

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Self-Complaint of)
Columbia Gas of Ohio, Inc. Concerning) Case No. 93-1569-GA-SLF
Certain of its Existing Tariff Provisions.)

In the Matter of the Joint Petition of)
Columbia Gas of Ohio, Inc. and Suburban)
Natural Gas Company for Approval of an) Case No. 94-938-GA-ATR
Agreement to Transfer Certain Facilities and)
Customers.)

In the Matter of the Joint Application of)
Columbia Gas of Ohio, Inc. and Suburban) Case No. 94-939-GA-ATA
Natural Gas Company for Approval of)
Certain Tariff Modifications.)

ENTRY

The Commission finds:

- (1) By Finding and Order issued January 18, 1996, the Commission adopted, with additional amendments regarding rates, the Second Amended Joint Petition, Application and Stipulation and Recommendation (Second Stipulation) filed by Columbia Gas of Ohio, Inc. (Columbia) and Suburban Natural Gas Company (Suburban), to buy and sell to one another certain facilities and rights that are used to provide service to approximately 270 residential and commercial customers in Franklin and Delaware counties.
- (2) On December 11, 2007, Suburban filed a Motion to Reopen and for Enforcement of the Commission's Order Entered January 18, 1996. Through its motion, Suburban alleges that Columbia is extending its facilities to serve the next phase of a development which is currently served by Suburban and thereby duplicate Suburban's facilities, in violation of the Second Stipulation and the Commission's Order adopting the Second Stipulation. Suburban also asserts that Columbia has offered marketing incentives, direct payments, and similar inducements to developers, builders, customers and/or prospective customers to induce them to procure natural gas service from Columbia rather than Suburban, in violation of the

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business
Technician Am Date Processed 7/16/08

Second Stipulation and Sections 4905.30, 4905.32, 4905.33 and 4905.35, Revised Code. Suburban requests that the Commission reopen these proceedings and direct Columbia to cease and desist from engaging in such practices and operations in violation of the Second Stipulation and to transfer duplicated facilities to Suburban or to abandon such facilities and that the Commission award any further relief the Commission deems appropriate. In the alternative, Suburban requests that the Commission treat this motion as a complaint pursuant to Section 4905.26, Revised Code.

- (3) On December 31, 2007, Columbia filed its answer to Suburban's motion/complaint and a motion to dismiss. Columbia asserts that Suburban lacks any basis to request a reopening of these proceedings. Further, Columbia denies the specific allegations of improper action raised by Suburban. Columbia further states, as Suburban admits in its motion, that the Second Stipulation does not contain an expressed covenant not to compete. Columbia also contends that, contrary to the statements of Suburban, Columbia has not offered an inducement of any type within the affected service areas, except flexible delivery terms which, according to Columbia, are permissible under its tariffs. Further, in its motion to dismiss, Columbia argues that Suburban has failed to state reasonable grounds to sustain a complaint pursuant to Section 4905.26, Revised Code.
- (4) On January 15, 2008, Suburban and Columbia filed a Joint Motion to Stay. In the motion, the parties request all procedural dates in these matters and any further action by the Commission on Suburban's motion be suspended for 30 days. The stay was requested to allow the parties to pursue settlement discussions. On February 19, 2008, the parties filed a Joint Motion for an Indefinite Stay of all procedural dates and action by the Commission to allow the parties to continue settlement discussions.
- (5) On June 25, 2008, Suburban and Columbia filed a Notice of Withdrawal of Suburban's Motion to Reopen/Complaint and Withdrawal of the Joint Motion for an Indefinite Stay. Suburban, with the concurrence of Columbia, withdraws its motion to reopen these proceedings, without prejudice to its rights to refile. In the alternative, the parties jointly stipulate to

the dismissal of the complaint without prejudice pursuant to Civ. Rule 41(A)(1)(b) and, accordingly, the parties withdraw their joint motion for indefinite stay.

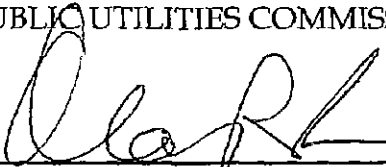
- (6) The Commission finds that Suburban's withdrawal of its motion to reopen, without prejudice; Suburban's and Columbia's joint request to dismiss the complaint, without prejudice; and the withdrawal of the request for an indefinite stay, to be reasonable. Accordingly, the motion to reopen is deemed withdrawn and the complaint should be dismissed, without prejudice.

It is, therefore,

ORDERED, That the motion to reopen is withdrawn, without prejudice; the parties' request to dismiss the complaint filed by Suburban on December 11, 2007, without prejudice, is granted; and the request to withdraw the request for an indefinite stay, is also granted. It is, further,

ORDERED, That a copy of this entry be served upon Suburban and its counsel, Columbia and its counsel, and all other interested persons of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus


Valerie A. Lemmie


Cheryl L. Roberto

GNS/vrm

Entered in the Journal

JUL 16 2008



Renee J. Jenkins
Secretary