

FILE

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of
Cutter Exploration, Inc.,

Complainant,

v.

The East Ohio Gas Company dba
Dominion East Ohio,

Respondent.

Case No. 09-1982-GA-CSS

RECEIVED-DOCKETING DIV
2010 AUG 30 PM 1:08
PUCO

MOTION TO COMPEL AND FOR EXPEDITED RULING
BY CUTTER EXPLORATION, INC.

Pursuant to Rules 4901-1-12 and 4901-1-23 of the Ohio Administrative Code, Cutter Exploration, Inc. ("Cutter Exploration" or "the Complainant") moves the Public Utilities Commission of Ohio ("PUCO" or "the Commission"), the legal director, or the attorney examiner assigned to the case for an Order compelling The East Ohio Gas Company d/b/a Dominion East Ohio ("DEO" or "the Respondent") to fully respond to Interrogatory No. 23 of Cutter Exploration's Second Set of Interrogatories and Document Requests, attached hereto as Exhibit 1. The reasons why this Motion should be granted are set forth in the attached Memorandum in Support. Pursuant to Rule 4901-1-12, Cutter Exploration seeks an expedited ruling on this motion. Counsel for DEO were contacted and object to an expedited ruling.

Respectfully submitted,

VORYS, SATER, SEYMOUR AND PEASE LLP

By: 

W. Jonathan Airey (0017437)

Michael J. Settineri (0073369)

52 East Gay Street


P. O. Box 1008

Columbus, Ohio 43216-1008

Tel. (614) 464-6346

Fax (614) 719-4857

Attorneys for Cutter Exploration, Inc.

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  Date Processed 8-30-2010

MEMORANDUM IN SUPPORT

I. INTRODUCTION

This motion seeks to compel DEO to respond to Interrogatory No. 23 of Cutter Exploration's Second Set of Interrogatories and Document Requests. Interrogatory No. 23 seeks information regarding the type of meters used by DEO to measure gas produced from gas storage wells and whether DEO utilizes high side or low side measurement at those metering stations.¹ DEO objects to the interrogatory claiming that it is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

The basis for this motion is very simple. Cutter Exploration has alleged and DEO has admitted (Answer, ¶32) that DEO is forcing Cutter Exploration to use rotary meters to measure gas produced from oil and gas wells owned and/or operated by Cutter Exploration. Cutter Exploration has also alleged that DEO refuses to allow Cutter Exploration to use high side measurement at the meters. (Complaint, ¶28). DEO has admitted to this allegation and claimed that rotary meters are the standard for commercial and industrial measurement. (Answer, ¶28 and see Exhibit 2, response to Interrogatory 16.)² To support its claims and refute any defenses by DEO, Cutter Exploration has sought information from DEO regarding the use of rotary meters and high side measurement in DEO's system. To that end, Cutter Exploration asked DEO in Interrogatory No. 23 to identify by storage well, the types of meters used and whether low side or high side measurement was used at each metering station.

DEO has refused to respond to any part of Interrogatory No. 23 claiming that the information sought by Interrogatory No. 23 is not relevant and is not reasonably calculated to

¹ High side measurement refers to measuring gas at high pressure. This is accomplished by using pressure regulating valves to reduce gas pressure after it flows through the meter. Low side measurement refers to measuring gas at low pressure and is accomplished by placing the pressure regulating valves upstream of the meter.

² Exhibits are attached hereto to an Affidavit of Counsel.

lead to the discovery of admissible evidence. (See Exhibit 2.) DEO is wrong. The information sought by Interrogatory No. 23 is relevant to this proceeding because the information will help Cutter Exploration support its claim that DEO's rotary meter mandate for Cutter Exploration is unreasonable. In re Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan, Case No. 08-920-EL-SSO, Entry, October 1, 2008 at ¶8 ("[t]he Commission's rules are designed to allow broad discovery of material that is relevant to the proceeding in question and to allow the parties to prepare thoroughly and adequately for hearing.") For example, if Cutter Exploration establishes that DEO does not use rotary meters to measure gas flowing from storage wells, that fact can be used to support Cutter Exploration's claims at hearing. Likewise, it would be unreasonable if DEO uses high side measurement at its storage well metering stations considering it refuses to allow Cutter Exploration to use high side measurement at its metering stations.

Not only is Interrogatory No. 23 reasonably calculated to lead to the discovery of admissible evidence, it is relevant to the subject matter of this proceeding. Accordingly, an order should issue compelling DEO to respond to Cutter Exploration's Interrogatory No. 23.

II. ARGUMENT

A. Background

On December 21, 2009, Cutter Exploration filed its complaint in this matter against DEO. Cutter Exploration served its Second Set of Interrogatories and Document Requests, including Interrogatory No. 23, upon DEO on May 21, 2010. (Exhibit 1.) Interrogatory No. 23 stated as follows:

INTERROGATORY NO. 23: Please identify each DEO storage well in Ohio, the metering stations and the type of meter used at each metering station, including whether low side or high side measurement is in place.

On June 24, 2010, DEO responded to Interrogatory No. 23, stating as follows:

DEO RESPONSE: Objection. This Interrogatory seeks information regarding storage wells, which are not at issue in this proceeding, and this Interrogatory thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence.

On July 2, 2010, Cutter Exploration sent correspondence to DEO requesting a full response to Interrogatory No. 23. (See Exhibit 3.) In its letter, Cutter Exploration noted that:

The type of meter and meter design that DEO uses to measure its storage gas is not only relevant to the subject matter of this proceeding, but is also reasonably calculated to lead to the discovery of admissible evidence. As noted above, DEO has stated that rotary meters are standard for commercial and industrial measurement. The types of meters that DEO uses to measure its own gas flowing from the storage wells is relevant. Please provide a complete response to this interrogatory.

(See Exhibit 3 at 3.) DEO responded to Cutter Exploration letter on July 26, 2010 claiming that measurement of storage gas is “not for commercial or industrial purposes” and that questions regarding storage well operational meters are not relevant and not reasonably calculated to lead to the discovery of admissible evidence. (See Exhibit 4 at 2-3.)

On August 20, 2010, a teleconference was held between the parties to discuss various discovery issues. (See Aff. Settineri attached hereto.) At that conference, DEO again refused to respond to Interrogatory No. 23. Id. Given that Interrogatory No. 23 is reasonably calculated to lead to the discovery of admissible evidence and consistent with the standard for discovery under Rule 4901-1-16 of the Ohio Administrative Code, Cutter Exploration now seeks a Commission Order compelling DEO to respond to Interrogatory No. 23.

B. Standard of Review

Section 4903.082, Revised Code states that “[a]ll parties and intervenors shall be granted ample rights of discovery” and directs the Commission to ensure that parties are allowed “full and reasonable discovery” under its rules. Accordingly, the Commission has adopted Rule 4901-1-16(B) of the Ohio Administrative Code, which provides: “any party to a Commission

proceeding may obtain discovery of any matter, not privileged, which is relevant to the subject of the proceeding.” Rule 4901-1-16(B) also states that “[i]t is not ground for objection that the information sought would be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.”

Responding to discovery ensures that proceedings are not unduly delayed. The Commission has noted that “the policy of discovery is to allow the parties to prepare cases and to encourage them to prepare thoroughly without taking undue advantage of the other side’s industry or efforts.” See In re Investigation into the Perry Nuclear Power Plant, Case No. 85-521-EL-COI, Entry, March 17, 1987 at p. 10. The Commission’s rules on discovery “do not create an additional field of combat to delay trials or to appropriate the Commission’s time and resources; they are designed to confine discovery procedures to counsel and to expedite the administration of the Commission proceedings.” Id., citing Penn. Central Transportation Co. v. Armco Steel Corp., 27 Ohio Misc. 76, (1971).

The Supreme Court of Ohio has noted that the Commission’s rule on discovery is very similar to Civ. R. 26(B)(1). Ohio Consumers’ Counsel v. Pub. Util. Comm. (2006), 111 Ohio St.3d 300, 856 N.E.2d 213. As the Court explained, “Civ.R. 26(B) has been liberally construed to allow for broad discovery of any unprivileged matter relevant to the subject matter of the pending proceeding. Id. at 320 citing Moskovitz v. Mt. Sinai Med. Ctr. (1994), 69 Ohio St.3d 638, 661, 635 N.E.2d 331 (“The purpose of Civ.R. 26 is to provide a party with the right to discover all relevant matters, not privileged, that are pertinent to the subject of the pending proceeding”). See also Disciplinary Counsel v. O’Neill (1996), 75 Ohio St.3d 1479, 664 N.E.2d 532 (“Pursuant to Civ.R. 26(B)(1), a party may obtain discovery regarding non-privileged information relevant to the claim or defense of a proceeding.”).

Rule 4901-1-23(A) of the Ohio Administrative Code allows parties to seek a Commission

Order compelling discovery regarding:

- (1) Any failure of a party to answer an interrogatory served under Rule 4901-1-19 of the Administrative Code;
- (2) Any failure of a party to produce a document or tangible thing or permit entry upon land or other property as requested under Rule 4901-1-20 of the Administrative Code;
- (3) Any failure of a deponent to appear or to answer a question propounded under Rule 4901-1-21 of the Administrative Code; or
- (4) Any other failure to answer or respond to a discovery request made under Rule 4901-1-19 to 4901-1-22 of the Administrative Code.

Cutter's motion concerns DEO's failures under Rule 4901-1-23(A)(1) of the Ohio Administrative Code.

