

should be set for the evidentiary hearing. RESA's proposed dates for the new schedule are set forth in the attached memorandum in support.

Accordingly, RESA respectfully requests that the Attorney Examiner promptly vacate the October 29 deadline for filing expert testimony and the November 6, 2018 hearing date and issue a new procedural schedule. Please note that RESA is agreeable to a prehearing conference with the Attorney Examiners to discuss the new procedural schedule. Lastly, RESA is not able to certify that no party objects to this motion, but given the upcoming deadlines an expedited ruling is necessary to, at a minimum, vacate the upcoming deadlines while a new procedural schedule is contemplated.

Respectfully Submitted,

/s/ Michael J. Settineri

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MEMORANDUM IN SUPPORT

I. Introduction

Columbia and other parties in this proceeding filed a stipulation on October 25, 2018, representing that the stipulation addressed all issues in this proceeding. RESA did not sign the stipulation and must now seek to protect its interests that were affected not only by the application in this proceeding, but now are affected by the stipulation which now includes new cost recoveries and issues not in the application. As the Commission does in other cases, a new procedural schedule must be set to allow for consideration of the stipulation by both RESA and the Commission, especially given that the schedule for the application set October 29, 2018 for testimony by intervenors and a hearing date of November 6, 2018. RESA has proposed a reasonable schedule below to allow for prompt consideration of the stipulation while balancing the need to provide RESA with the opportunity to prepare and present its position and arguments on the stipulation. RESA's schedule also provides the parties supporting the stipulation the opportunity and time to present their position and arguments on the stipulation. Most importantly, RESA's proposed schedule, if adopted, will ensure this Commission has a complete record before it when evaluating the stipulation filed in this proceeding. Accordingly, RESA requests that its requested schedule be adopted and that an expedited ruling be issued.

II. The Stipulation is now the focus of this proceeding and presents new issues and matters for both the parties' and the Commission's consideration.

Supporting RESA's motion is the fact that the stipulation contains new issues and matters for all parties' and the Commission's consideration. For example, the stipulation contains new proposed terms for recovery of the historic capital expenditure program ("CEP") costs and expenses through a new rider, which was the subject of the application filed by Columbia Gas in this proceeding. Columbia's application asked for permission to recover, on a phased-in basis,

historical costs and expenses that it has been currently deferring as well as the related historical CEP investments through December 2017. The stipulation now contains multiple terms well beyond the recovery of historical, deferred CEP-related costs and expenses.

For example, the stipulation includes:

- A new proposal, including rates and terms, for collection of *future* CEP costs and expenses for years through a new expedited review process;
- New proposed terms for adjusting Columbia's distribution rates to reflect the impact of the Tax Cuts and Jobs Act of 2017;
- Provisions directed at information technology programs that directly related to large commercial and industrial Choice customers; and
- Proposed details for a future base rate case filing.

All of the above provisions are of interest to RESA which will be addressed by RESA in the hearing of this matter in addition to other issues. The new procedural schedule proposed by RESA will also develop a record so that the Commission can conduct an evaluation of the stipulation under the three-part test.²

III. Parties, including RESA, need time to appropriately prepare to address the stipulation.

In light of the shift in this case, the current deadline for filing expert testimony (which is next Monday – just two business days after the filing of the stipulation) and the current hearing date (only 6 business days after that) will not allow sufficient time for conducting discovery, testimony preparation and hearing preparation. RESA, as a non-signatory party, needs

² In evaluating a stipulation, the Commission has used the following criteria:

- (1) Is the settlement a product of serious bargaining among capable, knowledgeable parties?
- (2) Does the settlement, as a package, benefit ratepayers and the public interest?
- (3) Does the settlement package violate any important regulatory principle or practice?

appropriate time for discovery, to prepare expert testimony on the stipulation, and to prepare for hearing. Moreover, RESA's request for a new procedural schedule with discovery and staggered testimony is consistent with how the Commission has responded in numerous cases in which at least one party opposed the filed stipulation. *See e.g. In the Matter of the Application of The Dayton Power & Light Company for an Increase in its Electric Distribution Rates*, Case No.15-1830-EL-AIR et al., Entry (June 21, 2018) and see *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Distribution Rates*, Case No. 17-32-EL-AIR, et al., Entry (May 9, 2018).³

To ensure full consideration of the stipulation, RESA proposes the following new procedural schedule which reasonably takes into consideration several upcoming holidays and many other cases already on the hearing calendar:

- Filing date for testimony in support of the stipulation - November 2, 2018.
- Filing date for Staff testimony responding to the objections to the Staff report - November 9, 2018.
- Discovery responses due seven calendar days after service of requests.
- Filing date for testimony in opposition to the stipulation - December 21, 2018.
- Hearing commences - January 10, 2019.

RESA also is agreeable to a prehearing conference with the Attorney Examiners so that the parties may discuss a new procedural schedule for this matter. At a minimum, however, an expedited ruling should issue immediately vacating the October 29 testimony deadline and the November 6 hearing date.

³ *See, also, In the Matter of the Application of The Dayton Power & Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan*, Case Nos. 16-395-EL-SSO et al., Entry (March 8, 2017). *See, also, In the Matter of the Application Seeking Approval of Ohio Power Company's Proposal to Enter into an Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider*, Case Nos. 14-1693-EL-RDR et al., Entry (December 15, 2015).

IV. Conclusion

Parties should be afforded an appropriate opportunity to prepare and present evidence regarding the newly filed stipulation. That cannot fairly occur with the current October 29 deadline for expert testimony and the November 6 hearing date, and has been done in other proceedings, the current procedural schedule should be vacated promptly and a new schedule established. RESA's schedule should be adopted, an expedited ruling is necessary and should be promptly issued on this matter.

Respectfully Submitted,

/s/ Michael J. Settineri

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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 in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 26th day of October 2018.

/s/ Gretchen L. Petrucci

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