the Ohio Revised Code, Rule 4901-1-28(B) of the Ohio Administrative Code, and the Attorney Examiner's Entry of August 28, 2008, the Staff of the Public Utilities Commission of Ohio moves to strike the Objections of Stand


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Energy Corporation to the Staff Report of Investigation for the reasons set forth in the accompanying memorandum in support, which is incorporated herein by reference.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

The Staff Report of Investigation (“Staff Report”) in this rate proceeding was docketed with the Public Utilities Commission of Ohio (“Commission”) on August 21, 2008. Objections to the Staff Report were untimely filed by Stand Energy Corporation (“Stand Energy”) on September 26, 2008. Pursuant to the Attorney Examiner’s Entry of August 28, 2008, the parties to this proceeding, including Stand Energy, were cautioned that objections to the Staff Report must be filed in accordance with Ohio Revised Code Section 4909.19 and Ohio Administrative Code Rule 4901-1-28(B).¹ These provisions require, in a rate proceeding such as this one, that objections to the Staff Report be filed within thirty days after the Staff Report is filed with the Commission. Section 4909.19 does not grant the Commission authority to extend the statutory deadline.²

As noted above, the Staff Report in this proceeding was docketed with the Commission on August 21, 2008. In order to comply with the thirty-day statutory timeframe, parties were required to file their objections to the Staff Report no later than September 22, 2008.³ Stand Energy, however, did not file its objections until September

¹ Stand Energy’s motion to intervene in this proceeding was granted by the Attorney Examiner in that same entry.

² See, e.g., *In re Cincinnati Gas & Electric Co.*, Case No. 05-59-EL-AIR *et al.* (Entry) (November 3, 2005) (denying motion to file objections to staff report out of time).

³ The thirty-day period actually ended on September 20, 2008, which was a Saturday. Pursuant to Section 1.14 of the Ohio Revised Code and Rule 4901-1-07(A) of the Ohio Administrative Code, the deadline was extended to Monday, September 22, 2008.

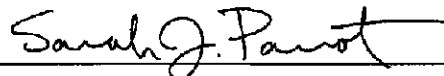
26, 2008. Stand Energy offered no reason for its late filing and, in fact, failed even to acknowledge that it missed the statutory deadline by four days. Because Stand Energy failed to comply with Ohio Revised Code Section 4909.19, its objections to the Staff Report are unlawful and must be stricken.⁴

WHEREFORE, the Staff of the Public Utilities Commission of Ohio requests that the Objections of Stand Energy Corporation to the Staff Report of Investigation be stricken in their entirety as they were not filed within the thirty-day statutory timeframe.

Respectfully submitted,

Sheryl Creed Maxfield
First Assistant Attorney General

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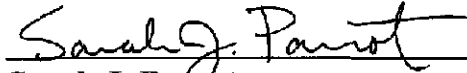
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The Staff notes that Honda of America Mfg., Inc. ("Honda"), which has moved to intervene in this proceeding, timely filed objections that address the same issues noted in Stand Energy's objections. This, of course, does not excuse the lateness of Stand Energy's objections. The fact remains that Stand Energy did not comply with a statutory deadline and its objections are therefore unlawful.

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Motion to Strike and Memorandum in Support**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served upon the following parties of record and movant-intervenors, by regular U.S. mail, postage prepaid, or hand-delivered, this 1st day of October, 2008.



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