

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application to Modify, )  
in Accordance with Section 4929.08, )  
Revised Code, the Exemption Granted to ) Case No. 12-1842-GA-EXM  
The East Ohio Gas Company d/b/a )  
Dominion Energy Ohio. )**

**JOINT MOTION FOR EXTENSION OF TIME  
AND  
REQUEST FOR EXPEDITED RULING  
BY  
THE RETAIL ENERGY SUPPLY ASSOCIATION  
AND  
DIRECT ENERGY SERVICES, LLC  
DIRECT ENERGY BUSINESS MARKETING, LLC**

The Retail Energy Supply Association (“RESA”), and Direct Energy Services, LLC and Direct Energy Business Marketing, LLC (collectively “Direct Energy”) move for a brief extension of time, pursuant to Rule 4901-1-13(B) of the Ohio Administrative Code, to respond to the recently filed motions filed by the Ohio Consumers’ Counsel and Ohio Partners for Affordable Energy. Those motions were filed in this proceeding on March 9 and March 12, 2018, respectively. Rule 4901-1-12(B) of the Ohio Administrative Code states that, in response to a motion, any party may file a memorandum contra within 15 days. Memorandum contra to the recently filed motions would be due on March 26 and March 27, 2018. RESA and Direct Energy seek a short extension of those deadlines so that memorandum contra would be due on the same day – March 30, 2018. OCC and OPAE do not oppose the extension. The reasons supporting this joint motion for extension of time are contained in the accompanying Memorandum in Support. Given the amount of time remaining, RESA and Direct Energy also request an expedited ruling in accordance with Rule 4901-1-12(C) of the Ohio Administrative Code.

WHEREFORE, RESA and Direct Energy respectfully request that the Public Utilities Commission of Ohio expeditiously grant this extension request.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

Michael J. Settineri (0073369), Counsel of Record

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

Columbus, OH 43215

614-464-5462

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

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

*Counsel for the Retail Energy Supply Association*

/s/ Scott R. Dismukes, per authorization 3/23/18

Scott R. Dismukes

Eckert Seamans Cherin & Mellott, LLC

600 Grant Street, 44<sup>th</sup> Floor

Pittsburgh, PA 15219

[sdismukes@eckertseamans.com](mailto:sdismukes@eckertseamans.com)

/s/ Sarah Stoner, per authorization 3/23/18

Daniel Clearfield

Sarah Stoner

Kristine Marsilio

Eckert Seamans Cherin & Mellott, LLC

213 Market Street, 8<sup>th</sup> Floor

Harrisburg, PA 17101

[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)

[sstoner@eckertseamans.com](mailto:sstoner@eckertseamans.com)

[kmarsilio@eckertseamans.com](mailto:kmarsilio@eckertseamans.com)

*Counsel for Direct Energy Services, LLC and Direct Energy  
Business Marketing, LLC*

**MEMORANDUM IN SUPPORT OF THE  
JOINT MOTION FOR EXTENSION OF TIME  
AND  
REQUEST FOR EXPEDITED RULING**

**I. Background**

The Retail Energy Supply Association<sup>1</sup> (“RESA”) moved to intervene in this proceeding in August 2012 and that request was granted. RESA has actively participated in all stages of this proceeding. Many of RESA’s members are certified as competitive retail natural gas service (“CRNGS”) providers and are active in the Ohio retail markets. RESA’s members currently provide CRNGS to retail customers in the service territory of The East Ohio Gas Company d/b/a Dominion Energy Ohio (“Dominion”).

Direct Energy Services, LLC and Direct Energy Business Marketing, LLC (collectively “Direct Energy”) are certified CRNGS providers in Ohio, have customers in Dominion’s service territory, and have actively participated in this proceeding.

