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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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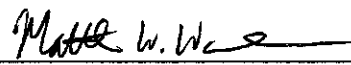
In the Matter of the Complaint of the Office of the Ohio)
Consumers' Counsel, Stand Energy Corporation, Border)
Energy, Incorporated, Northeast Ohio Public Energy)
Council, and Ohio Farm Bureau Federation)
)
)
Complainants,)
)
)
v.)
)
)
Interstate Gas Supply, Inc.)
)
)
)
Respondent.)

Case No. 10-2395-GA-CSS

**NORTHEAST OHIO PUBLIC ENERGY COUNCIL'S
MOTION TO STRIKE RESPONDENT INTERSTATE GAS SUPPLY, INC.'S
MOTION FOR SUMMARY JUDGMENT**

The Northeast Ohio Public Energy Council ("NOPEC") respectfully moves the Public Utilities Commission of Ohio ("Commission") to strike Interstate Gas Supply, Inc's ("IGS") Motion for Summary Judgment, filed November 1, 2011. IGS' eleventh-hour filing of this motion is untimely, and allowing the Motion to proceed with the evidentiary hearing in this matter scheduled to begin November 7, 2011 is highly prejudicial to NOPEC. The reasons supporting this motion are set forth in more detail in the attached Memorandum in Support.

Respectfully submitted



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MEMORANDUM IN SUPPORT

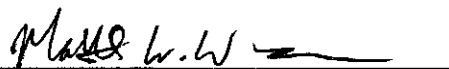
The evidentiary hearing in this matter is scheduled to begin at 10:00 a.m. on November 7, 2011. On November 1, 2011, at 4:34 p.m., IGS filed a Motion for Summary Judgment (the "Motion"). Almost simultaneously, IGS also filed a Motion to Quash and a Motion for a Protective Order, which required NOPEC's immediate attention and response as they related to urgent discovery issues. The Motion for Summary Judgment and memorandum in support is 39 pages long, with 15 exhibits attached spanning over 200 pages. IGS' decision to file the Motion, less than one week before the evidentiary hearing, in conjunction with two discovery motions, is an eleventh-hour tactic apparently aimed at diverting attention from preparation for the evidentiary hearing and encumbering NOPEC's ability to meaningfully respond to the Motion and/or discovery motions.

Under Ohio Administrative Code Rule 4901-1-12, NOPEC has fifteen days to oppose IGS' Motion, thereby establishing November 16, 2011 as the deadline for NOPEC's memorandum contra, or nine (9) days after the evidentiary hearing. Effectively, however, NOPEC is forced to respond prior to the evidentiary hearing (the start of which should nonetheless be construed to deny the Motion), which impermissibly and prejudicially shortens NOPEC's response time.

Further, striking the Motion is consistent with prior decisions in this case regarding timing issues. For example, in ruling on IGS' Motion to Quash, the Attorney Examiner's November 2, 2011 Entry concluded that "the subpoena seeking to compel Mr. White's attendance at a [November 3, 2011] deposition at this late stage of the procedural schedule is unreasonable." See Entry, November 2, 2011, ¶ 9. Similarly, allowing IGS to file and proceed with a Motion for Summary Judgment at this late stage of the proceeding (namely on the eve of the November 7, 2011 hearing) is unreasonable and highly prejudicial to NOPEC.

For all of the above stated reasons, NOPEC respectfully requests that the Commission strike IGS' Motion for Summary Judgment.

Respectfully submitted



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the following parties of record by electronic mail and regular U.S. mail this 4th day of November, 2011:

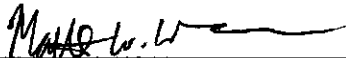
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