

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Suburban)	
Natural Gas Company For Approval of An)	Case No. 17-594-GA-ALT
Alternative Form of Regulation to Initiate a)	
Revenue Decoupling Mechanism)	

**THE SUBURBAN NATURAL GAS COMPANY’S MEMORANDUM CONTRA
STAFF’S SECOND MOTION FOR EXTENSION OF TIME
FOR THE FILING OF THE STAFF REPORT OF INVESTIGATION**

On April 25, 2017, the Suburban Natural Gas Company (Suburban) filed an Application pursuant to Sections 4929.05, 4929.051, and 4909.18 of the Revised Code for approval of an alternative rate plan seeking to initiate a revenue decoupling mechanism that provides for a Straight Fixed Variable rate design to be phased in over a two-year period. Suburban’s Application also proposes bifurcation of its General Service schedule into a Small General Service rate schedule and a Large General Service rate schedule. In addition, Suburban’s Application seeks approval of an Energy Efficiency Program Pilot. Suburban supported its Application with exhibits and testimony.

On May 19, 2017, the Staff of the Public Utilities Commission of Ohio (“Staff”) recommended that Suburban’s Application, as supplemented, was in compliance with Rule 4901:19-06, Ohio Adm. Code, which establishes the filing requirements for alternative rate plan applications filed pursuant to Section 4929.05, Revised Code. By entry of May 23, 2017, the attorney examiner set forth a procedural schedule setting the deadline for filing motions to intervene as June 6, 2017, the deadline for the filing of the staff report to be June 31, 2017, and the deadline for the filing of objections to the staff report or objections to the Application as August 31, 2017. The May 23, 2017 entry also provided that the Public Utilities Commission of Ohio (“Commission”) would determine whether a hearing on the Application is necessary after

the Commission considers any objections filed to the staff report or to the Application.

By entry issued June 21, 2017, the attorney examiner granted a motion to intervene filed by the Office of the Ohio Consumers' Counsel ("OCC") on May 11, 2017. Aside from the OCC, no additional entities sought intervention.

On July 25, 2017—only six days before the staff report was due—Staff filed a Motion for Extension of Time for the Filing of the Staff Report of Investigation and Request for Expedited Consideration. Staff's motion sought an extension of 30 days, or until August 30, 2017, to file its Staff Report in this case. The rationale stated in Staff's motion for seeking the first extension was the following: "Due to the press of other business, Staff does not expect to meet that deadline." By entry of July 26, 2017, the attorney examiner granted Staff's motion and extended Staff's deadline for the filing of the staff report to August 30, 2017. The entry also extended the deadline for filing objections to the staff report or to the Application to September 15, 2017.

During the last four months, Suburban, Staff, and OCC have engaged in detailed discovery. In several cases, Staff has requested that its data requests be responded to within seven days, and Suburban has, at all times, complied with these expedited response times in an effort to keep the proceeding moving efficiently. Today, one day before the staff report was due to be filed, Staff requested another extension of the procedural schedule to afford itself 21 additional days. Staff's motion offers no justification for its request and simply states that it will not be able to meet its deadline. Suburban opposes the request.

Rule 4901-1-13(A), Ohio Administrative Code, requires "good cause" to extend the time to file pleadings or other papers. Staff's motion does not show good cause for four reasons:

First, Suburban's Application is time-sensitive. Suburban's Application requests implementation of the proposed alternative rate plan by **October 1, 2017**, because of "the importance of implementing a rate design that promotes conservation by eliminating any

incentive to increase gas sales, and to provide customers with the benefit during the 2017-18 winter heating season of the reduction in the volumetric charge[.]”¹ Granting Staff’s request for a further extension of its deadline to file the staff report, through September 20, 2017, will extend this proceeding well into the winter heating season. This will prejudice Suburban and its customers.

Second, Staff’s current motion does not provide any explanation or justification for the extension requested. The motion’s statement that Staff cannot meet its deadline is insufficient justification for an additional extension.

Third, Staff’s extension request should be viewed in conjunction with its prior extension request. Staff already has received a 30-day extension of time to file its report, which is more than enough additional time. Granting Staff’s current request for an additional extension of 21 days is unwarranted.

Finally, the parties to this proceeding have had more than ample time to engage in discovery and have in fact done so. Suburban provided answers to Staff’s last discovery requests on July 28, 2017—more than a month ago. Staff should be required to file its report by August 30, 2017, in accordance with the revised procedural schedule, so that the case may proceed efficiently to resolution. Suburban and its customers should not be disadvantaged for Staff’s delay.

¹ Application at 14; *see also id.* at 15 (requesting that the Commission “[f]ix a date, prior to October 1, 2017, on or after which service provided is subject to the proposed alternative rate plan so that the alternative rate plan may take effect for the 2017-18 winter heating season”); *id.* at Exhibit C, p. 10 (“It is Suburban’s intent to begin the implementation of the proposed SFV rate design and bifurcation of the GS rate schedule by October 1, 2017, so that Suburban’s customers may receive the benefits of this rate restructuring for the 2017-18 winter heating season.”)

For the above reasons, Suburban respectfully requests that the Commission maintain the existing procedural schedule established for this matter and deny Staff's second request for an extension to file its report.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on August 29, 2017, by electronic mail upon the persons listed below.

/s/ David J. Barthel

David J. Barthel

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Summary: Memorandum Memorandum Contra to Staff's Second Motion for Extension of Time electronically filed by Mr. James D Perko on behalf of Suburban Natural Gas Company