

**FILE**

9

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

RECEIVED-DOCKETING DIV  
2008 OCT -7 PM 5:25  
PUCO

---

**MOTION FOR A TWO-WEEK CONTINUANCE OF THE  
EVIDENTIARY HEARING  
AND REQUEST FOR EXPEDITED RULING  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

---

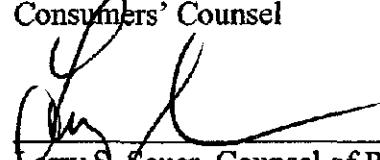
Pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13(A), the Office of the Ohio Consumers' Counsel ("OCC"), on behalf of the residential utility consumers of Columbia Gas of Ohio, Inc. ("COH" or "Company"), moves the Public Utilities Commission of Ohio ("PUCO" or "Commission") for a two-week continuance to the start of the evidentiary hearing. Specifically, OCC is requesting the start of the evidentiary hearing be continued from Tuesday, October 14, 2008 to Tuesday, October 28, 2008. OCC seeks an expedited ruling under Ohio Adm. Code 4901-1-12(C). The reasons supporting these

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician TH Date Processed 10/8/2008

requests, along with an explanation supporting the need for an expedited ruling are set forth in the attached Memorandum in Support.

Respectfully submitted,

Janine L. Migden-Ostrander  
Consumers' Counsel



---

Larry S. Sauer, Counsel of Record  
Joseph P. Serio  
Michael E. Idzkowski  
Gregory J. Poulos  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
614-466-8574 (Telephone)  
614-466-9475 (Facsimile)  
[sauer@occ.state.oh.us](mailto:sauer@occ.state.oh.us)  
[serio@occ.state.oh.us](mailto:serio@occ.state.oh.us)  
[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)  
[polous@occ.state.oh.us](mailto:polous@occ.state.oh.us)

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

---

**MOTION FOR A TWO-WEEK CONTINUANCE OF THE  
EVIDENTIARY HEARING  
AND REQUEST FOR EXPEDITED RULING  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

---

**I. INTRODUCTION**

This case affects the rates paid by the approximately 1.3 million residential customers of Columbia Gas of Ohio, Inc. ("COH" or "Company") for gas service. COH filed an Application on March 3, 2008, that, among other matters, sought an increase in the distribution rates that customers pay. The Office of the Ohio Consumers' Counsel ("OCC"), the State's advocate for residential utility consumers, moved to intervene in this case on March 10, 2008.

On August 28, 2008, the Public Utilities Commission of Ohio (“Commission” or “PUCO”) set the commencement date of the evidentiary hearing at October 14, 2008.<sup>1</sup> Since that time there have been a number of developments that have hampered OCC’s ability to adequately prepare for the litigation of these cases under the current schedule. OCC files this Motion for Continuance (“Motion”) and Request for Expedited Consideration to allow OCC additional time to prepare for the litigation of these cases.

## **II. APPLICABLE PROCEDURAL RULES**

Ohio Adm. Code 4901-1-13(A) specifically permits parties to move for an extension of time for hearings. The rule provides for the granting of such motions for “good cause shown.”

Ohio Adm. Code 4901-1-12(C) allows parties to request an expedited ruling on any motion. In addition, Ohio Adm. Code 4901-1-12(C) states that any party opposed to the motion for continuance may file a memorandum contra within seven days after service of the motion or such other period as the commission, the legal director, the deputy director, or the attorney examiner requires. In light of the fact that OCC informed all of the parties on Monday, October 6, about this request and that the hearing is scheduled to commence on Tuesday, October 14, OCC requests a ruling by the hearing examiner to reduce the timeframe for parties to file memoranda contra to this request to three (3) days or by Friday, October 10, 2008.

---

<sup>1</sup> Entry at 2.

### III. ARGUMENT

Pursuant to Ohio Adm. Code 4901-1-13(A), OCC seeks a two-week continuance to the commencement of the evidentiary hearing in this matter from October 14, 2008 to October 28, 2008. OCC identifies three recent developments as support for this Motion; (1) protracted negotiations for a possible settlement of the case, (2) the hospitalization for major surgery and resulting out-of-office recuperation of one of OCC's primary counsel, Joe Serio, and (3) a family emergency that requires another OCC primary counsel, Larry Sauer, to unexpectedly travel out of the state. All of the above impede OCC's ability to adequately prepare for an October 14, 2008 commencement of the hearing.

OCC has been actively participating in settlement discussions since the Pre-hearing conference on September 25, 2008. In the interests of all the parties, OCC has worked diligently and cooperatively with COH, PUCO Staff, and other interested parties in an effort to reach a settlement of all issues in this case. OCC has put forth significant time into the settlement effort which, with other parties, may result in resolution of at least some significant issues in the case. The time spent on settlement negotiations has detracted from OCC's ability to prepare for litigation that also may occur. The need for litigation of any issues in these cases warrants the granting of this Motion.

In addition to the resources dedicated to the settlement process, as discussed above, OCC's resources in this case have been further diminished by the unexpected major surgery for OCC counsel Joe Serio. Mr. Serio learned of the need for surgery in August; however, the extent of that surgery was not known until the day of the procedure, September 26, 2008. The possibility exists that Mr. Serio will be out of the office for several more weeks as recuperates at home from that procedure. There is a very real

possibility that even with the continuance, Mr. Serio will not return to work in time to participate in a meaningful fashion in these cases.