Rule 4901-1-23(C) of the Ohio Administrative Code sets forth the requirements of a motion to compel:

No motion to compel discovery shall be filed under this Rule until the party seeking discovery has exhausted all other reasonable means of resolving any differences with the party or person from whom discovery is sought. A motion to compel discovery shall be accompanied by:

- (1) A memorandum in support, setting forth:
 - (a) The specific basis of the motion, and citations of any authorities relied upon;
 - (b) A brief explanation of how the information sought is relevant to the pending proceedings;
 - (c) Responses to any objections raised by the party or person from whom discovery is sought;
- (2) Copies of any specific discovery requests which are the subject of the motion to compel, and copies of any responses or objections thereto; and
- (3) An affidavit of counsel, or of the parties seeking to compel discovery if such party is not represented by counsel, setting forth the efforts which have been made to resolve

any differences with the party or person from whom discovery is sought.

Documents satisfying Rules 4901-1-23(C)(2) and (3) of the Ohio Administrative Code are attached. The basis of this motion and the reasons why the information being sought is necessary and is important to the preparation of Cutter Exploration's case are provided in Section C below.

C. The Information Sought By Interrogatory No. 23 Is Relevant To This Proceeding.

Interrogatory No. 23 asked DEO to identify each DEO storage well in Ohio, the type of metering used and whether pressure regulation occurred before or after the meter. The interrogatory is as follows:

INTERROGATORY NO. 23: Please identify each DEO storage well in Ohio, the metering stations and the type of meter used at each metering station, including whether low side or high side measurement is in place.

(Exhibit 1.) DEO's response, attached as Exhibit 2, was as follows:

DEO RESPONSE: Objection. This Interrogatory seeks information regarding storage wells, which are not at issue in this proceeding, and this Interrogatory thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence.

On July 2, 2010, Cutter Exploration requested that DEO provide a complete response to the interrogatory. (Exhibit 3.) As of this date DEO refuses to do so, claiming that questions related to meters used on DEO's storage wells are not relevant and that Interrogatory No. 23 is not reasonably calculated to lead to the discovery of evidence admissible in this proceeding. (Exhibit 4.)

Contrary to DEO's objection, information on the types of meters that DEO uses to measure gas flowing from its storage wells is highly relevant to Cutter Exploration's claims in this proceeding. Cutter Exploration's Complaint alleges, in part, that DEO is violating its tariff

and Section 4905.35, Revised Code, by forcing Cutter Exploration to use rotary meters while allowing other producers to use orifice meters.³ DEO's mandate that Cutter Exploration use rotary meters warrants an examination of the other types of meters that DEO uses to measure gas flowing into its system. For example, if Cutter Exploration establishes that DEO is not using rotary meters at its storage wells, Cutter Exploration could submit that evidence at hearing to support its position that DEO's rotary meter mandate for Cutter Exploration is unreasonable. Likewise, obtaining information on DEO's storage well meters will allow Cutter Exploration to submit evidence at hearing refuting DEO's claim in its response to Interrogatory No. 16 (Exhibit 2) that rotary meters are a standard meter for commercial and industrial measurement.

DEO's claim in its response to Interrogatory No. 16 that rotary meters are the standard for commercial and industrial measurement alone make Interrogatory No. 23 relevant. Cutter Exploration made this point to DEO in Cutter Exploration's July 2, 2010 letter. (Exhibit 3 at 3.) DEO responded that measurement of storage gas is not for commercial or industrial purposes. (Exhibit 4 at 2.) That makes no sense considering (1) gas produced out of Cutter Exploration's production wells and gas produced from DEO's storage wells both flow into DEO's system, (2) gas flowing into DEO's system from both production wells and storage wells is owned by gas marketers and involve underlying commercial transactions and (3) DEO's Firm Storage Service tariff (F-FSS-3) sets forth fees for the injection and withdrawal of storage gas. Contrary to DEO's belief, the measurement of gas flowing from storage wells has everything to do with commercial measurement. Interrogatory No. 23 is relevant to this proceeding and a response is necessary to allow Cutter Exploration to prepare its case against DEO.

³ As alleged at paragraph 34 of Cutter Exploration's Complaint, East Ohio has approved orifice meters for use in the NM11 distribution system and the TPL14 transmission system and orifice meters are more suitable for measurement of gas produced from intermittent wells.

The information sought by Interrogatory No. 23 is not only relevant to this proceeding but the responses will lead to the discovery of additional admissible evidence. For example, initial discovery documents indicate that DEO is not using rotary meters to measure gas flowing from storage wells. That appears to suggest that DEO is using orifice meters (the type of meter Cutter Exploration wants to use). If true, Cutter Exploration can then explore with DEO the reasons why it is not using rotary meters for gas flowing into the system from its storage wells.

A response to Interrogatory No. 23 is also necessary because the type of pressure regulation DEO has installed at the storage meters is relevant to this proceeding. DEO admitted in its Answer that it refuses to allow Cutter Exploration to use high side measurement, i.e., regulating gas pressure downstream of the rotary meters. (Answer, ¶28.) Yet, DEO's production affiliates and other producers use high side measurement at meters measuring gas prior to entering DEO's system. (Complaint, ¶¶27-28.) Again, information as to the scope of DEO's use of high side measurement in its system is relevant to Cutter Exploration's claims. For example, if DEO is using high side measurement at some or all of its storage gas meters, Cutter Exploration can ask DEO to justify why it is using high side measurement at its storage gas meters when at the same time it is forcing Cutter Exploration to use low side measurement at its metering stations. The fact that DEO uses high side measurement at storage well metering stations by itself would be admissible to refute any defense by DEO regarding its refusal to allow Cutter Exploration to use high side measurement.

Simply put, DEO appears to be very concerned about disclosing the types of meters and the method of pressure regulation it utilizes to measure gas flowing from its storage wells into the DEO system. That concern, however, does not justify DEO's refusal to respond to

Interrogatory No. 23. The types of meters that DEO uses to measure gas flowing into its system and whether high side measurement is used at those meters falls within the broad scope of discovery allowed under the Commission rules. Accordingly, a Commission Order compelling DEO to respond to Interrogatory No. 23 is proper and in accordance with Rule 4901-1-23(A) of the Ohio Administrative Code. In re Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan, Case No. 08-920-EL-SSO, Entry, October 1, 2008 at ¶8 (“[t]he Commission’s rules are designed to allow broad discovery of material that is relevant to the proceeding in question and to allow the parties to prepare thoroughly and adequately for hearing.”)

In order for Cutter Exploration to properly prepare for the evidentiary hearing, it asks that DEO be ordered to comply with said Order no later than September 17, 2010 or such other date as the Commission deems appropriate.

III. CONCLUSION

Based on the foregoing, there are sufficient grounds on which to order DEO to adhere to the discovery rules and to respond to the Complainant’s Interrogatory No. 23. Pursuant to Rule 4901-1-12, Cutter Exploration seeks an expedited ruling on this motion. An expedited ruling is appropriate considering that the cut-off for service of discovery is set for September 29, 2010

WHEREFORE, the Complainant respectfully requests that the Commission issue an

Entry granting this Motion to Compel and ordering the Respondent to fully respond to the outstanding discovery requests by September 17, 2010.

Respectfully submitted,

VORYS, SATER, SEYMOUR AND PEASE LLP

By: 

W/ Jonathan Airey (0017437)

Michael J. Settineri (0073369)

52 East Gay Street

P. O. Box 1008

Columbus, Ohio 43216-1008

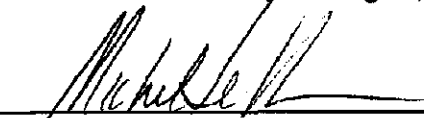
Tel. (614) 464-6346

Fax (614) 719-4857

Attorneys for Cutter Exploration, Inc.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Compel and For Expedited Ruling was served upon the following persons as indicated below this 30th day of August, 2010.



Michael J. Settineri

Via U.S. Mail and Email

David A. Kutik
Meggan A. Rawlin
JONES DAY
North Pointe
901 Lakeside Avenue
Cleveland, OH 44114
dakutik@jonesday.com
mrawlin@jonesday.com

Via. Hand Delivery and Email

Grant W. Garber
JONES DAY
P.O. Box 165017
Columbus, OH 43216-5017
gwwgarber@jonesday.com

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of)	
Cutter Exploration, Inc.,)	
)	CASE NO. 09-1982-GA-CSS
Complainant,)	
)	
v.)	
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

AFFIDAVIT BY COUNSEL

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

NOW COMES Michael J. Settineri, after being first duly sworn under oath, states as follows:

1. I am an attorney for Complainant Cutter Exploration, Inc. in the above-captioned matter, *in re Complaint of Cutter Exploration, Inc.*, Case No. 09-1982-GA-CSS.
2. On May 21, 2010, Cutter Exploration served the Second Set of Interrogatories and Document Requests on Respondent The East Ohio Gas Company d/b/a Dominion East Ohio ("DEO"). As part of this discovery, Cutter Exploration included Interrogatory No. 23. A true and accurate copy of Cutter Exploration's Second Set of Interrogatories and Document Requests is attached as Exhibit 1.
3. On June 24, 2010, DEO served responses to Cutter Exploration's Second Set of Interrogatories and Document Requests. DEO objected to Interrogatory No. 23 and refused to provide an answer. A true and accurate copy of DEO's June 24, 2010 responses to

Cutter Exploration's Second Set of Interrogatories and Document Requests is attached as Exhibit 2.

