

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Co- )  
lumbia Gas of Ohio, Inc. for Authority )  
to Amend its Filed Tariffs to Increase the ) Case No. 21-637-GA-AIR  
Rates and Charges for Gas Services and )  
Related Matters. )

In the Matter of the Application of Co- )  
lumbia Gas of Ohio, Inc. for Approval of ) Case No. 21-638-GA-ALT  
an Alternative Form of Regulation. )

In the Matter of the Application of Co- )  
lumbia Gas of Ohio, Inc. for Approval of )  
a Demand Side Management Program ) Case No. 21-639-GA-UNC  
for its Residential and Commercial Cus- )  
tomers. )

In the Matter of the Application of Co- )  
lumbia Gas of Ohio, Inc. for Approval to ) Case No. 21-640-GA-AAM  
Change Accounting Methods. )

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**MEMORANDUM CONTRA JOINT MOVANTS’  
MOTION TO MODIFY THE PROCEDURAL SCHEDULE  
OF COLUMBIA GAS OF OHIO, INC.**

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**INTRODUCTION**

On October 27, 2022, Ohio Partners for Affordable Energy, Citizens Utility Board of Ohio, and the Environmental Law and Policy Center (collectively, “Joint Movants”) filed a Joint Motion in the above-captioned cases requesting that the Public Utilities Commission of Ohio (the “Commission”) modify the procedural schedule in this case. The Joint Movants also requested expedited treatment of their Joint Motion, and suggested that the current evidentiary hearing date of November 1 could be used as a procedural conference.

Columbia does not oppose expedited treatment of the Joint Motion, nor does Columbia oppose converting the November 1, 2022 hearing into a procedural conference. However, Columbia does oppose the proposed procedural schedule in the Joint Motion by the Joint Movants.

### ARGUMENT

The current procedural schedule, including an evidentiary hearing starting November 1, 2022, was approved by an Attorney Examiner Entry on October 13, 2022. The October 13, 2022 Entry granted a *fourth* extension of the hearing date in this case. Another extension of the hearing will be the *fifth* hearing date extension in this case. These procedural schedule extensions demonstrate that Columbia and the Parties have been diligently working towards a settlement agreement long before and since the October 13, 2022 Entry. Columbia expects a Stipulation and Recommendation to be filed before November 1, 2022 and supports converting the November 1, 2022 hearing into a pre-hearing conference.

Nonetheless, Columbia opposes the procedural schedule proposed by the Joint Movants. The Joint Movants' proposed schedule is unnecessarily long. This case has been pending since June 30, 2021. For context, the 545-day deadline which statutorily permits Columbia to implement rates not subject to refund occurs on December 27, 2022.<sup>1</sup> This is a mere two weeks *after* Joint Movants' proposed evidentiary hearing of December 13, 2022. The Joint Movants have actively participated in this case and extensive settlement negotiations, and have had more than ample time to familiarize themselves with the matters they desire to cover in opposition to the Stipulation and Recommendation.

Moreover, the Joint Movants caveat the proposed due dates on specific actions as "should they choose." If the Joint Movants currently do not anticipate filing testimony or conducting discovery, then the delay requested ultimately is unnecessary for those purposes. Regardless, should the Joint Movants exercise discovery or testimony rights provided by the Attorney Examiner, the proposed alternative schedule below provides a meaningful opportunity for the Joint Movants to contest the Stipulation that was crafted in numerous settlement conferences in which Joint Movants participated since *May 16, 2022*.

Columbia suggests that the Commission order the following procedural schedule:

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<sup>1</sup> See R.C. 4909.42.

- Columbia Testimony in support of the Stipulation – Tuesday, November 1
- Discovery requests – served by Thursday, November 3
  - 3 business-day deadline for responding to discovery
- Staff and Intervenor Testimony in support of the Stipulation and responding to Objections – Thursday, November 10
- Opposing Party Testimony – Monday, November 14
- Hearing – Tuesday, November 15

This proposed schedule provides any opposing party a meaningful opportunity to oppose the Stipulation while also balancing the need for a timely hearing in this case. This proposed schedule is also consistent with the recent procedural schedule issued in the Duke Energy Ohio electric rate case after a contested settlement was filed.<sup>2</sup>

**WHEREFORE**, Columbia respectfully requests that the Commission deny the Joint Motion and instead issue the proposed procedural schedule contained herein.

Respectfully submitted,

*/s/ Joseph M. Clark*

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<sup>2</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in its Electric Distribution Rates*, PUCO Case Nos. 21-887-EL-AIR, *et al.*, Entry at ¶7-9 (Sept. 30, 2022).

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## CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served via electronic mail on the 28th day of October, 2022 upon the parties listed below.

*/s/ Joseph M. Clark*

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AAM**

Summary: Memorandum Contra Joint Movants' Motion to Modify the Procedural  
Schedule of Columbia Gas of Ohio, Inc. electronically filed by Ms. Melissa L.  
Thompson on behalf of Columbia Gas of Ohio, Inc.