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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Ronald Levi,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 09-84-GA-CSS
	)	
Columbia Gas of Ohio, Inc.,	)	
	)	
Respondent.	)	

**MEMORANDUM IN OPPOSITION OF COLUMBIA GAS OF OHIO, INC.  
TO RONALD LEVI'S MOTION TO COMPEL DISCOVERY AGAIN**

Complainant Ronald Levi has filed a document titled "Motion to Compel Discovery Again" ("Motion"), which appears to ask the Public Utilities Commission of Ohio ("Commission") for two items of relief. First, the Motion asks the Commission to compel Respondent Columbia Gas of Ohio, Inc. ("Respondent") to respond to three discovery requests ("interrogatories" No. 21, 22, and 23 from Mr. Levi's First Set of Interrogatories), one of which Mr. Levi subsequently served a second time (as interrogatory No. 2 in Mr. Levi's Second Set of Interrogatories). (See Motion at 2-4.) Second, the Motion appears to ask that Mr. Levi not be required to respond to Columbia's discovery requests until Columbia responds to Mr. Levi's discovery requests. (See Motion at 2.) For the reasons provided herein, Columbia respectfully requests that the Commission deny Mr. Levi's Motion.

Mr. Levi is seeking essentially two categories of information. First, he has requested a "diagram which shows the location and depth of mains, service pipes, and valves as of October 4, 2008 for 3220 Talmadge Road" (his address). (Levi's First Set of Interrogatories, Request No. 21.) It is not clear what Mr. Levi is asking for here, as his residence does not have its own main.

Moreover, at least some of this information should already be in Mr. Levi's possession. Mr. Levi was present when Columbia replaced his customer service line in May 2008, so he should know the location and depth of the current service line and the line that was replaced.

Regardless, Columbia cannot provide Mr. Levi with a diagram that shows the information he has specified. Columbia does not have a diagram that shows the location and depth of the customer service line for 3220 Talmadge Road as it existed on October 4, 2008, before his line was replaced. Columbia does have a diagram that shows the location (but not the depth) of its main line for Talmadge Road and the main line valves. However, since September 11, 2001, Columbia does not share such diagrams with the public as a matter of policy, due to the potential that some persons might use that information to attempt to cause gas explosions. Releasing this information to the public, except in those instances where developers or contractors building new residences require general information about the location of mains and valves to perform their jobs, would create a safety hazard.

Mr. Levi also requested several pieces of information regarding "each service pipe connected to the main in the block extending from Central Avenue north to Torquay" (the block on which Mr. Levi lives). (Levi's Second Set of Interrogatories, Request No. 22.) Again, it is not entirely clear what Mr. Levi is asking for here. Assuming that Mr. Levi is asking about the customer service lines for the residences on his block, Columbia has provided what information it has. Most of those customer service lines belong to Mr. Levi's neighbors, not Columbia.

Originally, customer service lines were the property and responsibility of the customer. (See, e.g., Columbia's Tariff, P.U.C.O. No. 2, Original Sheet No. 6, §23(b) (eff. Feb. 22, 1994) (available at <http://dis.puc.state.oh.us/ViewImage.aspx?CMID=CZBBO03MALRJXQKW>) (stating, "The customer shall own and maintain the customer service line.")). Only in December

2008 did Columbia become responsible for customer service lines. And even then, Columbia became responsible only for repairing or replacing customer service lines having hazardous leaks. (See Tariff, P.U.C.O. No. 2, First Revised Sheet No. 6a, §1(e) (eff. Dec. 3, 2008) (available at <http://www.puco.ohio.gov/emplibrary/files/docketing/tariffs/Gas/Columbia%20Gas%20of%20Ohio,%20Inc/PUCO%202.pdf>.) Accordingly, Columbia did not install the customer service lines on Mr. Levi's block, except for those lines (like Mr. Levi's) that Columbia replaced since December 2008. And, because Columbia did not install the customer service lines on Mr. Levi's block, it does not have the kinds of information that Mr. Levi is looking for.

The only information that Columbia has regarding the customer service lines on Mr. Levi's block is contained in the "tap cards" for those lines. The tap cards, which are actually titled "service line order," contain rough sketches of the customer service lines for each residence receiving gas service on Mr. Levi's block. For the newer customer service lines that Columbia itself replaced, the tap card also contains basic information regarding the size and length of the customer service line and the material from which it was constructed. For the older customer service lines (those that have not been recently replaced by Columbia), on the other hand, the cards may just contain some basic information about the company's service line and main line, depending on the date when the cards were written. Columbia has provided copies of the tap cards to Mr. Levi.

To the extent that the information Mr. Levi seeks is not on those "tap cards," obtaining much of the detailed information that Mr. Levi is seeking would require digging up each customer service line. That simply is not feasible. Columbia does not even own several of the lines. And even if Columbia were able to dig up the lines, some of the information Mr. Levi

seeks – for instance, the name and address of the manufacturer – would not likely be available. Requiring Columbia to respond to this discovery request would be oppressive and unduly burdensome.

Finally, Mr. Levi should not be permitted to delay his responses to Columbia's discovery requests. Columbia is seeking basic information regarding Mr. Levi's claims, including the age and condition of his house and gas lines; the nature, cause, and extent of the damage he is alleging; and his participation in other lawsuits on these topics. Mr. Levi has not explained why he should not be required to provide whatever responsive documents and information are currently in his possession.

For the reasons provided above, Columbia Gas of Ohio, Inc. respectfully requests that the Commission deny Mr. Levi's Motion to Compel Discovery Again.

Respectfully submitted,



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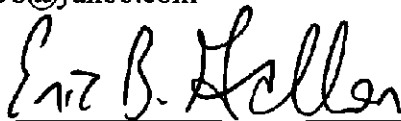
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COLUMBIA GAS OF OHIO, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Memorandum in Opposition of Columbia Gas of Ohio, Inc. to Ronald Levi's Motion to Compel Discovery Again was served upon the Complainant by e-mail and regular U.S. mail on the 8th day of September, 2009, at the following addresses:

Ronald Levi  
3220 Talmadge Road  
Toledo, OH 43606  
ron\_levi\_98@yahoo.com

A handwritten signature in black ink, appearing to read "Eric B. Gallon", written over a horizontal line.

Eric B. Gallon