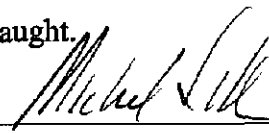
4. On July 2, 2010, I sent correspondence on behalf of Cutter Exploration to counsel for DEO requesting a complete response to Interrogatory No. 23. A true and accurate copy of that correspondence is attached as Exhibit 3.

5. On July 26, 2010, counsel for DEO sent written correspondence to me refusing to provide a complete response to Interrogatory No. 23. A true and accurate copy of that correspondence is attached as Exhibit 4.

6. Most recently, on August 20, 2010, I had a teleconference with counsel for DEO to discuss outstanding discovery issues, including DEO's response to Interrogatory No. 23. At the conference, counsel for DEO indicated that DEO would maintain its objection to answering Interrogatory No. 23 and would not be providing a response.

7. By electronic mail, on August 26, 2010, I notified counsel for DEO that Cutter Exploration would be filing a motion to compel a response to Interrogatory No. 23.

Further Affiant sayeth naught.


Michael J. Settineri

Sworn to before me and subscribed in my presence this 27th day of August, 2010.



ROBERT JOSEPH KRUPPEN
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

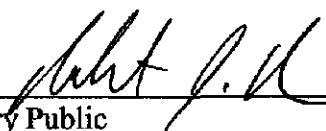

Notary Public

EXHIBIT 1

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of)	
Cutter Exploration, Inc.,)	
)	CASE NO. 09-1982-GA-CSS
Complainant,)	
)	
v.)	
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

**COMPLAINANT CUTTER EXPLORATION, INC'S
SECOND SET OF INTERROGATORIES AND DOCUMENT REQUESTS
TO RESPONDENT THE EAST OHIO GAS COMPANY**

Pursuant to Rules 4901-1-16, 4901-1-19, and 4901-1-20 of the Ohio Administrative Code, Complainant Cutter Exploration, Inc. hereby requests that Respondent The East Ohio Gas Company d/b/a Dominion East Ohio respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying documents responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within twenty (20) days.

These interrogatories, document requests, and the responses thereto shall be governed by the following definitions and instructions:

DEFINITIONS AND INSTRUCTIONS

1. "Complainant" or "Cutter" shall mean Complainant Cutter Exploration, Inc.
2. "You" and "your" refers to The East Ohio Gas Company d/b/a Dominion East Ohio.
3. "DEO" or "East Ohio" shall mean Respondent The East Ohio Gas Company d/b/a Dominion East Ohio.

4. "Person" shall mean any natural person or entity.

5. "Document" is used herein in its broadest possible sense and includes any information or matter memorialized in any way, however stored, including without limitation, any information generated by or stored in a computer or on any other data storage device or medium, such as discs or tapes.

6. "Communication" is used herein in its broadest possible sense and means any occurrence in which information is related between Persons by transmittal of documents or information, of any nature whatsoever, including, without limitation, statements, discussions, conversations, meetings and remarks, whether written or oral. The term "Communication" includes, without limitation, communications that are face-to-face and those that are transmitted by media such as telephones (including voicemail), facsimile, instant messaging, text messaging, or e-mail.

7. As used herein, (i) any reference to the masculine, feminine or neuter shall be construed to include the other two, (ii) the singular shall be construed to include the plural, and vice versa, as necessary, to give these interrogatories their broadest possible meaning, and (iii) the term "any" shall be construed to mean each and every, and the term "all" shall be construed as all and each, and "each" shall be construed as all, whenever necessary to bring within the scope of the interrogatory or document request that which might otherwise be construed outside its scope.

8. "Identify" shall mean: (a) with respect to a natural person, to state his or her full name, his or her present or last known address and telephone number, and his or her present or last known position and employer or business affiliation; (b) with respect to an entity, to state its full name, the type of organization (e.g. corporation, limited partnership), its address and

telephone number, and the identity of those natural persons who represent such entity and with whom DEO principally has had contact; (c) with respect to a Document, to state the date, the type of document (e.g. letter, memorandum), author(s), addressee(s), all recipients, and present or last known location or custodian; and (d) with respect to a Communication, to state its date and location(s), the type of communication (e.g., meeting, letter, e-mail, etc.), the Person(s) who participated in it or who was or were present during any part of it or have knowledge about it, and the subject matter of the Communication.

9. If DEO objects to any interrogatory or document request, in whole or in part, as inquiring into privileged, protected or immune matters, set forth fully in DEO's objection: (a) the date of the applicable information; (b) the author or authors of the information; (c) the recipient or recipients of the information; (d) the type of information (e.g., document, telephone conversation, face-to-face conversation); (e) the subject matter of the information and the nature and basis of the privilege; and (f) the protection or immunity asserted.

10. If the answer to all or any part of any interrogatory is not presently known or available, include a statement to the effect and furnish any information currently known or available.

11. You are under a continuing duty to supplement Your responses pursuant to Rule 4901-1-16(D) of the Commission's Rules of Practice as to expert witnesses and the subject matter of their testimony, responses discovered to be incorrect or materially deficient, and where the initial response indicated that the information sought was unknown or nonexistent by such information subsequently becomes known or existent.

12. If any Document responsive to any interrogatory or request for production of documents is no longer in DEO's possession or control, please state why the Document is no

longer in DEO's possession or control, explain the circumstances surrounding the disposition of the Document, identify the individual responsible for the disposition of the Document, and state whether the Document or copies thereof still exist.

13. Please identify all responses to requests for production of documents by the number of the request.

INTERROGATORIES

INTERROGATORY NO. 14: Why were orifice meters installed at meter stations E261, K297 and K518 in 2010 and at meter station G026 in 2009 rather than rotary meters?

RESPONSE:

INTERROGATORY NO. 15: Please identify each Dominion East Ohio distribution system and/or transportation system in Geauga County and Cuyahoga County that receives gas at production receipt points. For each system identified, list each county and township in which the system is located.

RESPONSE:

INTERROGATORY NO. 16: Document DEO 159 references that rotary meters are "Consistent with DEO Commercial and Industrial measurement." What is meant by "DEO Commercial and Industrial Measurement?"

RESPONSE:

INTERROGATORY NO. 17: Please explain how you will account for gas not measured when a rotary meter stops turning but gas continues to flow, for example as what occurred at the Halcik P-221 meter station.

RESPONSE:

INTERROGATORY NO. 18: Please explain in detail the method(s) you use to test a rotary meter when its accuracy is challenged.

RESPONSE:

INTERROGATORY NO. 19: For each method identified in Interrogatory No. 18, explain whether the method described is sufficient to replicate measurement under operating conditions and the basis for your explanation.

RESPONSE:

INTERROGATORY NO. 20: What steps, if any, have you taken or are taking to convert the Horvath (Metering Station P-101) and Wrobel (Metering Station P-102) orifice metering stations to rotary meters? If no steps are being taken, explain why.

RESPONSE:

INTERROGATORY NO. 21: Why is DEO placing electronic orifice meters at receipts points for its storage wells instead of rotary meters?

RESPONSE:

INTERROGATORY NO. 22: Please list all reasons why DEO will not allow Cutter

Exploration to convert existing rotary meter stations in the NM11 system and TPL14 system to electronic orifice measurement.

RESPONSE:

INTERROGATORY NO. 23: Please identify each DEO storage well in Ohio, the metering stations and the type of meter used at each metering station, including whether low side or high side measurement is in place.

RESPONSE:

INTERROGATORY NO. 24: Has DEO and/or its production affiliates experienced hydrate issues at its metering stations?

RESPONSE:

INTERROGATORY NO. 25: If the answer to Interrogatory No. 24 is yes, please list each station affected by hydrate formation and list all steps taken by DEO or its production affiliates to address the issue and whether the step was successful or not successful.

RESPONSE:

INTERROGATORY NO. 26: Please identify by station number, each metering station that has had stricture plates installed and/or a conversion from high side to low side measurement after the initial installation of a rotary meter.

RESPONSE:

INTERROGATORY NO. 27: For each meter identified in your response to Interrogatory No. 9 of Cutter Exploration's First Set of Interrogatories, please clarify whether the meter had a restrictor plate at the time of installation and whether the meter station utilized high side measurement or low side measurement at the time of meter installation. For each meter that did not have a restrictor plate at the time of installation or that was changed to low side measurement or high side measurement after installation, identify the meter station and the date of conversion.

RESPONSE:

INTERROGATORY NO. 28: For each meter identified in your response to Interrogatory No. 10 of Cutter Exploration's First Set of Interrogatories, please clarify whether the meter had a restrictor plate at the time of installation and whether the meter station utilized high side measurement or low side measurement at the time of meter installation. For each meter that did not have a restrictor plate at the time of installation or that was changed to low side measurement or high side measurement after installation, identify the meter station and the date of conversion.

RESPONSE:

INTERROGATORY NO. 29: For each meter identified in your response to Interrogatory No. 11 of Cutter Exploration's First Set of Interrogatories, please clarify whether each meter had a restrictor plate at the time of installation and whether the meter station utilized high side measurement or low side measurement at the time of meter installation. For each meter that did not have a restrictor plate at the time of installation or that was changed to low side measurement

or high side measurement after installation, identify the meter station and the date of conversion.

RESPONSE:

INTERROGATORY NO. 30: Please describe the procedure(s), if any, you use to test and/or calibrate rotary meters prior to installation.

