

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)		
Power Company for an Increase in)		Case No. 20-585-EL-AIR
Electric Distribution Rates.)		
In the Matter of the Application of Ohio)		
Power Company for Tariff Approval.)		Case No. 20-586-EL-ATA
In the Matter of the Application of Ohio)		
Power Company for Approval to)		Case No. 20-587-EL-AAM
Change Accounting Methods.)		

**MOTION FOR LEAVE TO FILE DIRECT TESTIMONY ON BEHALF OF
INTERSTATE GAS SUPPLY, INC. AND DIRECT ENERGY BUSINESS, LLC &
DIRECT ENERGY SERVICES, LLC AND REQUEST FOR AN EXPEDITED RULING**

Interstate Gas Supply, Inc. ("IGS") and Direct Energy Business, LLC & Direct Energy Services, LLC (collectively, "Direct Energy") (jointly, "Movants") hereby submits this request to the Commission to grant Movants leave to file testimony out-of-time. Additionally, Movants respectfully requests an expedited ruling on this request in accordance in Ohio Adm.Code 4901-1-12(C). The reasons for these requests are set forth in the attached memorandum in support.

Respectfully Submitted,

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***Attorneys for Retail Energy Supply
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Memorandum in Support

Movants respectfully request that the Commission accept the *Direct Testimony of Frank Lacey on Behalf of the Movants – Part Two* and the *Direct Testimony of Joseph Haugen on Behalf of IGS* as timely filed. Good cause exists for accepting the testimony as timely filed, on an expedited basis, and no harm will occur.

By Entry issued April 14, 2021, the Administrative Law Judge established a deadline for filing testimony in opposition to the settlement in this proceeding as April 20, 2021. On April 20, 2021, counsel for Movants attempted to file its testimony multiple times from two computers prior to the 5:30 pm deadline, however only the *Direct Testimony of Frank Lacey Part One* was successfully uploaded.¹ In the other instances, counsel received an error message stating “[y]our e-filed document can not be processed currently,” with a suggestion to call the PUCO Docketing Division.²

Counsel for Movants contacted the PUCO Docketing Division by phone but was unsuccessful in reaching anyone for assistance. Counsel also sent the filings to Docketing email address prior to 5:30PM (Att. 3). After multiple failed attempts, Counsel ultimately provided copies of all three filings to the parties in the proceeding at 6:03PM and to the administrative law judges at 6:12PM. Thereafter, around 9AM on April 21, 2021, counsel was able to e-file the documents.

Movants requests that the *Direct Testimony of Frank Lacey on Behalf of the Movants – Part Two* and the *Direct Testimony of Joseph Haugen on Behalf of IGS* be accepted as timely filed. Notably, there is no harm or prejudice to the parties by accepting

¹ Movants noted that Part One of Lacey's Testimony is his actual testimony, while Part Two are the exhibits and appendix for the testimony.

² A screenshot of one of these occurrences at 5:26PM is included in this filing (Att. 1), as well as a clearer version of the message from a failed attempted April 21, 2021 at 8:00AM (Att. 2).

this testimony as timely filed as the parties received copies of the filings on the 20th. Additionally, granting this motion will not delay these proceedings. By contrast, not accepting this testimony would harm and prejudice Movants by precluding this evidence from the Commission's consideration in this proceeding. The opinions presented in Movants' testimony are not addressed by any other parties.

Additionally, late filings with similar circumstances of minor technical difficulties have been accepted as timely in the past. See e.g. *In the Matter of the Application of Vectren Energy Delivery Ohio, Inc. for Approval of an Increase in Gas Rates*, Case Nos. 18-298-GA-AIR, et al., Entry (Nov. 9, 2018) at ¶ 9-10; *In the Matter of the Commission's Investigation of the Financial Impact of the Tax Cuts and Jobs Act on Regulated Ohio Utility Companies*, Case No. 18-47-AU-COI, Entry on Rehearing dated March 8, 2018 at ¶ 7; and *In the Matter of the Application of Firelands Wind, LLC, for a Certificate to Site Wind Powered Electric Generating Facilities in Seneca and Sandusky Counties, Ohio*, Case No. 18-1607-EL-BGN, Entry (Dec. 9, 2020) at ¶ 3-5.

