

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of North )  
Coast Gas Transmission, LLC for ) Case No. 21-1029-GA-ATA  
Authority to Become a Natural Gas )  
Company in Ohio, Replace its Existing )  
P.U.C.O. Tariff No. 2, and Move the )  
PUCO Rolls as a Regulated Natural Gas )  
Company. )

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**REPLY IN SUPPORT OF MOTION FOR EXTENSION OF TIME FOR  
FILING CONSUMER PROTECTION COMMENTS,  
MOTION FOR EXPEDITED DISCOVERY AND MEMORANDUM IN SUPPORT  
BY  
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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**I. INTRODUCTION**

North Coast Gas Transmission Company, LLC is a business authorized to operate as an intrastate pipeline company<sup>1</sup> that serves large consumers.<sup>2</sup> Based on a “bare-bones” application, it wants the PUCO, without sufficient information, to authorize it to serve *all* consumers (including residential consumers) as a local distribution company.<sup>3</sup> The PUCO should not rush to judgment. Rather, the PUCO should extend the comment deadline and facilitate an expedited discovery process, as requested by OCC.<sup>4</sup> North Coast does not oppose an extended comment

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<sup>1</sup> *In the Matter of the Application of North Coast Gas Transmission, LLC for Approval of Tariffs and to Become a Commission-Regulated Pipe-Line Company and Public Utility*, Case No. 04-265-PL-ATA, Finding and Order (March 30, 2004) at 4.

<sup>2</sup> See North Coast’s Application at 1 (“North Coast has grown its business operations – from providing natural gas to public utilities and municipalities needing the commodity for their end-use customers, to fulfilling peak demand and reliability needs, to directly supplying end-use customers needing transmission-grade supplies of natural gas.”).

<sup>3</sup> As defined in Ohio Revised Code Section 4905.03(E).

<sup>4</sup> See Motion for Extension of Time for filing Consumer Protection Comments, Motion for Expedited Discovery and Memorandum in Support by Office of The Ohio Consumers' Counsel (November 9, 2021).

deadline.<sup>5</sup> But North Coast balks at OCC’s expedited discovery request.<sup>6</sup> To protect consumers, the PUCO should require North Coast to adhere to a seven-day turnaround for discovery as requested by OCC.

## II. RECOMMENDATION

### A. To protect consumers, the PUCO should require North Coast to respond to stakeholders’ discovery requests within seven days.

North Coast filed its application in this case on October 4, 2021, asking to convert from a natural gas pipeline company to a local distribution company.<sup>7</sup> As a business authorized to operate as an intrastate pipeline company,<sup>8</sup> North Coast now serves large consumers.<sup>9</sup> If its “bare-bones” application is granted, North Coast will be able to serve *all* consumers – including residential consumers.

A procedural schedule was set on October 22, 2021, calling for initial comments 30 days from the Entry (November 22, 2021) and reply comments 21 days after the initial comments

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<sup>5</sup> See Memorandum Contra, In Part, to the Office of the Ohio Consumers' Counsel's Motion for Extension of Time & Motion for Expedited Discovery and Memorandum in Support (November 24, 2021) at 1 (“North Coast is agreeable to setting the initial comment deadline as December 20, 2021, which OCC identified in its motions.”).

<sup>6</sup> See *id.* (“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.”).

<sup>7</sup> See North Coast’s Application.

<sup>8</sup> *In the Matter of the Application of North Coast Gas Transmission, LLC for Approval of Tariffs and to Become a Commission-Regulated Pipe-Line Company and Public Utility*, Case No. 04-265-PL-ATA, Finding and Order (March 30, 2004) at 4.