RESPONSE:

INTERROGATORY NO. 31: For each of the above interrogatories, identify the person(s) responding to the interrogatory.

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 31: All Documents related to testing and/or calibrating rotary meters prior to installation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: All Documents related to testing the accuracy of rotary meters including, but not limited to, prover testing in the field and/or in place.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: All manuals and/or instruction sheets for Dresser rotary meters.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: All manuals and/or instruction sheets for Mooney FlowGrid pressure regulators.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: All Documents and Communications between Dominion East Ohio and representatives from the manufacturer and/or supplier of the Dresser rotary meters from July 1, 2006 to the current date.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: All Documents and Communications between Dominion East Ohio and representatives from the manufacturer and/or supplier of the Mooney FlowGrid pressure regulators from July 1, 2006 to the current date.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: All Communications from Matt Dye relating or referring to Cutter Exploration, Mike Cutter, rotary meters and/or pressure regulation at metering stations.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: All Communications relating to, evidencing or referring to both Department of Transportation rules and/or regulations and the use of high side

measurement and/or low side measurement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: All Communications from or to Alliance

Petroleum, Summit Petroleum, Range Resources, Great Lakes Energy Partners, Enervest Operating LLC, Cedar Valley Energy, Inc., Tim Altier, Bill Kinney, Bill Bennett and/or John Miller relating to, evidencing or referring to Cutter Exploration, Mike Cutter, rotary meters, low side measurement and/or high side measurement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: All Communications from or to Alliance

Petroleum, Summit Petroleum, Range Resources, Great Lakes Energy Partners, Enervest Operating LLC, Cedar Valley Energy, Inc., Tim Altier, Bill Kinney, Bill Bennett and/or John Miller relating to, evidencing or referring to conversion of existing metering stations to rotary meters and/or low side measurement or relating to, evidencing or referring to the installation of stricture plates on rotary meters.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: All Communications from or to Tim Altier from January 2007 to the present date.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: All Documents and Communications relating to,

evidencing or referring to performance goals for Tim McNutt, Brent Breon, Matt Dye and Jeff Angelleti that relate to rotary meters, gas measurement at production receipt points, gas measurement at storage well receipt points, electronic orifice meters and/or paper orifice meters for the period from January 1, 2007 through the present date.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from inception to the current date at the following stations: Smith #2, Corbin#2, Miller#3 and #4, Miller #2, DEO Unit#1, DEO Unit #2, Kormish#4, Robli#3, Robli#4, Colloca#1, Colloca#2, Dento, Kunkle#2, Simth#1, Sebe, Metro Parks, Haers#1 and Kormish#2.

RESPONSE:

REQUEST FOR PRODUCTION NO. 44: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from January 1, 2007 to the current date for each DEO storage well using orifice meters.

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from January 1, 2007 to the current date for each DEO storage well using rotary meter(s).

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: All Documents and Communications relating to, referring to or evidencing training of personnel for the calibration, testing, installation, operation and prover testing of rotary meters and associated meter run equipment including pressure regulators.

RESPONSE:

REQUEST FOR PRODUCTION NO. 47: All Documents and Communications related to, referring to or evidencing the installation of stricture plates, the conversion of meter stations from high side to low side measurement and the conversion of orifice stations to rotary meter stations at metering stations owned and/or operated by producers other than Cutter Exploration in Cuyahoga County or Geauga County.

RESPONSE:

REQUEST FOR PRODUCTION NO. 48: All Documents and Communications related to, referring to or evidencing investigations to determine whether rotary meters in use at production receipt points have stricture plates.

RESPONSE:

REQUEST FOR PRODUCTION NO. 49: All Documents and Communications referring to or related to the Horvath No. 1 well and/or the associated metering station (P-101).

RESPONSE:

REQUEST FOR PRODUCTION NO. 50: All Documents and Communications referring to

or related to the Wrobel No. 1 well and/or the associated metering station (P-102).

RESPONSE:

REQUEST FOR PRODUCTION NO. 51: All Documents and Communications referring to, related to or evidencing investigations to determine whether high side measurement is in use at metering stations supplying a Dominion East Ohio system.

RESPONSE:

REQUEST FOR PRODUCTION NO. 52: All Documents and Communications referring to, relating to or evidencing any gas volume audits on the NM11 system since January 1, 2007.

RESPONSE:

Respectfully submitted,

VORYS, SATER, SEYMOUR AND PEASE LLP

By: 

W. Jonathan Airey (0017437)

Michael J. Settineri (0073369)

52 East Gay Street

P. O. Box 1008

Columbus, Ohio 43216-1008

Tel. (614) 464-6346

Fax (614) 719-4857

E-mail: wjairey@vorys.com

mjsettineri@vorys.com


Attorneys for Cutter Exploration, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Second Set of Interrogatories and Document Requests was served on the below counsel by Regular U.S. mail, postage prepaid, this 21st day of May, 2010.

David A. Kutik
Meggan A. Rawlin
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114

Grant W. Garber
Jones Day
P.O. Box 165017
Columbus, OH 43216-5017



Michael J. Settineri

EXHIBIT 2

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE
COMPLAINT OF CUTTER
EXPLORATION, INC.,**

Complainant,

v.

**THE EAST OHIO GAS COMPANY d/b/a
DOMINION EAST OHIO,**

Respondent.

Case No. 09-1982-GA-CSS

**RESPONDENT'S OBJECTIONS AND RESPONSES TO
COMPLAINANT'S SECOND SET OF INTERROGATORIES
AND DOCUMENT REQUESTS**

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-1-20, Ohio Administrative Code, Respondent The East Ohio Gas Company d/b/a Dominion East Ohio ("DEO") responds as follows to Complainant Cutter Exploration, Inc.'s ("Complainant's") Second Set of Interrogatories and Document Requests.

GENERAL OBJECTIONS

1. DEO objects to each of Complainant's Interrogatories and Document Requests to the extent they seek information that is protected by the attorney-client privilege or that constitutes attorney work product.
2. Given that discovery in this case is on-going, DEO reserves the right to supplement its responses and objections to these Interrogatories and Document Requests.

INTERROGATORIES

INTERROGATORY NO. 14: Why were orifice meters installed at meter stations E261, K297 and K518 in 2010 and at meter station G026 in 2009 rather than rotary meters?

RESPONSE: Objection. This Interrogatory improperly seeks a detailed, narrative response. Under applicable Commission rules and Ohio Rules of Civil Procedure: "An interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by the rules for deposition." *Penn Central Transp. Co. v. Armco Steel Corp.*, 27 Ohio Misc. 76, 77 (Montgomery Cty. 1971). Subject to and without waiving this objection, DEO states that orifice meters were not installed on the dates indicated in this Interrogatory. An orifice meter was installed at meter station E261 in August 1996, at meter station K297 in September 1998, at meter station K518 in December 1999, and at meter station G026 in May 2001. On the dates indicated in this Interrogatory, DEO did not install orifice meters, but only changed the plates on the orifice meters at those locations. Specifically, the plate in the orifice meter was changed at meter station E261 in January 2010, at meter station K297 in January 2010, at meter station K518 in January 2010, and at meter station G026 in October 2009.

INTERROGATORY NO. 15: Please identify each Dominion East Ohio distribution system and/or transportation system in Geauga County and Cuyahoga County that receives gas at production receipt points. For each system identified, list each county and township in which the system is located.

RESPONSE: See documents labeled with Bates numbers DEO 5188 through DEO 5189.

INTERROGATORY NO. 16: Document DEO 159 references that rotary meters are “Consistent with DEO Commercial and Industrial measurement.” What is meant by “DEO Commercial and Industrial measurement?”

RESPONSE: Rotary meters are the standard installation for commercial and industrial measurement.

INTERROGATORY NO. 17: Please explain how you will account for gas not measured when a rotary meter stops turning but gas continues to flow, for example as what occurred at the Halcik P-221 meter station.

RESPONSE: DEO states that where gas continues to flow through a rotary meter that is not turning, DEO calculates the amount of gas not measured by the meter by reference to historical volume and flow data for that meter, including data obtained from the Mercury Mini Max where possible. DEO also may refer to check measurements statements and charts, where those are available.

INTERROGATORY NO. 18: Please explain in detail the method(s) you use to test a rotary meter when its accuracy is challenged.

RESPONSE: Objection. Interrogatories that ask the opposing party to “describe in detail,” “state in detail” or “describe in particulars” are an “open end[ed] invitation without limit on its comprehensive nature with no guide for the court to determine if the voluminous response is what the party sought in the first place.” *Penn Central Trans. Co. v. Armco Steel Corp.* (Montgomery Cty. 1971), 27 Ohio Misc. 76, 77. The proper purpose of an interrogatory “seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by

the rules for depositions.” *Id.* As such, this Interrogatory is improper. Moreover, this Interrogatory is vague and ambiguous because the term “method” is undefined and subject to a variety of meanings. Subject to and without waiving these objections, DEO states that it uses transfer proving to test the accuracy of its rotary meters. To conduct the test, DEO connects the subject meter to a certified reference meter and a predetermined quantity of air is pulled through both meters. Prover tests are conducted at 10%, 50% and 100% of the meter’s capacity, and the subject meter is tested twice at each rate. The results of the test are evaluated by comparing the amount of air recorded by the subject meter to the amount recorded by the reference meter. This procedure is consistent with both American National Standards Institute Standard B109.3 and with testing specifications provided by the manufacturer, Dresser Inc.

