

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Self Complaint of            )**  
**Vectren Energy Delivery Ohio, Inc.            )**  
**Regarding Its Pooling Service Tariffs and    )    Case No. 17-2284-GA-SLF**  
**Application of Commission Rules            )**  
**Concerning Customer Information            )**

**MOTION FOR LEAVE TO FILE A SUR-REPLY *INSTANTER***  
**BY THE RETAIL ENERGY SUPPLY ASSOCIATION**

The Retail Energy Supply Association (“RESA”)<sup>1</sup> seeks leave to file a sur-reply *instanter* to the response filed by Vectren Energy Delivery of Ohio, Inc. (“Vectren”) on May 31, 2018. RESA files this motion to correct Vectren’s statements made in its May 31, 2018 filing regarding RESA’s positions in this matter. The reasons supporting RESA’s motion for leave are set forth more fully in the attached Memorandum in Support.

Respectfully Submitted,

/s/ Gretchen L. Petrucci  
\_\_\_\_\_  
Michael J. Settineri (0073369), Counsel of Record  
Gretchen L. Petrucci (0046608)  
Vorys, Sater, Seymour and Pease LLP  
52 E. Gay Street, P.O. Box 1008  
Columbus, OH 43216-1008  
614-464-5462  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)

*Counsel for the Retail Energy Supply Association*

---

<sup>1</sup> The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

**MEMORANDUM IN SUPPORT  
OF THE MOTION FOR LEAVE TO FILE A SUR-REPLY INSTANTER  
BY THE RETAIL ENERGY SUPPLY ASSOCIATION**

RESA presents good cause why this request for leave to file a sur-reply *instanter* should be granted. Vectren filed a “response” on May 31, 2018, to RESA’s reply comments in this proceeding. Vectren states that its response is for purposes of clarifying its position and facilitating the Commission’s resolution in the proceeding.<sup>2</sup> Vectren’s response, however, mischaracterizes RESA’s positions and therefore, RESA seeks leave to file a sur-reply to correct Vectren’s mischaracterizations.

RESA’s request for leave to file a sur-reply is not unique. The Commission has routinely granted requests for leave to file sur-replies. *See, e.g., In the Matter of the Complaint of McLeodUSA Telecommunications Services, Inc. dba PAETEC Business Services and LDMI Telecommunications, Inc. v. AT&T Ohio*, Case No. 11-3407-TP-CSS, Entry at 13 (August 29, 2012) (sur-reply regarding a motion to dismiss on the merits allowed “[s]o that the Commission will be more fully advised”). The Commission has also permitted parties to file sur-reply comments when its original procedural schedule had not provided for such. *See, e.g., In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Implement a Capital Expenditure Program*, Case Nos. 13-2417-GA-UNC et al, Entry (August 26, 2014) (Commission Staff sought permission to file sur-reply comments to more fully develop the record and the Attorney Examiner granted that request); *In the Matter of the Application of Ohio Power Company to Establish a Competitive Bidding Process for Procurement of Energy to Support Its Standard Service Offer*, Case No. 12-3254-EL-UNC, Entry at 4-5 (November 13, 2013); *In the Matter of the Application of the East Ohio Gas Company d/b/a Dominion East Ohio for*

---

<sup>2</sup> Vectren Response at 1.

*Approval to Implement a Capital Expenditure Program*, Case No. 11-6024-GA-UNC, Finding and Order at 2 (December 12, 2012) (granted the request to file sur-reply comments, stating that the sur-replies are “helpful to resolving these matters”).

RESA’s motion for leave to file a sur-reply *instanter* is reasonable and presented for good cause, and since the Commission has the flexibility and discretion to allow the filing of this sur-reply, the Commission should grant RESA’s motion for leave. No harm will result from granting RESA’s request for leave. Instead, granting RESA leave will ensure that Vectren’s mischaracterizations are corrected for the record, and for the Commission’s consideration.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

Michael J. Settineri (0073369), Counsel of Record

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

P.O. Box 1008

Columbus, OH 43216-1008

614-464-5462

[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)

[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)

*Counsel for the Retail Energy Supply Association*

## 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 18th day of June 2018.

/s/ Gretchen L. Petrucci

\_\_\_\_\_  
Gretchen L. Petrucci

Mark A. Whitt at:	<a href="mailto:whitt@whitt-sturtevant.com">whitt@whitt-sturtevant.com</a>
Andrew J. Campbell at:	<a href="mailto:campbell@whitt-sturtevant.com">campbell@whitt-sturtevant.com</a>
Rebekah J. Glover at:	<a href="mailto:glover@whitt-sturtevant.com">glover@whitt-sturtevant.com</a>
William Wright at:	<a href="mailto:william.wright@ohioattorneygeneral.gov">william.wright@ohioattorneygeneral.gov</a>
Kevin F. Moore at:	<a href="mailto:kevin.moore@occ.ohio.gov">kevin.moore@occ.ohio.gov</a>
Bryce McKenney at:	<a href="mailto:bryce.mckenney@occ.ohio.gov">bryce.mckenney@occ.ohio.gov</a>
Colleen L. Mooney at:	<a href="mailto:cmooney@ohiopartners.org">cmooney@ohiopartners.org</a>