

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Vectren Energy Delivery of Ohio, Inc. for)	Case No. 13-1571-GA-ALT
Approval of an Alternative Form of)	
Regulation)	

**MOTION FOR LEAVE TO ADMIT
REBUTTAL TESTIMONY OF JAMES M. FRANCIS
AND MEMORANDUM IN SUPPORT**

In accordance with Ohio Adm. Code 4901-1-12(A), Vectren Energy Delivery of Ohio, Inc. (VEDO) respectfully requests that the Commission admit the rebuttal testimony of James M. Francis into evidence as VEDO Ex. 6.0. Good cause exists to grant VEDO's request, as set forth below.

On January 21, 2014, VEDO, the Office of the Ohio Consumers' Counsel (OCC), and the Commission's Staff appeared through counsel for the evidentiary hearing, where they stipulated to the admission of all testimony and exhibits and agreed to waive cross-examination. VEDO, however, inadvertently did not include Mr. Francis's January 17 rebuttal testimony as one of its proffered exhibits.

VEDO requests that the Commission admit the rebuttal testimony of Mr. Francis as VEDO Ex. 6.0. Doing so is clearly within the Commission's power: it "is not stringently confined by the Rules of Evidence," but "is granted very broad discretion in the conduct of its hearings." *Cincinnati Bell Tel. Co. v. Pub. Util. Comm.*, 12 Ohio St.3d 280, 288 (1984) (internal quotations omitted). And the Commission has reserved that discretion to determine when rebuttal testimony may be admitted as a part of the evidentiary record in any proceeding. *See* Ohio Adm. Code 4901-1-29(A)(2).

The Commission should exercise its discretion to admit Mr. Francis's rebuttal testimony. The rebuttal testimony was publicly filed the week before the hearing. At the hearing, all parties stipulated to the admission of all prefiled testimony in this case and the waiver of cross-examination. As email correspondence leading up to the hearing confirms, the stipulated admission of testimony specifically contemplated the inclusion of Mr. Francis's rebuttal testimony. The sole reason it was not admitted was through inadvertent oversight. Accordingly, good cause exists to admit Mr. Francis's rebuttal testimony, and counsel for VEDO does not believe that any party will contest whether its admission was intended.

For the foregoing reasons, VEDO respectfully requests that the Commission grant VEDO's motion and admit the rebuttal testimony of James M. Francis into evidence as VEDO Ex. 6.0.

Dated: January 30, 2014

Respectfully submitted,

/s/ Andrew J. Campbell
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ATTORNEYS FOR
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Leave to Admit the Rebuttal Testimony of

James M. Francis was served by electronic mail this 30th day of January, 2014 to the following:

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/s/ Andrew J. Campbell
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Summary: Motion for Leave to Admit Rebuttal Testimony of James M. Francis electronically filed by Mr. Andrew J Campbell on behalf of Vectren Energy Delivery of Ohio