INTERROGATORY NO. 19: For each method identified in Interrogatory 18, explain whether the method described is sufficient to replicate measurement under operating conditions and the basis for your explanation.

RESPONSE: Objection. This Interrogatory is vague and ambiguous because the term “method” and the phrase “replicate measurement under operating conditions” are undefined and subject to a variety of meanings. Subject to and without waiving these objections, DEO states that the prover testing procedure described in DEO’s response to Interrogatory No. 18 is a sufficient test of a meter’s performance in the field and is consistent with both the relevant American National Standards Institute standards and the manufacturer’s specifications. DEO further states, see the document titled, “Meter Accuracy / Rangeability at Elevated Pressure,” which appears at DEO 2644 through DEO 2645.

INTERROGATORY NO. 20: What steps, if any, have you taken or are taking to convert the Horvath (Metering Station P-101) and Wrobel (Metering Station P-102) orifice metering stations to rotary meters? If not steps are being taken, explain why.

RESPONSE: DEO states that orifice meters were installed at both the Horvath and Wrobel meter stations in 2007. Under the OOGA Agreement, producers with orifice meters at a given meter station as of September 2008 were not required to convert to rotary meters. The producer associated with the Horvath and Wrobel meter stations thus far has chosen not to convert to rotary meters, as allowed by the OOGA Agreement.

INTERROGATORY NO. 21: Why is DEO placing electronic orifice meters at receipts points for its storage wells instead of rotary meters?

RESPONSE: Objection. This Interrogatory seeks information regarding storage wells, which are not at issue in this proceeding. Thus, this Interrogatory is not relevant to the claims or defenses of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Further, this Interrogatory is vague and ambiguous because the phrase “receipts points” is undefined and subject to a variety of meanings. Subject to and without waiving these objections, and assuming “receipts points” refers to a point where custody of gas is transferred from one entity to another, DEO states that because custody of gas is not transferred at its storage wells, there are no receipts points at those wells.

INTERROGATORY NO. 22: Please list all reasons why DEO will not allow Cutter Exploration to convert existing rotary meter stations in the NM11 system and TPL14 system to electronic orifice measurement.

RESPONSE: Objection. This Interrogatory improperly seeks a detailed, narrative response.

Under applicable Commission rules and Ohio Rules of Civil Procedure: "An interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by the rules for deposition." *Penn Central Transp. Co. v. Armco Steel Corp.*, 27 Ohio Misc. 76, 77 (Montgomery Cty. 1971). Subject to and without waiving this objection, and without representing that this response is a full and complete description of its position, but only a summary of at least some of the rationale supporting DEO's position in this case, DEO states that it has not allowed Cutter to convert existing rotary meters on the NM11 and TPL 14 systems to electronic orifice measurement because such conversions are inconsistent with the OOGA Agreement.

INTERROGATORY NO. 23: Please identify each DEO storage well in Ohio, the metering stations and the type of meter used at each metering station, including whether low side or high side measurement is in place.

RESPONSE: Objection. This Interrogatory seeks information regarding storage wells, which are not at issue in this proceeding, and this Interrogatory thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 24: Has DEO and/or its production affiliates experienced hydrate issues at its metering stations?

RESPONSE: Objection. This Interrogatory is vague and ambiguous because the phrase "experienced hydrate issues" is undefined and subject to a variety of meanings. This

Interrogatory also is overly broad and unduly burdensome, in that it purports to seek information for an unlimited period of time regarding metering stations that are not at issue in this proceeding, and this Interrogatory thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 25: If the answer to Interrogatory No. 24 is yes, please list each station affected by hydrate formation and list all steps taken by DEO or its production affiliates to address the issues and whether the step was successful or not successful.

RESPONSE: Objection. This Interrogatory is vague and ambiguous because the phrase “hydrate formation” is undefined and subject to a variety of meanings. DEO further states, see Response to Interrogatory No. 24.

INTERROGATORY NO. 26: Please identify by station number, each metering station that has had stricture plates installed and/or a conversion from high side to low side measurement after the initial installation of a rotary meter.

RESPONSE: Objection. This Interrogatory is overly broad and unduly burdensome, in that it purports to seek information related to metering stations that are not at issue in this proceeding, and this Interrogatory thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO states that DEO has installed stricture plates at station numbers F732, F775, P008, P036, P178 and P262 after the initial installation of the meter. For a list of meters converted from high side to low side measurement after initial installation, see DEO’s response to Interrogatory No. 29.

INTERROGATORY NO. 27: For each meter identified in your response to Interrogatory No. 9 of Cutter Exploration's First Set of Interrogatories, please clarify whether the meter had a restrictor plate at the time of installation and whether the meter station utilized high side measurement or low side measurement at the time of meter installation. For each meter that did not have a restrictor plate at the time of installation or that was changed to low side measurement or high side measurement after installation, identify the meter station and the date of conversion.

RESPONSE: DEO states that meter F775 was installed without a restrictor plate. A restrictor plate was installed on that meter run on or about March 22, 2010.

INTERROGATORY NO. 28: For each meter identified in your response to Interrogatory No. 10 of Cutter Exploration's First Set of Interrogatories, please clarify whether the meter had a restrictor plate at the time of installation and whether the meter station utilized high side measurement or low side measurement at the time of meter installation. For each meter that did not have a restrictor plate at the time of installation or that was changed to low side measurement or high side measurement after installation, identify the meter station and the date of conversion.

RESPONSE: DEO states that meters P008, P036 and P178 were installed without restrictor plates. Restrictor plates were installed on those meter runs on March 22, 2010.

INTERROGATORY NO. 29: For each meter identified in your response to Interrogatory No. 11 of Cutter Exploration's First Set of Interrogatories, please clarify whether each meter had a restrictor plate at the time of installation and whether the meter station utilized high side measurement or low side measurement at the time of meter installation. For each meter that did not have a restrictor plate at the time of installation or that was changed to low side measurement or high side measurement after installation, identify the meter station and the date of conversion.

RESPONSE: DEO states that Smith#2, Corbin#2, Miller#2, Miller#3, Miller#4, Kormish#4, Robil#3, Robil#4 and Kunkle#2 were installed at high side measurement and were converted to low side measurement on February 26, 2010. DEO further states that DEO Unit#1, DEO Unit#2, Colloca#1, Colloca#2 and Denton#1 were installed at high side measurement and were converted to low side measurement on March 1, 2010.

INTERROGATORY NO. 30: Please describe the procedure(s), if any, you use to test and/or calibrate rotary meters prior to installation.

RESPONSE: Objection. This Interrogatory is vague and ambiguous because the terms “procedures” and “test and/or calibrate” are undefined and subject to a variety of meanings. Subject to and without waiving this objection, DEO states that each meter is tested prior to installation by the manufacturer in accordance with ANSI B109.3, and DEO reviews those test results before the meter is installed in the field.

INTERROGATORY NO. 31: For each of the above interrogatories, identify the person(s) responding to the interrogatory.

RESPONSE: Objection. This Interrogatory seeks information that is attorney work product and protected by the attorney-client privilege. Subject to and without waiving this objection, see the verification that will be provided as part of a supplemental production.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 31: All Documents related to testing and/or calibrating rotary meters prior to installation.

RESPONSE: Objection. This Request is vague and ambiguous because the phrase “testing and/or calibrating” is undefined and subject to a variety of meanings. This Request also is overly broad and unduly burdensome, in that it purports to seek copies of meter tests performed by manufacturers for all rotary meters owned by DEO. Subject to and without waiving these objections, DEO states that it already has produced copies of prover tests of meters owned by Cutter.

REQUEST FOR PRODUCTION NO. 32: All Documents related to testing the accuracy of rotary meters including, but not limited to, prover testing in the field and/or in place.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it purports to seek material related in any way to the testing of rotary meters, including but not limited to tests of individual rotary meters not at issue in this case. Subject to and without waiving this objection, DEO will provide a supplemental production of copies of prover tests of rotary meters.

REQUEST FOR PRODUCTION NO. 33: All manuals and/or instruction sheets for Dresser rotary meters.

RESPONSE: Objection. This Request is overly broad and unduly burdensome, in that it purports to seek material related to rotary meter equipment that is not at issue in this proceeding, and this Request thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. This Request also is vague and ambiguous because the phrase “manuals and/or instruction sheets” is undefined and subject to a variety of meanings. Subject to and without waiving these objections, DEO states that materials

relating to the operation and installation of such meters are available on Dresser's website, www.dresser.com.

REQUEST FOR PRODUCTION NO. 34: All manuals and/or instruction sheets for Mooney FlowGrid pressure regulators.

RESPONSE: Objection. This Request is vague and ambiguous because the phrase "manuals and/or instruction sheets" is undefined and subject to a variety of meanings. Subject to and without waiving this objection, DEO states that materials relating to the operation and

installation of such equipment are available at www.mooneycontrols.com.

REQUEST FOR PRODUCTION NO. 35: All Documents and Communications between Dominion East Ohio and representatives from the manufacturer and/or supplier of the Dresser rotary meters from July 1, 2006 to the current date.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 36: All Documents and Communications between Dominion East Ohio and representatives from the manufacturer and/or supplier of the Mooney FlowGrid pressure regulators from July 1, 2006 to the current date.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 37: All Communications from Matt Dye relating or referring to Cutter Exploration, Mike Cutter, rotary meters and/or pressure regulation at metering stations.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 38: All Communications relating to, evidencing or referring to both Department of Transportation rules and/or regulations and the use of high side measurement and/or low side measurement.

