

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Columbia )  
Gas of Ohio, Inc., for Approval of a General ) Case No. 08-1344-GA-EXM  
Exemption of Certain Natural Gas Commodity )  
Sales Services or Ancillary Services. )  
Services or Ancillary Services. )

**OHIO GAS MARKETERS GROUP MEMORANDUM IN RESPONSE TO  
OCC'S JUNE 9 APPLICATION FOR REHEARING AND COLUMBIA GAS  
OF OHIO'S JUNE 13 MEMORANDUM CONTRA**

**PROCEDURAL HISTORY**

On June 1, 2011, the Commission issued an Entry setting forth the scope of the hearing, establishing a deadline for filing testimony as of June 23, establishing the evidentiary hearing to begin on June 29, requiring closing statements instead of briefs at the conclusion of the hearing, shortening the response time for discovery to five days and limiting discovery to information that is reasonably calculated to lead to the discovery of admissible evidence pertaining to the issues to be deliberated at the hearing.

The Commission also established a deadline of June 16 for the filing of replies to the May 9th comments filed by North Coast and the Ohio Gas Marketers Group ("OGMG"). Issues related to the revised program outline were not to be adjudicated at the hearing<sup>1</sup>.

On June 9, 2011, the Office of the Ohio Consumers' Counsel ("OCC") filed an application for rehearing from the June 1, 2011 Entry. OCC argues that the deadline for filing testimony should be extended to August 23, that the hearing should start on September 1 instead of June 29, that service of discovery should be done by e-mail, that a discovery deadline should

<sup>1</sup> The Commission, in its Entry June 1, 2011, p. 2, fn. 1, limited this portion of the hearing to just the question of SCO versus SSO auction.

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be established as set forth in Rule 4901-1-17(A) of the Ohio Administrative Code, and that briefs should be scheduled in lieu of closing statements.

On June 13, Columbia Gas of Ohio filed a memorandum contra application for rehearing of OCC. Columbia opposes all of OCC's requested extensions. Columbia argued that OCC's suggested changes to the procedural schedule were unreasonable because such changes would not permit an order to be issued in time for Columbia to implement an SCO auction in February, 2012. Columbia also argued that OCC has had and continues to have ample opportunity for discovery, that Columbia has responded to all of OCC's data request, and that the expedited procedural schedule has provided the OCC with adequate and ample discovery rights.

#### **REPLY OF THE OGMG**

Both the OCC and Columbia present worthwhile arguments as whether an extension of the hearing schedule should be granted. Like the OCC, the OGMG is in the process of preparing prefiled testimony. Given the complexity of the issues, three weeks, while sufficient to present the basic concepts, makes it hard to leave time for reflection and editing necessary to write a more concise series of questions and answers. On the other hand, Columbia is quite correct that the Commission's decision on the details of the procurement auction must be rendered in a timely fashion so that there will be no delay in conducting the auction. The OGMG believes that along with minor broadening of scope the proper balance is to grant a ten day extension of the filing of testimony and the hearing data.

A ten day extension will provide enough time to not only incorporate discovery responses but polish and streamline the expert testimony. Further, if the Commission makes one additional change to its June 1, 2011 Entry, the ten day extension could result in little to no delay in conducting the procurement auction. In its June 1, 2011 Entry, the Commission set June 16<sup>th</sup> for

reply comments to revised program outline issues raised by the OGMG and North Coast Transmission which did not involve whether the auction should be a standard service or standard contract auction. OGMG presumes the reason for bifurcating the two remaining issues was because there was insufficient time between filing of the reply comments and the date that testimony was due in the bifurcated hearing. Thus, the Commission, with the current schedule, will have to journalize a second ruling in the matter at bar to address these issues and must do so in time so that the materials for the auction address the capacity and type of bond.

While the OGMG agrees that four business days is insufficient to review reply comments and prepare testimony, if a ten day extension was granted, that number would double to eight days which is more than sufficient time for all parties to address the remaining issues. There is judicial economy in settling all the issues in one proceeding. Further, it would better achieve Columbia's concern about completing all the approvals in time for the procurement auction now scheduled for February 2012. The issue of the cash bond versus letter of credit raised by the OGMG (which applies whether the auction is for standard service or standard contract) must be answered in time for the bidding packages. Deciding this issue is on the same timetable as deciding the form of the auction.

If the Commission granted a ten day extension and permitted the two bifurcated issues to be within the scope of the hearing, all issues associated with the procurement auction for the 2012-2013 service year could be decided and final before the bidding packages would go out for a February auction. This would address Columbia's need to complete the approval process in time for the scheduled auction date in the Revised Program Outline and also provide OCC with more time to prepare its case.

## CONCLUSION

Wherefore, with a slight broadening of scope the Ohio Gas Marketers Group would support a deadline extension until July 5 to file testimony and July 11 for the hearing. The OGMG supports service of discovery via email and closing oral arguments in lieu of briefs. Thus, OGMG requests that the Commission permit the issues raised by OGMG and North Coast Transmission to be included within the scope of the hearing.

Respectfully Submitted,

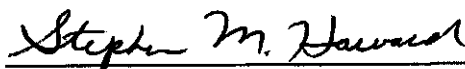


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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served by regular U.S. mail, postage prepaid, or by email, where applicable, this 14th day of June, 2011, on the following:



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