The Commission’s decision in this proceeding was issued in January 2013, finding that the exemption previously granted to Dominion should be modified to:

- discontinue the standard choice offer (“SCO”) to non-residential customers;
- allow Dominion to exit the “merchant function” for non-residential customers; and
- implement a monthly variable rate (“MVR”) program through which certain non-residential customers would receive commodity service from

---

<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 more than 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).

the next available CRNGS provider on a rotating basis from a list maintained by Dominion.

The Commission-approved modifications in this proceeding took effect in April 2013.

## **II. Motions to Terminate the MVR Program**

The Ohio Consumers' Counsel ("OCC") filed a request on March 9, 2018, to end the MVR program for residential customers and re-establish the SCO as the default service for all choice-eligible residential customers. Three days later, on March 12, 2018, Ohio Partners for Affordable Energy ("OPAE") filed a similar motion in this proceeding to eliminate the MVR program for Dominion's non-residential customers and re-establish the SCO as the default service for all non-residential customers.

## **III. Additional Time to Respond to the OCC and OPAE Motions**

RESA and Direct Energy seek additional time in which to consider and respond to both motions. Specifically, RESA and Direct Energy request to have until March 30, 2018, to file responses to both motions. This additional time may possibly allow preparation of one pleading in response to both motions and possibly allow RESA and Direct Energy to prepare a joint response. There will be no harm nor any unreasonable or undue delay caused by this short extension request because no procedural schedule has been issued in this proceeding. RESA and Direct Energy further note that they are agreeable if other parties are permitted the same additional time to respond to the two motions.

Also, RESA has contacted the OCC and OPAE, both of whom do not oppose the joint request for extension of time to March 30, 2018. RESA contacted the other parties to this proceeding to determine whether any party objects to the extension request or to the issuance of an expedited ruling without the filing of memoranda. RESA certifies that no party objected to the issuance of an expedited ruling.

WHEREFORE, RESA and Direct Energy S respectfully request that the Commission grant an extension of time to March 30, 2018, to respond to the recent motions filed by OCC and OP&E. This short extension request is reasonable and will cause no harm or undue delay.

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  
Columbus, OH 43215  
614-464-5462  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)

*Counsel for the Retail Energy Supply Association*

/s/ Scott R. Dismukes, per authorization 3/23/18  
Scott R. Dismukes  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
[sdismukes@eckertseamans.com](mailto:sdismukes@eckertseamans.com)

/s/ Sarah Stoner, per authorization 3/23/18  
Daniel Clearfield  
Sarah Stoner  
Kristine Marsilio  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)  
[sstoner@eckertseamans.com](mailto:sstoner@eckertseamans.com)  
[kmarsilio@eckertseamans.com](mailto:kmarsilio@eckertseamans.com)

*Counsel for Direct Energy Services, LLC and Direct Energy Business Marketing, LLC*

## **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 23<sup>rd</sup> day of March, 2018.

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

[terry.etter@occ.ohio.gov](mailto:terry.etter@occ.ohio.gov)  
[larry.sauer@occ.ohio.gov](mailto:larry.sauer@occ.ohio.gov)  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)  
[barthroyer@aol.com](mailto:barthroyer@aol.com)  
[whitt@whitt-sturtevant.com](mailto:whitt@whitt-sturtevant.com)  
[campbell@whitt-sturtevant.com](mailto:campbell@whitt-sturtevant.com)  
[glover@whitt-sturtevant.com](mailto:glover@whitt-sturtevant.com)  
[mswhite@igsenergy.com](mailto:mswhite@igsenergy.com)  
[joliker@igsenergy.com](mailto:joliker@igsenergy.com)  
[sdismukes@eckertseamans.com](mailto:sdismukes@eckertseamans.com)  
[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)  
[sstoner@eckertseamans.com](mailto:sstoner@eckertseamans.com)  
[kmarsilio@eckertseamans.com](mailto:kmarsilio@eckertseamans.com)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)  
[thomas.lindgren@ohioattorneygeneral.gov](mailto:thomas.lindgren@ohioattorneygeneral.gov)