RESPONSE: Objection. This Request is overly broad and unduly burdensome, in that it purports to seek material related to Department of Transportation rules and regulations that are not at issue in this case, and this Request thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 39: All Communications from or to Alliance Petroleum, Summit Petroleum, Range Resources, Great Lakes Energy Partners, Enervest Operating LLC, Cedar Valley Energy, Inc., Tim Altier, Bill Kinney, Bill Bennett and/or John Miller relating to, evidencing or referring to Cutter Exploration, Mike Cutter, rotary meters, low side measurement and/or high side measurement.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 40: All Communications from or to Alliance

Petroleum, Summit Petroleum, Range Resources, Great Lakes Energy Partners, Enervest Operating LLC, Cedar Valley Energy, Inc., Tim Altier, Bill Kinney, Bill Bennett and/or John Miller relating to, evidencing or referring to conversion of existing metering stations to rotary meters and/or low side measurement or relating to, evidencing or referring to the installation of stricture plates on rotary meters.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 41: All Communications from or to Tim Altier from January 2007 to the present date.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it purports to seek material "from or to Tim Altier" regardless whether such material related to the issues in this proceeding. Subject to and without waiving these objections, DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 42: All Documents and Communications relating to, evidencing or referring to performance goals for Tim McNutt, Brent Breon, Matt Dye and Jeff Angelleti that relate to rotary meters, gas measurement at production receipt points, gas measurement at storage well receipt points, electronic orifice meters and/or paper orifice meters for the period from January 1, 2007 through the present date.

RESPONSE: Objection. This Request is vague and ambiguous because the phrase "performance goals" is undefined and subject to a variety of meanings. This Request is overly

broad and unduly burdensome in that it purports to seek material related to "rotary meters" that is not at issue in this case. Further, to the extent that this Request seeks information relating to individual employees' personnel files and evaluation and compensation information, such information is confidential, irrelevant and the improper subject of any discovery. Subject to and without waiving these objections, to the extent performance evaluations relate to the conversion of production orifice meters to rotary meters, DEO will provide a supplemental production of performance evaluations for Messrs. Breon and Dye, from which material not relating to that conversion effort will be redacted. There are no documents responsive to this Request relating to Messrs. McNutt or Angeletti.

REQUEST FOR PRODUCTION NO. 43: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from inception to the current date at the following stations: Smith #2, Corbin#2, Miller#3 and #4, Miller #2, DEO Unit#1, DEO Unit #2, Kormish#4, Robli#3, Robli#4, Colloca#1, Colloca#2, Dento, Kunkle#2, Simth#1, Sebe, Metro Parks, Haers#1 and Kormish#2.

RESPONSE: Objection. Because this Request seeks material related to meters that are not at issue in this case, this Request is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO states that responsive material is publicly available on the website of the Ohio Department of Natural Resources, at www.dnr.state.oh.us.

REQUEST FOR PRODUCTION NO. 44: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from January 1, 2007 to the current date for each DEO storage well using orifice meters.

RESPONSE: Objection. This Request seeks information regarding storage wells, which are not at issue in this proceeding. Thus, this Request is not relevant to the claims or defenses of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, DEO states that there are no documents reflecting production volumes for DEO storage wells.

REQUEST FOR PRODUCTION NO. 45: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from January 1, 2007 to the current date for each DEO storage well using rotary meter(s).

RESPONSE: Objection. This Request seeks information regarding storage wells, which are not at issue in this proceeding. Thus, this Request is not relevant to the claims or defenses of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, DEO states that there are no documents reflecting production volumes for DEO storage wells.

REQUEST FOR PRODUCTION NO. 46: All Documents and Communications relating to, referring to or evidencing training of personnel for the calibration, testing, installation, operation and prover testing of rotary meters and associated meter run equipment including pressure regulators.

RESPONSE: See documents labeled with Bates numbers DEO 5190 through DEO 5223, which are DEO training materials titled "2-Point Pressure Calibration of a Mini-Max," "Perform a Differential Test," "Dominion Production Gas Policy," "Inspect a Rotary Meter," "Inspect a Mercury Mini Max Electronic Corrector" and "Transfer Prover Testing SOP."

REQUEST FOR PRODUCTION NO. 47: All Documents and Communications related to, referring to or evidencing the installation of stricture plates, the conversion of meter stations from high side to low side measurement and the conversion of orifice stations to rotary meter stations at metering stations owned and/or operated by producers other than Cutter Exploration in Cuyahoga County or Geauga County.

RESPONSE: See documents labeled with Bates numbers DEO 5224 through DEO 5228, which are invoices associated with the installation of restrictor plates. DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 48: All Documents and Communications related to, referring to or evidencing investigations to determine whether rotary meters in use at production receipt points have stricture plates.

RESPONSE: See documents labeled with Bates numbers DEO 5243 through DEO 5244, which is a spreadsheet containing a list of meters for which DEO will install a restrictor plate in 2010. Information not related to the presence of stricture plates is nonresponsive and has been redacted from these documents.

REQUEST FOR PRODUCTION NO. 49: All Documents and Communications referring to or related to the Horvath No. 1 well and/or the associated metering station (P-101).

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 50: All Documents and Communications referring to or related to the Wrobel No. 1 well and/or the associated metering station (P-102).

RESPONSE: See documents labeled with Bates numbers DEO 5229 through DEO 5242, which are work orders related to the Wrobel No. 1 well and associated metering station.

REQUEST FOR PRODUCTION NO. 51: All Documents and Communications referring to, related to or evidencing investigations to determine whether high side measurement is in use at metering stations supplying a Dominion East Ohio system.

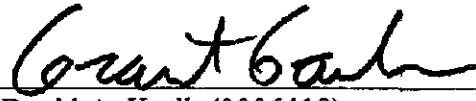
RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 52: All Documents and Communications referring to, relating to or evidencing any gas volume audits on the NM11 system since January 1, 2007.

RESPONSE: DEO states that there are no responsive documents.

Dated: June 24, 2010

Respectfully submitted,



David A. Kutik (0006418)
dakutik@jonesday.com
(Counsel of Record)
Meggan A. Rawlin (0074215)
mrawlin@jonesday.com
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212

Grant W. Garber (0079541)
gwggarber@jonesday.com
JONES DAY
Mailing Address:
P.O. Box 165017
Columbus, OH 43216-5017
Street Address:
325 John H. McConnell Boulevard, Suite 600
Columbus, OH 43215-2673
Telephone: (614) 469-3939
Facsimile: (614) 461-4198
gwggarber@jonesday.com

ATTORNEYS FOR RESPONDENT THE
EAST OHIO GAS COMPANY d/b/a
DOMINION EAST OHIO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objections and Responses to Complainant's Second Set of Interrogatories and Document Requests was sent by e-mail and hand delivery to the following persons this 24th day of June, 2010:

W. Jonathan Airey
Michael J. Settineri
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
wjairey@vorys.com
mjsettineri@vorys.com


An Attorney for Respondent

EXHIBIT 3

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

52 East Gay St.
PO Box 1008
Columbus, Ohio 43216-1008

614.464.6400 | www.vorys.com

Founded 1909

Michael J. Settineri
Direct Dial (614) 464-5462
Direct Fax (614) 719-5146
Email mjsettineri@vorys.com

July 2, 2010

VIA U.S. MAIL

David A. Kutik
Meggan A. Rawlin
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114-1190

Grant W. Garber
Jones Day
P.O. Box 165017
Columbus, OH 43216-5017

Re: *Cutter Exploration, Inc. v. The East Ohio Gas Company*
PUCO Case No. 09-1982-GA-CSS
June 24, 2010 Responses to Complainant's Second Set
of Interrogatories and Document Requests

Dear Counsel:

This correspondence responds to Dominion East Ohio's June 24, 2010 ("DEO") objections and responses to Cutter's Exploration's Second Set of Interrogatories and Document Requests. Having reviewed the responses, we ask that DEO provide complete responses to the following discovery requests.

INTERROGATORIES

Interrogatory No. 21 sought an explanation as to why DEO is utilizing electronic orifice meters at its storage wells. The interrogatory and DEO's response are as follows:

INTERROGATORY NO. 21: Why is DEO placing electronic orifice meters at receipts points for its storage wells instead of rotary meters?

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 2

DEO RESPONSE: Objection. This Interrogatory seeks information regarding storage wells, which are not at issue in this proceeding. Thus, this Interrogatory is not relevant to the claims or defenses of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Further, this Interrogatory is vague and ambiguous because the phrase "receipts points" is undefined and subject to a variety of meanings. Subject to and without waiving these objections and assuming "receipts points" refers to a point where custody of gas is transferred from one entity to another, DEO states that because custody of gas is not transferred at its storage wells, there are no receipts points at those wells.

As an initial point, DEO's use of electronic orifice meters is not only relevant, but is a request that is reasonably calculated to lead to the discovery of admissible evidence. This is especially true given DEO's response to Interrogatory No 16 that rotary meters are the standard installation for commercial and industrial measurement. DEO also avoided answering the question by assuming "receipt points" referred to a custody transfer. This interrogatory is clearly asking DEO why it has placed electronic orifice meters at its storage wells. Please provide a complete response to this interrogatory.

