

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of North)	
Coast Gas Transmission, LLC for Authority)	Case No. 21-1029-GA-ATA
to Operate as an Ohio Natural Gas Company)	

**NORTH COAST GAS TRANSMISSION, LLC’S MEMORANDUM CONTRA, IN PART, TO
THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL’S
MOTION FOR EXTENSION OF TIME
AND
MOTION FOR EXPEDITED DISCOVERY**

North Coast Gas Transmission, LLC (“North Coast”) timely files this memorandum contra, in part, to the motion for extension of time and motion for expedited discovery filed by the Office of the Ohio Consumers’ Counsel (“OCC”). OCC asked to extend the deadline for initial comments on North Coast’s application to at least December 20, 2021. Before North Coast responded, the Attorney Examiner suspended the comment cycle by Entry issued on November 18, 2021. In light of the Attorney Examiner’s Entry, North Coast opposes OCC’s motions in part at this time. A procedural schedule should be reset and, although North Coast’s goal was to receive certification as a natural gas company expeditiously, North Coast is agreeable to setting the initial comment deadline as December 20, 2021, which OCC identified in its motions. In addition, North Coast proposes that reply comments be due January 7, 2021 (nearly three weeks later). North Coast disagrees, however, with OCC’s request for a seven-day response time for serving discovery responses. A more reasonable time period for responses should be set, particularly because the onus will fall primarily on North Coast and OCC has not justified its proposed seven-day timeframe. North Coast would not object if a 10-day response time is set.

The reasons for this Memorandum Contra are set forth in greater detail in the attached Memorandum in Support.

Respectfully submitted,

/s/ Michael J. Settineri

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**MEMORANDUM IN SUPPORT OF
NORTH COAST GAS TRANSMISSION, LLC'S MEMORANDUM CONTRA, IN PART,
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North Coast filed the application in this matter on October 4, 2021, asking to expeditiously convert its regulatory status from a natural gas pipeline company to a natural gas company. The Attorney Examiner set a procedural schedule by Entry issued on October 22, 2021 – calling for initial comments 30 days later (November 22, 2021) and reply comments 21 days after the initial comments were due (December 13, 2021). The initial procedural schedule was acceptable to North Coast particularly since it has been on the rolls of the Commission and successfully serving customers in Ohio since 2004.

By Entry issued November 18, 2021, the Attorney Examiner suspended the comment cycle after OCC filed its motion for an extension of the initial comment deadline and motion for expedited discovery. The Attorney Examiner stated at paragraph 5 that the deadlines for filing comments would be established by a future entry.

North Coast timely responds to OCC's motions. North Coast first notes that it does not agree with OCC's claims that this case is novel, the proposed tariff lacks adequate customer protection, the original schedule for comments was unusually abbreviated or the original entry was a departure from past precedent. North Coast believed the original schedule allowed for a prompt decision by the Commission on the application taking into account any comments. North Coast will focus, however, at this time on a new procedural schedule for this matter in light of the Attorney Examiner's November 18, 2021 Entry. Thus, North Coast's second point is to urge the Attorney Examiner to promptly reestablish a comment cycle so that this matter can proceed efficiently and without undue delay. Third, North Coast is agreeable to a deadline of December

20, 2021, for the initial comments, which OCC stated would be acceptable to it. North Coast notes that December 20 is more than 75 days after the application was filed. Seventy-five days is ample time for filing initial comments on a proposal of this nature, particularly since North Coast has been operating under the Commission’s regulation for over 17 years and North Coast has a strong track record in Ohio. North Coast also proposes that the Attorney Examiner set a deadline for reply comments as January 7, 2022. January 7 also provides ample time for filing reply comments since there are only a few parties in this proceeding who might file initial comments.

Last, North Coast disagrees with OCC’s proposed seven-day timeframe for responding to written discovery requests. OCC provided no support for that proposed timeframe other than stating that the response time “should be shortened.”¹ North Coast will not object to a shorter timeframe for responding to written discovery requests than the 20 days in Ohio Adm.Code 4901-1-19, but a more reasonable time period for responses should be set. Given the likelihood that primarily North Coast will be affected by the shorter timeframe, North Coast urges the Attorney Examiner to adopt a middle ground. North Coast, therefore, proposes a 10-day response time, which is a timeframe that will not prejudice any of the intervenors and is a time frame that has been imposed by the Attorney Examiners in many different types of Commission cases.²

Based on the foregoing, North Coast requests the Attorney Examiner promptly re-set the comment cycle – with initial comments due December 20, 2021, and reply comments due

¹ OCC Motions at 3.

² See, e.g., *In the Matter of the Application of Campbell Soup Supply Company L.L.C. for the Approval of a Reasonable Arrangement for Its Napoleon, Ohio Plant*, Case No. 21-1047-EL-AEC, Entry at ¶ 8 (November 5, 2021); *In the Matter of the 2016 Review of the Distribution Investment Rider Contained in the Tariff of Ohio Power Company etc.*, Case Nos. 17-38-EL-RDR and 18-230-EL-RDR, Entry at ¶ 15 (July 16, 2019); *In the Matter of the Complaint of The East Ohio Gas Company d/b/a Dominion Energy Ohio v. City of Marietta, Ohio*, Case No. 18-290-GA-PWC, Entry at ¶ 6 (June 6, 2018); and *In the Matter of the Filing by Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company of Grid Modernization Business Plan, etc.*, Case Nos. 16-481-EL-UNC et al; Entry at ¶ 14 (November 26, 2018).

January 7, 2022 – and reject OCC’s proposed seven-day response time for written discovery requests. A 10-day response time would not be objectionable, however.

Respectfully submitted,

/s/ Michael J. Settineri

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CERTIFICATE OF SERVICE

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Summary: Memorandum Memorandum Contra, In Part, to the Office of the Ohio
Consumers' Counsel's Motion for Extension of Time and Motion for Expedited
Discovery electronically filed by Mr. Michael J. Settineri on behalf of North Coast
Gas Transmission LLC