

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of)
Columbia Gas of Ohio, Inc. for Approval)
of Tariffs to Recover Through An)
Automatic Adjustment Clause Costs)
Associated with the Establishment of an)
Infrastructure Replacement Program)
and for Approval of Certain Accounting)
Treatment)**

Case No. 07-478-GA-UNC

**RESPONSE OF UTILITY SERVICE PARTNERS, INC.
TO THE FEBRUARY 28, 2008 FILING OF COLUMBIA GAS OF OHIO, INC.**

After the record was closed and the last Reply Brief was filed, Columbia Gas of Ohio, Inc. (“Columbia”), filed a pleading on February 28, 2008 entitled “Application of Columbia Gas of Ohio, Inc. to Revise its IRP Rider Rate”. It also filed the testimony of Larry W. Martin. As with the December 28, 2007 Amended Stipulation, Columbia did not move to reopen the record or offer a justification as to why the pleading could not have been filed during January when the parties were negotiating the Agreement which was filed on February 4, 2008. Instead, Columbia justifies this latest amendment to its Infrastructure Replacement Program on the basis of the December 28, 2007 Amended Stipulation itself.

The record in this case was closed initially on December 3, 2007. The record was reopened by Entry of January 10, 2008 for the limited purpose of accepting into evidence the differences between the October 26, 2007 Stipulation and the December 28, 2007 Amended Stipulation. Columbia cites the fact that the December 28, 2007 Stipulation sets up a procedure which allows for the rate filing for which it now seeks Commission approval.

The flaw in Columbia's position is that the December 28, 2007 Amended Stipulation Recommendation has not been approved by the Commission nor agreed to by Utility Service Partners, Inc. ("USP"), ABC Gas Repair, Inc. and Interstate Gas Supply, Inc. The February 5, 2008 Entry permitting admission of the Amended Stipulation into evidence was so that the Commission could consider approving the suggested process. Merely because Columbia and some parties have entered into an unapproved Amended Stipulation does not mean that the provisions of such an unapproved Amended Stipulation can now be implemented without Commission approval.

The purpose of this pleading is to make clear on the record for purposes of appeal that USP objects to a procedural process in which the Infrastructure Replacement Program is deemed to be preordained such that Commission approval can be given to an ever changing format regardless of whether the changes or supplements sought are in the hearing record on which the Commission issues its order.

USP's warranty contracts cannot be extinguished and a monopoly for all such repairs given to Columbia based on a process that allows the requesting monopolist to change or supplement its application at will after the hearing record closes. The process being followed by Columbia in this case violates both the express language of the Commission's rules and the spirit of due process.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response of Utility Service Partners, Inc. was served upon the following persons by electronic mail and by first class U.S. mail, postage prepaid this 3rd day of March, 2008:

/s/

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/3/2008 4:30:49 PM

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Case No(s). 07-0478-GA-UNC

Summary: Response Response of Utility Service Partners, Inc. to the February 28, 2008 Filing of Columbia Gas of Ohio, Inc. electronically filed by Stephen M Howard on behalf of Utility Service Partners, Inc.