Interrogatory No. 22 related to DEO's refusal to allow Cutter Exploration to convert existing rotary meter stations to electronic orifice measurement. The interrogatory and DEO's response are as follows:

INTERROGATORY NO. 22: Please list all reasons why DEO will not allow Cutter Exploration to convert existing rotary meter stations in the NM11 system and measurement.

DEO RESPONSE: Objection. This Interrogatory improperly seeks a detailed, narrative response under applicable Commission TPL14 system to electronic orifice rules and Ohio Rules of Civil procedure: "An interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. it does not contemplate an array of details or outlines of evidence, a function reserved by the rules for depositions." *Penn Central Transp. Co v. Armco Steel Corp.*, 27 Ohio Misc. 76, 77 (Montgomery Cty. 1971). Subject to and without waiving this objections, and without representing that this response is a full and complete description of its position, but only a summary of at least some of the rationale supporting DEO's position in this case, DEO states that it has not allowed Cutter to convert existing rotary meters on the NM11 and TPL 14 systems to electronic orifice measurement because such conversion are inconsistent with the OOGA Agreement.

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 3

This interrogatory asks for all reasons why DEO will not allow Cutter Exploration to convert existing meter stations to electronic orifice measurement. This interrogatory does not seek a detailed narrative response and DEO should be able to easily provide a simple response to this interrogatory. To the extent DEO has reasons for not allowing Cutter Exploration to convert existing rotary meter stations to electronic orifice measurement other than as stated in its June 24, 2010 response, please supplement this response with those reasons.

Interrogatory No. 23 related to DEO's storage wells and the type of meters used at those wells. The interrogatory and DEO's response are as follows:

INTERROGATORY NO. 23: Please identify each DEO storage well in Ohio, the metering stations and the type of meter used at each metering station, including whether low side or high side measurement is in place.

DEO RESPONSE: Objection. This Interrogatory seeks information regarding storage wells, which are not at issue in this proceeding, and this Interrogatory thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence.

The type of meter and meter design that DEO uses to measure its storage gas is not only relevant to the subject matter of this proceeding, but is also reasonably calculated to lead to the discovery of admissible evidence. As noted above, DEO has stated that rotary meters are standard for commercial and industrial measurement. The types of meters that DEO uses to measure its own gas flowing from the storage wells is relevant. Please provide a complete response to this interrogatory.

Interrogatory No. 24 related to DEO's experience with hydrates. The interrogatory and DEO's response are as follows:

INTERROGATORY NO. 24: Has DEO and/or its production affiliates experienced hydrate issues at its metering stations?

DEO RESPONSE: Objection. This Interrogatory is vague and ambiguous because the phrase "hydrate formation" is undefined and subject to a variety of meanings. DEO further states, see Response to Interrogatory no. 24.

As DEO is aware, hydrate formation in rotary meters does occur. DEO's experience with hydrate formation at its metering stations is not only relevant to the subject matter of this

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 4

proceeding, but also reasonably calculated to lead to the discovery of admissible evidence. Please provide a complete response to this interrogatory.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Request for Production No. 35 sought documents and communications between DEO and certain manufacturers/representatives. The document request and DEO's response are as follows:

REQUEST FOR PRODUCTION NO. 35: All Documents and Communications between Dominion East Ohio and representatives from the manufacturer and/or supplier of the Dresser rotary meters from July 1, 2006 to the current date.

DEO RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

DEO's use of the phrase "all reasonably responsive materials" indicates that it has not provided all responsive materials to this document request. Moreover, a review of DEO's document requests produced to date reveals very few, if any, communications between DEO and the manufacturer and/or supplier of the Dresser rotary meters for the sought time period. Such documents could include email correspondence, letters, requests for bids and purchase orders. Please provide a complete response to this request.

Request for Production No. 36 sought documents and communications between DEO and certain manufacturers/representatives. The document request and DEO's response are as follows:

REQUEST FOR PRODUCTION NO. 36: All Documents and Communications between Dominion East Ohio and representatives from the manufacturer and/or supplier of the Mooney FlowGrid pressure regulators from July 1, 2006 to the current date.

DEO RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

DEO's use of the phrase "all reasonably responsive materials" indicates that it has not provided all responsive materials to this document request. Moreover, a review of DEO's document requests produced to date reveals very few, if any, communications between DEO and

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 5

the manufacturer and/or supplier of the Mooney FlowGrid pressure regulators for the sought time period. Such documents could include email correspondence, letters, requests for bids and purchase orders. Please provide a complete response to this request.

Request for Production No. 37 sought communications from Matt Dye. The document request and DEO's response are as follows:

REQUEST FOR PRODUCTION NO. 37: All Communications from Matt Dye relating or referring to Cutter Exploration, Mike Cutter, rotary meters and/or pressure regulation at metering stations.

DEO RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

DEO's use of the phrase "all reasonably responsive materials" indicates that it has not provided all responsive materials to this document request. Moreover, a review of the documents produced by DEO to date indicates very few internal emails from Matt Dye. Please provide a complete response to this request or confirm that all responsive documents have been produced.

Request for Production No. 38 sought communications related to both DOT rules and high side and/or low side measurement. The document request and DEO's response are as follows:

REQUEST FOR PRODUCTION NO. 38: All Communications relating to, evidencing or referring to both Department of Transportation rules and/or regulations and the use of high side measurement and/or low side measurement.

DEO RESPONSE: Objection. This Request is overly broad and unduly burdensome, in that it purports to seek material related to Department of Transportation rules and regulations that are not at issue in this case, and this Request thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

DEO's use of the phrase "all reasonably responsive materials" indicates that it has not provided all responsive materials to this document request. Moreover, a review of the

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 6

documents produced by DEO to date indicates very few communications responsive to this request. Please provide a complete response to this request or confirm that all responsive documents have been produced.

Requests for Production No. 39 and No. 40 sought communications from certain producers that relate to the subject matter of this proceeding. The document requests and DEO's responses are as follows:

REQUEST FOR PRODUCTION NO. 39: All Communications from or to Alliance Petroleum, Summit Petroleum, Range Resources, Great Lakes Energy Partners, Enervest Operating LLC, Cedar Valley Energy, Inc., Tim Altier, Bill Kinney, Bill Bennett and/or John Miller relating to, evidencing or referring to Cutter Exploration, Mike Cutter, rotary meters, low side measurement and/or high side measurement.

DEO RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 40: All Communications from or to Alliance Petroleum, Summit Petroleum, Range Resources, Great Lakes Energy Partners, Enervest Operating LLC, Cedar Valley Energy, Inc., Tim Altier, Bill Kinney, Bill Bennett and/or John Miller relating to, evidencing or referring to conversion of existing metering stations to rotary meters and/or low side measurement or relating to, evidencing or referring to the installation of stricture plates on rotary meters.

DEO RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

DEO's use of the phrase "all reasonably responsive materials" indicates that it has not provided all responsive materials to these document requests. Please provide a complete response to this request or confirm that all responsive documents have been provided.

Request for Production No. 41 sought communications to or from Tim Altier over the last three years. The document request and DEO's response are as follows:

REQUEST FOR PRODUCTION NO. 41: All Communications from or to Tim Altier from January 2007 to the present date.

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 7

DEO RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it purports to seek material "from or to Tim Altier" regardless whether such material related to the issues in this proceeding. Subject to and without waiving these objections, DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

This interrogatory seeks communications to or from one individual, Tim Altier, for a limited time period. Given Mr. Altier's involvement with the OOGA technical committee that reviewed the rotary meter issue over the last few years and his own experience with rotary meters in other states, this is a reasonable interrogatory and not overly broad and unduly burdensome. Also, DEO's response indicates that not all responsive materials have been provided to Cutter Exploration. Moreover, a review of the documents produced by DEO to date indicates very few emails to or from Tim Altier. Please provide a complete response to this request.

Request for Production No. 42 sought performance goals related to the subject matter of this proceeding for certain individuals. The document request and DEO's response are as follows:

REQUEST FOR PRODUCTION NO. 42: All Documents and Communications relating to, evidencing or referring to performance goals for Tim McNutt, Brent Breon, Matt Dye and Jeff Angeletti that relate to rotary meters, gas measurement at production receipt points, gas measurement at storage well receipt points, electronic orifice meters and/or paper orifice meters for the period from January 1, 2007 through the present date.

DEO RESPONSE: Objection. This Request is vague and ambiguous because the phrase "performance goals" is undefined and subject to a variety of meanings. This Request is overly broad and unduly burdensome in that it purports to seek material related to "rotary meters" that is not at issue in this case. Further, to the extent that this Request seeks information relating to individual employee's personnel files and evaluation and compensation information, such information is confidential, irrelevant and the improper subject to any discovery. Subject to and without waiving these objections, to the extent performance evaluations relate to the conversion of production orifice meters to rotary meters, DEO will provide a supplemental production of performance evaluations for Messrs. Breon and Dye, from which material not relating to that conversion effort will be redacted. There

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 8

are no documents responsive to this Request relating to Messrs McNutt or Angeletti.

DEO should not require a definition for the phrase "performance goal." That phrase is standard in any corporate setting and relates to the goals that have been set for an employee to achieve. Also, this discovery request is for a limited period, as well as limited to certain subject matter. DEO's setting of performance goals for Messrs. McNutt, Breon, Dye and Angeletti related to the listed subject areas is relevant to this proceeding, and the request is reasonably calculated to lead to the discovery of admissible evidence. Please provide a complete response to this request.

