

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Columbia Gas of Ohio, Inc. for Authority to Increase the Rates and Charges for Gas Services and Related Matters.))))	Case No. 21-637-GA-AIR
In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval of an Alternative Form of Regulation.)))	Case No. 21-638-GA-ALT
In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval of a Demand Side Management Program for Its Residential and Commercial Customers.)))))	Case No. 21-639-GA-UNC
In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval to Change Accounting Methods.)))	Case No. 21-640-GA-AAM

**REPLY OF INTERSTATE GAS SUPPLY, INC. IN SUPPORT OF ITS MOTION TO
STRIKE THE REPLY MEMORANDUM FILED BY COLUMBIA GAS OF OHIO, INC. IN
SUPPORT OF ITS MOTION TO STRIKE**

Despite Columbia Gas of Ohio, Inc.’s (“Columbia”) arguments to the contrary, the reply memorandum that it filed in support of its motion to strike the objections of Interstate Gas Supply, Inc. (“IGS” or “IGS Energy”) is procedurally improper and should be stricken from the record. Although the Public Utilities Commission of Ohio’s (“PUCO” or “Commission”) April 14, 2022, Entry¹ (“Entry”) established a pleading cycle that did not provide for the filing of reply memoranda in this case, Columbia argues that it was under no obligation to

¹ Entry at ¶11.

seek leave to file its Reply because the Commission's rule on motions² expressly permits a party to file a reply memorandum within seven days after the service of a memorandum contra.³ What Columbia fails to recognize, however, is that the Commission is not bound by the provisions of Ohio Adm. Code 4901-1-12 alone.

Indeed, Ohio Adm. Code 4901-1-14 authorizes the Commission to issue a ruling that defines the pleadings that can be properly filed in a proceeding. The Commission exercised that authority here. Although the Entry provided for a pleading cycle that included objections, motions to strike, and memoranda opposing motions to strike, reply memoranda was not mentioned. What's more, the Entry also condensed the fifteen-day deadline normally allotted to parties to file memoranda contra a motion under Ohio Adm. Code 4901-1-12(B)(1) to seven days.⁴

The Commission's Entry defined the pleadings that could be properly filed and established a schedule different from that which is contemplated under the Commission's rule for motions, and in doing so, removed the pleading cycle at issue here from the coverage of Ohio Adm. Code 4901-1-12. When taken together, the Entry makes clear that the standard rule for motions does not apply to the pleading cycle at issue in this case. It is the Commission's Entry that defines what can and cannot be filed in this proceeding. The Commission has previously refused to consider pleadings that are in

² Ohio Adm. Code 4901-1-12

³ *In the Matter of the Application of Columbia Gas of Ohio, Inc. for Authority to Amend its Filed Tariffs to Increase the Rates and Charges for Gas Services and Related Matters*, Case Nos. 21-637-GA-AIR et al., Columbia Gas of Ohio, Inc.'s Memorandum Contra Motion of Interstate Gas Supply, Inc. to Strike Reply Memorandum in Support of Columbia's Motion to Intervene at 2 (Jun. 3, 2022). (hereinafter "Columbia Memo Contra")

⁴ Entry at ¶11.

addition to or beyond the scope of those authorized under its orders⁵, and it should make a similar finding here.

To be clear, IGS does not seek to unduly delay these proceedings as Columbia suggested in its memorandum contra IGS's motion to strike.⁶ IGS did not seek to expand the Commission's scheduling order by filing a reply when no such memoranda was contemplated under the Entry. Rather it is Columbia that has extended the briefing process by filing the procedurally defective Reply at issue here.

The Commission's April 14, 2022, Entry did not provide for the filing of reply memoranda during the pleading cycle at issue here. Columbia's reply, therefore, is improper and should be stricken. Based on the foregoing, IGS respectfully requests that the Commission grant the motion to strike.

Respectfully submitted,

/s/ Michael Nugent

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⁵ See e.g., *In the Matter of the Application of Columbia Gas of Ohio, Inc. for Authority to Amend its Filed Tariffs to Increase the Rates and Charges for Gas Services and Related Matters*, Case Nos. 21-637-GA-AIR et al., Motion of Interstate Gas Supply, Inc. to Strike Reply Memorandum of Columbia Gas of Ohio, Inc. in Support of its Motion to Strike, Memorandum in Support at 4-5 (Jun. 1, 2022).

⁶ Columbia Memo Contra at 1-2.

Attorneys for IGS Energy
(willing to accept service via email)

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *Reply of Interstate Gas Supply, Inc. In Support of Its Motion to Strike the Reply Memorandum Filed by Columbia Gas of Ohio, Inc. in Support of its Motion to Strike* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on June 10, 2022. The Commission's e-filing system will electronically serve notice of the filing of this document upon the following parties listed below.

/s/ Michael Nugent
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**Case No(s). 21-0637-GA-AIR, 21-0638-GA-ALT, 21-0639-GA-UNC, 21-0640-GA-
AAM**

Summary: Reply of Interstate Gas Supply, Inc. in Support of its Motion to Strike the Reply of Columbia Gas of Ohio, Inc. electronically filed by Mr. Michael A. Nugent on behalf of Interstate Gas Supply, Inc.