Finally, Movants respectfully request an expedited ruling on this motion. Consistent with Ohio Adm.Code 4901-1-12(C), because the motion requests an extension of time to file pleadings of just one day, an immediate ruling may be issued without the filing of memoranda. Movants believe an immediate ruling is necessary so all parties can properly prepare for the hearing beginning shortly on May 12, 2021.

For all of these reasons, Movants has demonstrated good cause to accept the *Direct Testimony of Frank Lacey on Behalf of the Movants – Part Two* and the *Direct Testimony of Joseph Haugen on Behalf of IGS* as timely filed, and Movants respectfully requests that this motion be granted on an expedited basis.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on April 21, 2021. The Commission's e-filing system will electronically serve notice of the filing of this document upon the following parties listed below.

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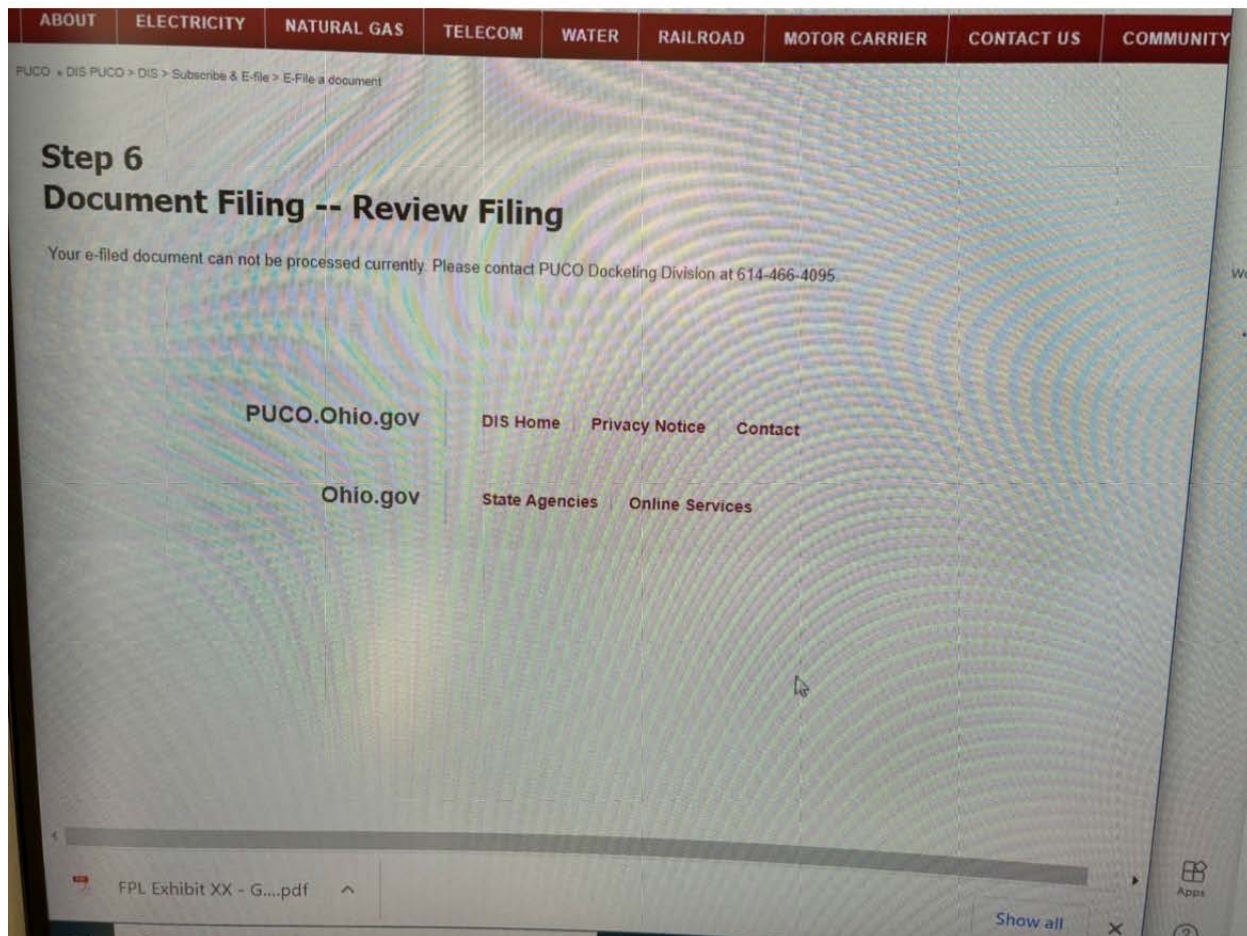
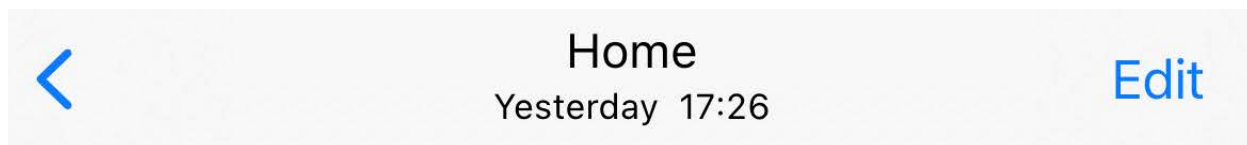
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Attachment 2