<sup>9</sup> See North Coast’s Application at 1 (“North Coast has grown its business operations – from providing natural gas to public utilities and municipalities needing the commodity for their end-use customers, to fulfilling peak demand and reliability needs, to directly supplying end-use customers needing transmission-grade supplies of natural gas.”).

were due (December 13, 2021).<sup>10</sup> To protect consumers, we asked the PUCO to extend the comment deadline until *at least* December 20, 2021.<sup>11</sup> We also asked the PUCO to shorten the response time for discovery requests to seven days.<sup>12</sup>

The Attorney Examiner suspended the procedural schedule set on October 22, 2021.<sup>13</sup> That is much appreciated.

But now in its memorandum contra to our consumer protection requests, North Coast objects to our proposal for a seven-day turnaround for discovery requests, saying the proposal was unreasonable and that we had not justified it.<sup>14</sup> Instead, it proposed a ten-day turnaround.<sup>15</sup>

We described with specificity our consumer protection concerns and the open questions raised by North Coast's application that need answered through timely discovery requests.<sup>16</sup> If the PUCO indeed sets December 20, 2021 as the deadline for filing comments, a seven-day turnaround for discovery requests is necessitated. This timeframe will allow for two rounds of discovery (accounting for drafting the discovery requests, receiving responses, analyzing the responses, and then follow-up). North Coast's ten-day proposal will allow for only one. That is not sufficient in light of the consumer protection concerns we have raised.<sup>17</sup>

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<sup>10</sup> See Entry (October 22, 2021).

<sup>11</sup> See Motion for Extension of Time for filing Consumer Protection Comments, Motion for Expedited Discovery and Memorandum in Support by Office of The Ohio Consumers' Counsel (November 9, 2021).

<sup>12</sup> See *id.*

<sup>13</sup> See Entry (November 18, 2021) at para. 5.

<sup>14</sup> See *id.* ("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.")

<sup>15</sup> See *id.*

<sup>16</sup> See, e.g., Motion for Extension of Time for filing Consumer Protection Comments, Motion for Expedited Discovery and Memorandum in Support by Office of The Ohio Consumers' Counsel (November 9, 2021) at 1-2.

<sup>17</sup> See *id.*

Further, the PUCO should be mindful that responses to discovery requests are not always timely or complete. As we have informed the PUCO, we have already served a first set of discovery on North Coast.<sup>18</sup> However, North Coast's responses are delayed. We are expecting responses to the discovery on December 2, 2021. This kind of delayed discovery response makes even a December 20, 2021 date for comments filing not realistic.

Given the important consumer protections questions we have raised, and the inevitable uncertainty to receiving timely and complete responses to discovery requests, North Coast's ten-day proposal does not provide for adequate consumer protections. Our seven-day proposal for turning around responses does. And it is perfectly consistent with previous orders shortening the response time to discovery requests.<sup>19</sup> Our proposal should be accepted, North Coast's rejected, in consumers' interest.

### **III. CONCLUSION**

This is an important case for consumers. It should be resolved in a timely manner with all parties having access to complete and adequate information. Shortening the response time for responding to discovery requests to seven days will help parties do that.

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<sup>18</sup> See *id.* at 2.

<sup>19</sup> See, e.g., *In the Matter of the Application of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company for Authority to Provide for a Standard Service Offer*, Case No. 14-1297-EL-SSO, Transcript from June 2, 2015 Conference at 96 (reducing discovery response time to seven days in light of hearing schedule); *In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company*, Case No. 10-2929-EL-UNC, Entry (March 23, 2012) (reducing discovery response time to seven days "in fairness to all the parties and to facilitate the efficient and timely consideration of the issues."); *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Distribution Rates, et al.*, Case Nos. 17-32-EL-AIR, *et al.*, Entry (May 9, 2018) (reducing discovery response time to seven days).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Reply was served on the persons stated below via electronic transmission this 1st day of December 2021.

/s/ Amy Botschner O'Brien  
Amy Botschner O'Brien  
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Reply Reply in Support of Motion for Extension of Time for Filing  
Consumer Protection Comments, Motion for Expedited Discovery and  
Memorandum in Support by Office of The Ohio Consumers' Counsel electronically  
filed by Mrs. Tracy J. Greene on behalf of Botschner O'Brien, Amy