Finally, a family emergency has arisen unexpectedly requiring out of state travel by Larry Sauer, the Counsel of Record in these cases. At this time, Mr. Sauer's travel plans are not yet confirmed nor is the extent of his needed absence.

In the meantime, and on short notice, OCC is adding counsel, who is quickly getting up to speed with the material and will assist the case team if litigation is needed. However, additional counsel's ability to be involved in this case is much constrained by activity in an electric security plan case that is in process as well as other matters.

For all the reasons stated above, good cause exists for the Commission to grant OCC's Motion for a two-week continuance of these proceedings from October 14 to October 28, 2008. Because the Commission does not intend to schedule local public hearings in these cases until the middle of November, the two-week extension will not cause a hardship for other parties and will not unduly delay the ultimate resolution of these cases even if fully litigated.

Finally, OCC certifies that it has contacted all the parties to this case, pursuant to Ohio Adm. Code 4901-1-12(C), to inquire if they object to the issuance of a ruling on an expedited basis. OCC has contacted all parties to these proceedings and, thus far, OPAE and Stand Energy<sup>2</sup> have responded that they do not oppose the Motion and the request for expedited consideration. However, COH has stated its opposition to the Motion and the expedited treatment. Thus far not all parties have responded; however, OCC requests a

---

<sup>2</sup> Stand Energy, reserved final decision until seeing the grounds articulated for the motion, however Stand Energy stated further, it is likely Stand Energy will not oppose either the motion or the request for expedited treatment.

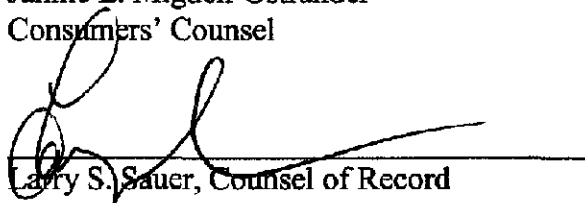
ruling on this Motion in the shortest period of time possible for the purposes of permitting all parties to plan their schedules.

#### **IV. CONCLUSION**

For the reasons stated, the Commission should grant OCC's Motion based upon OCC's showing of good cause and continue the start of the evidentiary hearing from October 14, 2008 until October 28, 2008. The Commission should grant this Motion on an expedited basis.

Respectfully submitted,

Janine L. Migden-Ostrander  
Consumers' Counsel

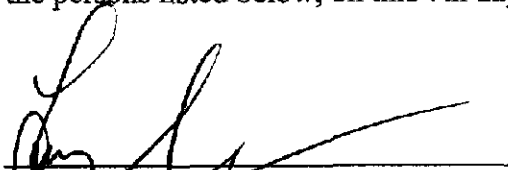


Larry S. Sauer, Counsel of Record  
Joseph P. Serio  
Michael E. Idzkowski  
Gregory J. Poulos  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
614-466-8574 (Telephone)  
614-466-9475 (Facsimile)  
[sauer@occ.state.oh.us](mailto:sauer@occ.state.oh.us)  
[serio@occ.state.oh.us](mailto:serio@occ.state.oh.us)  
[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)  
[poulos@occ.state.oh.us](mailto:poulos@occ.state.oh.us)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion for Continuance and Request for Expedited Consideration* of the Office of the Ohio Consumers' Counsel was by first class United States Mail, postage prepaid, to the persons listed below, on this 7th day of October 2008.

  
Larry S. Sauer  
Assistant Consumers' Counsel

Stephen B. Seiple  
Columbia Gas of Ohio, Inc.  
200 Civic Center Drive,  
P.O. Box 117  
Columbus, OH 43216-0117

Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
P.O. Box 1793  
Findlay, OH 45839-1793

David F. Boehm  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OH 45202

Samuel C Randazzo  
McNees Wallace & Nurick LLC  
21 East State Street 17th Floor  
Columbus, OH 43215

Michael R. Smalz  
Ohio State Legal Services Association  
555 Buttles Avenue  
Columbus, OH 43215-1137

William S. Newcomb, Jr.  
Vorys Sater Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216-1008

John M. Dosker  
Stand Energy Corporation  
1077 Celestial Street, Suite 110  
Cincinnati, OH 45202-1629

John W. Bentine  
Chester, Willcox & Saxbe LLP  
65 East State Street, Suite 1000  
Columbus, OH 43215

Anne L. Hammerstein  
Stephen B. Reilly  
Attorney General's Office  
Public Utilities Commission Section  
180 East Broad Street, 9th Floor  
Columbus, OH 43215

Howard Petricoff  
Stephen M. Howard  
Vorys Sater Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216-1008



Barth E. Royer  
Bell & Royer Co LPA  
33 South Grant Avenue  
Columbus, OH 43215

Leslie A. Kovacik  
Attorney for NOAC  
420 Madison Avenue, Suite 100  
Toledo, OH 43604-1219

W. Jonathan Airey  
Vorys, Sater, Seymour and Pease LLP  
52 E. Gay St., PO Box 1008  
Columbus, OH 43216-1008

Larry Gearhardt  
Ohio Farm Bureau Federation  
280 N. High St., PO Box 182383  
Columbus, OH 43218-2383