

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Investigation)
into Long-Term Solutions Concerning) Case No. 83-303-GE-COI
Disconnection of Gas and Electric)
Service in Winter Emergencies.)

ENTRY

The Commission, coming now to consider the above-entitled matter, makes the following findings:

1) On November 7, 1983, the Greater Cleveland Welfare Rights Organization, et al. (GCWRO), filed a motion herein requesting an extension of time in which to file proposals in the weatherization and residential conservation phase (Phase II) of this proceeding from November 14, 1983 to November 17, 1983.

2) In support of its motion GCWRO states that its counsel is committed to the U.S. Army Reserve for the week prior to the deadline for the proposals in this proceeding; that GCWRO is considering filing a proposal in Phase II of this proceeding; and, that in order to prepare and file such a proposal GCWRO needs the assistance of its counsel.

3) On November 10, 1983, The East Ohio Gas Company (East Ohio) filed a motion in this case asking for a continuance of the time for filing weatherization proposals and testimony as well as for the time of hearing on the weatherization issues from the original schedule set forth by this Commission in an Entry in this case dated September 21, 1983 to the following:

Party Proposals Filed	December 5, 1983
Written Testimony filed	January 9, 1984
Hearing	January 23, 1984

4) In support of its motion East Ohio argues:

a) The current schedule is unreasonable and prevents a full and fair presentation of the issues in this case because East Ohio which is developing a program will not have time prior to November 14, 1983, the date upon which party proposals are currently due, to consider and review fully the many issues raised in this case.

b) Granting East Ohio additional time in this proceeding will benefit all parties. Since East Ohio's proposal may be one of only a few proposals presented in this case by utilities, the parties which have been asked to be involved in a weatherization program, East Ohio's proposal will add considerably to the information presented by the parties in this case.

c) Just granting a continuance in which to file a proposal is insufficient because

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East Ohio requires at least two additional weeks to propose its proposal, two weeks which will necessarily conflict with the current schedule which requires the filing of testimony on November 23, 1983, and the beginning of the hearing on December 5, 1983.

- d) The current schedule requires the Staff of the Commission to file its revised proposal on November 14, 1983, the same date on which the parties are to file their proposals. East Ohio submits that the parties should have an opportunity to review the Staff's proposal both to aid in the presentation of proposals and testimony as well as to expedite the resolution of this case.
- 5) On November 14, 1983, electric light companies and the combination companies which are parties to this proceeding filed a motion herein for a continuance, joining in the request of The East Ohio Gas Company and adopting the schedule suggested by that company as their own.
- 6) The electric light companies and combination companies argue that:
 - a) The current schedule allows the parties too little time to review the Staff's revised proposal and the proposals of the parties in order to prepare testimony in this case. Thus, the parties will have a very limited time to review and comment upon programs calling for the expenditure of hundreds of millions of dollars.
 - b) The additional time will facilitate the discussion of a possible agreement.
 - c) The urgency to have a program in place prior to the heating season does not exist with Phase II of this proceeding as it did for Phase I.
- 7) On November 14, 1983, Ohio Gas Company filed a memorandum in support of the continuance requested by East Ohio.
- 8) On November 17, 1983, the Citywide Coalition for Utility Reform (CCUR) and the city of Cincinnati (Cincinnati) filed a memorandum in opposition to East Ohio's motion for a continuance in which they argue:
 - a) The utilities have known all along that weatherization and conservation were to be included in the subject matter of this proceeding and have offered no specific proposals regarding weatherization and conservation beyond the programs in which the companies are currently engaged.
 - b) The comments of the utility parties to the Staff's proposal demonstrate implacable hostility towards the proposals

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presented by other parties. East Ohio's change of heart within days of the filing deadline is both "ingenuous and incredible".

- c) East Ohio has failed to demonstrate "good cause" for the continuance requested by it as required by Rule 4901-1-13(A) Administrative Code.
- 9) CCUR and Cincinnati seem to fault East Ohio et al. for altering their positions late in the proceeding. The Commission sides with those who believe that wisdom should not be rejected just because it is arrived at late. But more to the point, The East Ohio Gas Company et al. have demonstrated "good cause" for a continuance by their arguments that the parties require sufficient time to review the Staff's revised proposal and to prepare both their own proposals as well as testimony to be prefiled prior to the hearing in this phase of the proceeding.
- 10) The motion of The East Ohio Gas Company, the electric light companies and the combination companies to replace the current schedule for Phase II of this proceeding as set forth in the Entry in this case dated September 21, 1983, with the schedule set forth in Finding No. 3 above is reasonable and in the interest of the public as well as the parties making the motion and, therefore, should be granted.
- 11) Our granting of the motion of The East Ohio Gas Company, the electric light companies and the combination companies renders the motion of GCWRO moot.

It is, therefore,

ORDERED, That the motion of The East Ohio Gas Company, the electric light companies, and the combination companies to replace the schedule for this phase of this proceeding as set forth in the September 21, 1983 Entry of this Commission in this case with the schedule set forth in Finding No. 3 above be, and the same hereby is, granted. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Michael B. Lane
Chairman

William H. Brooks Alan R. Self

Commissioners

Commissioners
Entered in the Journal

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A True Copy

Mary Ann Orlinski
Mary Ann Orlinski
Secretary