

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Vectren)	
Energy Delivery of Ohio, Inc., for Approval)	18-0049-GA-ALT
of an Alternative Rate Plan)	

In the Matter of the Application of Vectren)	
Energy Delivery of Ohio, Inc. for Approval of)	18-0298-GA-AIR
an Increase in Gas Rates)	

In the Matter of the Application of Vectren)	
Energy Delivery of Ohio, Inc., for Approval)	18-0299-GA-ALT
of an Alternative Rate Plan)	

**MEMORANDUM CONTRA
MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY
OF VECTREN ENERGY DELIVERY OF OHIO, INC.**

I. INTRODUCTION

On October 19, 2018, the Office of the Ohio Consumers’ Counsel filed a motion “for a 14-day extension of time for the filing of intervenor testimony.” (OCC Mot. at 1.) In accordance with Ohio Adm. Code 4901-1-12, Vectren Energy Delivery of Ohio, Inc. (VEDO) files this memorandum contra OCC’s request. If the Commission grants any extension, it should not exceed 7 days.

II. ARGUMENT

A. A 14-day extension is not necessary and would substantially prejudice the Company.

OCC has not set forth good cause to extend the deadline for testimony. It asserts that the “current press of regulatory work” necessitates an extension. (Memo. in Supp. at 2.) But OCC has had ample time to develop and prepare its position in this case. VEDO’s application has been pending since March 30, 2018, nearly seven months, during which time OCC has served VEDO with 15 sets of written discovery. The Staff Report does *not* recommend that VEDO take any

new action that substantially differs from what was proposed in VEDO's application. Although OCC will likely object that the Staff Report failed to make recommendations in line with OCC's position, OCC's position should be well developed by now. If OCC is not prepared to present testimony in support of its position seven months after filing, that is no one's responsibility but OCC's.

In contrast, VEDO will have very little time to prepare its response to the positions of intervenors. Even without *any* extension, there are only 33 days between the current testimony deadline and the December 4 hearing. OCC's extension would consume nearly half of that time, leaving VEDO with a scant 19 days to review the evidence submitted by intervenors, attempt to negotiate settlement, take depositions, and prepare for the hearing. And those 19 days include the Thanksgiving holiday and three local public hearings. The existing schedule is difficult enough; with OCC's extension, it would become patently unfair to the Company. Contrary to OCC's assertions, a 14-day extension would substantially prejudice VEDO.

OCC's proposed extension would also permit the filing of testimony after the November 14 prehearing conference. One of the primary purposes of the prehearing conference is to facilitate settlement discussions, but that purpose will be thwarted if VEDO does not have a reasonable opportunity to review and digest intervenor testimony beforehand. So in addition to leaving VEDO very little time to prepare for hearing, OCC's extension would also hinder the settlement process.

Finally, OCC proposes that the extension apply only to "intervenors." (*Id.* at 2 ("OCC proposes that the extension apply to all intervenors.")) It is not clear to VEDO whether the omission of the Company from this request was intentional or an oversight. Either way, it would be obviously unfair to give VEDO less time to prepare its supplemental testimony, while giving

intervenors both additional time and an opportunity to rebut. Whatever the Commission opts to do, it should equally apply to all parties filing testimony, not just intervenors.

B. If the Commission grants any extension, it should not exceed 7 days, and it should apply to all parties.

VEDO does not believe that any extension is necessary, and it does not believe that OCC has set forth good cause for an extension. But if the Commission sees fit to grant an extension, it should not exceed 7 days. It should also apply to all parties filing testimony.

This time period would also correspond with the only concrete reason for extension alleged in OCC's motion, namely, that it was not "provided" Staff's schedules and workpapers until 10 days into the objection period. OCC does not state when it actually requested those workpapers, nor discuss any of the circumstances surrounding its request, so it would not be fair to infer that 10 days represented an actual delay. But even if all 10 days could be considered "delay," that does not justify a 14-day extension. A one-week extension would address the harm alleged by OCC, and at least permit the parties a meaningful opportunity to evaluate one another's testimony before the November 14 prehearing conference.

III. CONCLUSION

In sum, VEDO opposes OCC's request for a 14-day extension of the deadline to file testimony. If the Commission grants any extension, it should not exceed 7 days and it should apply to all parties filing testimony.

Dated: October 22, 2018

Respectfully submitted,

/s/ Andrew J. Campbell

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail upon the following this 22nd day of October, 2018:

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/22/2018 9:45:13 AM

in

Case No(s). 18-0049-GA-ALT, 18-0298-GA-AIR, 18-0299-GA-ALT

Summary: Memorandum Contra Motion for Extension of Time to File Testimony electronically filed by Ms. Rebekah J. Glover on behalf of Vectren Energy Delivery of Ohio, Inc.