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August 7, 2012

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Rinald v. Columbia Gas of Pennsylvania, Inc. and Direct Energy Services, LLC  
Docket No. C-2012-2292780

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Dear Secretary Chiavetta:

On behalf of Direct Energy Services, LLC enclosed please find the original of its Motion for Extension of Time to File Responsive Documents to the Formal Complaint and for Continuance of Scheduled Prehearing Conference along with the electronic filing confirmation page with regard to the above-referenced matter. Also attached to the Motion is a proposed Order. Copies have been served in accordance with the attached Certificate of Service.

Sincerely,



Carl R. Shultz

CRS/lww

Enclosure

cc: Cert. of Service w/enc.

**CERTIFICATE OF SERVICE**

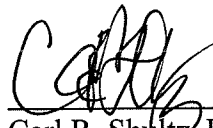
I hereby certify that this day I served a copy of Direct Energy's Motion for Extension of Time to File Responsive Documents to Formal Complaint and for Continuance of Scheduled Prehearing Conference upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via First Class Mail**

Larry R. Crayne, Esq.  
238 Johnston Rd.  
Pittsburgh, PA 15241

Donald Rinald  
281 Old Farm Road  
Pittsburgh, PA 15228

Dated: August 7, 2012

  
\_\_\_\_\_  
Carl R. Shultz, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Donald Rinald,	:	
	:	
Complainant	:	Docket No. C-2012-2292780
	:	
v.	:	
	:	
Columbia Gas of Pennsylvania, Inc., and	:	
Direct Energy Services, LLC	:	
Respondents	:	

**ORDER**

AND NOW, upon consideration of the Motion for Continuance for extension of time to file responsive documents to the formal complaint and for continuance of scheduled prehearing conference ("Motion") of this proceeding from Daniel Clearfield, Esquire, counsel for Direct Energy Services, LLC ("Direct Energy"), it is hereby ORDERED that the motion is GRANTED:

1. The time for Direct Energy to file responsive documents to the Formal Complaint is extended until Monday, September 17, 2012; and,
2. A Notice of Hearing canceling the current prehearing conference date of Wednesday, August 15, 2012, and rescheduling to a future date will be issued.

SO ORDERED, this \_\_\_\_ day of August 2012.

\_\_\_\_\_  
Susan D. Colwell  
Administrative Law Judge

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Donald Rinald,	:	
	:	
Complainant	:	Docket No. C-2012-2292780
	:	
v.	:	
	:	
Columbia Gas of Pennsylvania, Inc., and	:	
Direct Energy Services, LLC	:	
Respondents	:	

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**MOTION OF  
DIRECT ENERGY SERVICES, LLC  
FOR EXTENSION OF TIME TO FILE RESPONSIVE DOCUMENTS  
TO THE FORMAL COMPLAINT AND FOR CONTINUANCE OF  
SCHEDULED PREHEARING CONFERENCE**

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Pursuant to Section 5.103 of the Pennsylvania Public Utility Commission's ("Commission" or "PUC") regulations,<sup>1</sup> Direct Energy Services, LLC ("Direct Energy") respectfully requests (1) that the time to file an responsive documents to the Formal Complaint be extended until Monday, September 17, 2012, and (2) that the Initial Prehearing Conference scheduled for Wednesday, August 15, 2012 before Administrative Law Judge ("ALJ") Susan D. Colwell be continued until the pleadings related to Direct Energy are closed. In support thereof, Direct Energy avers as follows:

1. The Formal Complaint filed by Mr. Rinald is concerned with the accuracy of his natural gas bill, which contains, inter alia, distribution charges from Columbia Gas Of Pennsylvania, Inc. ("Columbia Gas") and commodity charges from Direct Energy.

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<sup>1</sup> 52 Pa. Code § 5.103.

2. Columbia Gas filed its Answer to the Formal Complaint on March 30, 2012.

More than 3 months after the pleadings related to Columbia Gas were closed, Columbia Gas moved to join Direct Energy as an indispensable party.

3. Direct Energy was joined as an indispensable party in this case on July 27, 2012, which was 19 days before the Prehearing Conference that is scheduled for Wednesday, August 15, 2012.

4. Senior Executives at Direct Energy learned of the Formal Complaint last week.

**Request #1 – Extension Of Time To File Responsive Documents To The Formal Complaint**

5. Direct Energy's investigation into the allegations of the Formal Complaint is ongoing. Direct Energy is endeavoring to identify any billing errors related to the commodity, and intends to expeditiously take action to correct any billing errors related to the commodity.

6. Rather than expending resources to prepare formal documents to advance the formal litigation of the Formal Complaint, Direct Energy would much prefer to dedicate time and resources to identifying the cause of Mr. Rinald's concerns and attempting to resolve the issues raised in the Formal Complaint. *See* 52 Pa. Code § 5.231.

7. Accordingly, Direct Energy respectfully requests that the time for Direct Energy to responsive documents to the Formal Complaint be extended until Monday, September 17, 2012.

8. Direct Energy submits that this request for an extension, as set forth herein, adequately satisfies the standard for granting a continuance as stated in 52 Pa. Code § 1.15(a).

9. Mr. Rinald opposes this request.

10. Columbia Gas has no objection to this request.

## **Request #2 – Continuance Of Scheduled Prehearing Conference**

11. Direct Energy submits that the time available before the scheduled Prehearing Conference is not sufficient for Direct Energy to (a) conduct a reasonable investigation of the allegations in the Formal Complaint; (b) determine if the possibility of a settlement exists with Mr. Rinald; (c) prepare and file an responsive document to the Formal Complaint; and (e) be fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive. *See* 52 Pa. Code §§ 5.222, 5.223.

12. Accordingly, Direct Energy respectfully requests that the Initial Prehearing Conference scheduled for Wednesday, August 15, 2012 before ALJ Colwell be continued until the pleadings related to Direct Energy are closed.

13. Direct Energy submits that this request for continuance, as set forth herein, adequately satisfies the standard for granting a continuance as stated in (a) Your Honor's Prehearing Order of June 8, 2012; and (b) 52 Pa. Code § 1.15(b).

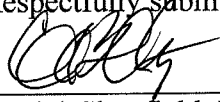
14. Mr. Rinald opposes this request.

15. Columbia Gas has no objection to this request.

## **Conclusion**

**WHEREFORE**, for all the foregoing reasons, Direct Energy respectfully requests that Your Honor issue an Order granting this Motion and (1) that the time to file an responsive documents to the Formal Complaint be extended until Monday, September 17, 2012, and (2) that the Initial Prehearing Conference scheduled for Wednesday, August 15, 2012 before ALJ Colwell be continued until the pleadings related to Direct Energy are closed.

Respectfully submitted,



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Daniel Clearfield, Esquire

Attorney ID 26183

Carl R. Shultz, Esquire

Attorney ID 70328

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Date: August 7, 2012

Attorneys for Direct Energy Services, LLC