The screenshot shows a web browser window with the URL <https://dis.puc.state.oh.us/Secure/Users/Efiling.aspx>. The browser's address bar and tabs are visible at the top. The website header includes the Ohio Public Utilities Commission logo and navigation links for State Agencies and Online Services. A search bar and a Case Lookup field are present. A red navigation bar contains links for ABOUT, ELECTRICITY, NATURAL GAS, TELECOM, WATER, RAILROAD, MOTOR CARRIER, CONTACT US, and COMMUNITY. Below the navigation bar, a breadcrumb trail reads: PUCO » DIS PUCO » DIS » Subscribe & E-file » E-File a document.

Step 6

Document Filing -- Review Filing

Your e-filed document can not be processed currently. Please contact PUCO Docketing Division at 614-466-4095.

The footer of the website displays the following links:

- PUCO.Ohio.gov
- DIS Home
- Privacy Notice
- Contact
- Ohio.gov
- State Agencies
- Online Services

The Windows taskbar at the bottom shows the search bar, taskbar icons for various applications, and the system clock indicating 8:02 AM on 4/21/2021.

Attachment 3

From: [Bethany Allen](#)
To: docketing@puco.ohio.gov
Subject: 20-585-EL-AIR, et al.
Date: Tuesday, April 20, 2021 5:29:00 PM
Attachments: [AFP Ohio Rate Case, Direct Testimony of Haugen.pdf](#)
[Direct Testimony of Frank Lacey with Attachments and Appendix.pdf](#)
[Part 2 from Direct Testimony of Frank Lacey with Attachments and Appendix.pdf](#)

Good Afternoon,

We have problems filing our testimony and are receiving an error message. We are sending you the documents in case we miss the 5:30PM deadline.

Thank you!

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/21/2021 11:49:06 AM

in

Case No(s). 20-0585-EL-AIR, 20-0586-EL-ATA, 20-0587-EL-AAM

Summary: Motion Motion for Leave Regarding Testimony of Interstate Gas Supply, Inc. and Direct Energy Business, LLC & Direct Energy Services, LLC and Request for an Expedited Ruling electronically filed by Bethany Allen on behalf of Interstate Gas Supply, Inc. and Direct Energy Business, LLC and Direct Energy Services, LLC