Request for Production No. 43 sought production volumes from certain DEO metering stations measuring gas from DEO's production affiliate. The document request and DEO's response are as follows:

REQUEST FOR PRODUCTION NO. 43: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from inception to the current date at the following stations: Smith #2, Corbin#2, Miller#3 and #4, Miller #2, DEO Unit#1, DEO Unit #2, Kormish#4, Robli#3, Robli#4, Colloca#1, Colloca#2, Dento, Kunkle#2, Simth#1, Sebe, Metro Parks, Haers#1 and Kormish#2.

DEO RESPONSE: Objection. Because this Request seeks material related to meters that are not at issue in this case, this Request is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO states that responsive material is publicly available on the website of the Ohio Department of Natural Resources, at www.dnr.state.oh.us.

As an initial point, the fact that these stations utilized high side measurement for DEO productions wells makes this request relevant to this proceeding. DEO claims that the responsive material is publicly available on the Ohio Department of Natural Resources website. This site does not provide daily production volumes. Moreover, it is simply a summary of well production. This request for production seeks all "Documents" relating to, evidencing or referring to monthly, daily and annual production volumes for these stations. This includes internal DEO documents recording these volumes and/or meter station audit trails. Please provide a complete response to this request.

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 9

Request for Production No. 45 sought production volumes from certain DEO metering stations using rotary meters to measure gas from storage wells. The document request and DEO's response are as follows:

REQUEST FOR PRODUCTION NO. 45: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from January 1, 2007 to the current date for each DEO storage well using rotary meter(s).

DEO RESPONSE: Objection. This Request seeks information regarding storage wells, which are not at issue in this proceeding. Thus, this Request is not relevant to the claims or defenses of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, DEO states that there are no documents reflecting production volumes for DEO storage wells.

DEO's use of rotary meters at its storage wells is highly relevant to this proceeding, given its position that rotary meters are the standard meter for commercial and industrial measurement. DEO has avoided answering this request by stating that storage gas is not "produced" from these wells. The intent of this request is very clear, as it seeks measurement records for the designated time period. Please provide a complete response to this request.

Requests for Production No. 47, and 49 and 51 sought various documents related to subjects relevant to this proceeding. However, DEO's responses all contained the phrase "reasonably responsive materials." The document requests and DEO's responses are as follows:

REQUEST FOR PRODUCTION NO. 47: All Documents and Communications related to, referring to or evidencing the installation of stricture plates, the conversion of meter stations from high side to low side measurement and the conversion of orifice stations to rotary meter stations at metering stations owned and/or operated by producers other than Cutter Exploration in Cuyahoga County or Geauga County.

DEO RESPONSE: See documents labeled with Bates numbers DEO 5224 through DEO 5228, which are invoices associated with the installation of restrictor plates. DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 10

REQUEST FOR PRODUCTION NO. 49: All Documents and Communications referring to or related to the Horvath No. 1 well and/or the associated metering station (P-101).

DEO RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced."

REQUEST FOR PRODUCTION NO. 51: All Documents and Communications referring to or evidencing investigations to determine whether high side measurement is in use at metering stations supplying a Dominion East Ohio system

DEO RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

DEO's response indicates that all responsive materials have not been provided to Cutter Exploration. Please provide a complete response to these requests or confirm that all responsive materials have been provided.

Requests for Production No. 48 sought various documents related to DEO's investigations on the lack of stricture plates on rotary meters. The document request and DEO's response are as follows:

REQUEST FOR PRODUCTION NO. 48: All Documents and Communications related to, referring to or evidencing investigations to determine whether rotary meters in use at production receipt points have stricture plates.

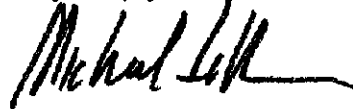
DEO RESPONSE: See Documents labeled with Bates number DEO 5243 through DEO 5244, which is a spreadsheet containing a list of meters for which DEO will install a restrictor plate in 2010. Information not related to the presence of stricture plates is nonresponsive and has been redacted from these documents.

DEO's response states that nonresponsive information has been redacted from these documents. If this redaction was not on a privilege basis, then please provide unredacted copies of these documents.

David A. Kutik
Meggan A. Rawlin
Grant W. Garber
July 2, 2010
Page 11

Please call me if you have any questions regarding this correspondence. We ask that you provide supplemental documents and responses by July 23, 2010.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Settineri", with a long horizontal flourish extending to the right.

Michael J. Settineri

MJS/dlc

EXHIBIT 4

JONES DAY

NORTH POINT • 901 LAKESIDE AVENUE • CLEVELAND, OHIO 44114.1190
TELEPHONE: 216.586.3939 • FACSIMILE: 216.579.0212

Direct Number: (216) 586-7204
mrawlin@jonesday.com

JP000367
276240-071238

July 26, 2010

VIA EMAIL AND U.S. MAIL

Michael J. Settineri, Esq.
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008

Re: Cutter Exploration, Inc. v. The East Ohio Gas Company d/b/a Dominion East Ohio, PUCO Case No. 09-1982-GA-CSS

Dear Mr. Settineri:

This responds to your July 2, 2010 letter concerning Dominion East Ohio's ("DEO") objections and responses to Cutter Exploration Inc.'s ("Cutter") Second Set of Interrogatories and Document Requests. Having reviewed Cutter's request for DEO to supplement certain of its responses, DEO states as follows.

I. INTERROGATORIES

A. Interrogatory No. 21

In your letter, you state that Interrogatory No. 21 seeks an explanation as to why DEO uses electronic orifice meters at its storage wells. The interrogatory and DEO's response are as follows:

INTERROGATORY NO. 21: Why is DEO placing electronic orifice meters at receipts points for its storage wells instead of rotary meters?

RESPONSE: Objection. This Interrogatory seeks information regarding storage wells, which are not at issue in this proceeding. Thus, this Interrogatory is not relevant to the claims or defenses of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Further, this Interrogatory is vague and ambiguous because the phrase "receipts points" is undefined and subject to a variety of meanings. Subject to and without waiving these objections, and assuming "receipts points" refers to a point where custody of gas is transferred from one entity to another, DEO states that because custody of gas is not transferred at its storage wells, there are no receipts points at those wells.

You request DEO to supplement its response to Interrogatory No. 21 on the ground that "DEO's use of electronic orifice meters is not only relevant, but is a request that is reasonably calculated to lead to the discovery of admissible evidence." You claim that "this is especially true given DEO's response to Interrogatory No. 16 that rotary meters are the standard installation for commercial and industrial measurement."

As an initial matter, your claim of relevance erroneously assumes that measurement of storage gas is "commercial" or "industrial" measurement. To the contrary, measurement of storage gas is not for commercial or industrial purposes. Your use of the term "receipt point" was not incidental, and indeed reflects a clear understanding of the issues in the case. Your use of that term recognizes that the relevant range of issues relates to the metering that affects the rights of DEO and its counterparties. The use of the term "receipt point" recognizes the potential relevance of how DEO meters those locations where custody or title to the gas changes. How DEO measures the amount of gas in any part of its system, including its storage facilities, has no bearing on how DEO measures the gas that it receives and delivers to others, including through DEO's meters on intermittent wells, and DEO's policies and practices with respect to gas producers in Northeast Ohio.

Further, operational measurement of storage gas is not relevant to Cutter's claims in this case because operational measurement meters are not subject to the DEO-OOGA Agreement. The Agreement applies to production measurement meters only.

Moreover, DEO correctly and appropriately answered the interrogatory as written. Interrogatory 21 asks about DEO's reasons for placing orifice meters at "receipt points" for its storage wells. As DEO's objection states, the term "receipt points" is commonly understood to mean the point of custody transfer. Because custody of gas is not transferred at DEO's storage wells, there are no receipt points at these wells. Your letter fails to define what is meant by "receipt points" as that term is used in Interrogatory 21, if in fact the Interrogatory does not refer to the point of custody transfer.

B. Interrogatory No. 22

Interrogatory No. 22 asks about why DEO will not allow Cutter to convert existing rotary meter stations in the NM11 system and TPL 14 system to electronic orifice measurement.

INTERROGATORY NO. 22: Please list all reasons why DEO will not allow Cutter Exploration to convert existing rotary meter stations in the NM11 system and TPL14 system to electronic orifice measurement.

RESPONSE: Objection. This Interrogatory improperly seeks a detailed, narrative response. Under applicable Commission rules and Ohio Rules of Civil Procedure: "An interrogatory seeks an admission or it seeks information of major significance in the trial or in the preparation for trial. It does not contemplate an array of details or outlines of evidence, a function reserved by the rules for deposition." *Penn Central Transp. Co. v. Armco Steel Corp.*, 27 Ohio Misc. 76, 77

(Montgomery Cty. 1971). Subject to and without waiving this objection, and without representing that this response is a full and complete description of its position, but only a summary of at least some of the rationale supporting DEO's position in this case, DEO states that it has not allowed Cutter to convert existing rotary meters on the NM11 and TPL 14 systems to electronic orifice measurement because such conversions are inconsistent with the OOGA Agreement.

Your insistence that this is a proper interrogatory does not make it so. You, Mr. Airey and your client have had many meetings and discussions with DEO personnel on this topic. You are therefore well aware that there are a number of interrelated reasons for DEO's position with regard to the proper metering of your client's wells. To be sure, you are entitled to pursue these reasons in discovery. DEO, however, is not required to provide lengthy narrative answers in response to interrogatories.

C. Interrogatory No. 23

Interrogatory 23 asks DEO to identify each DEO storage well in Ohio, the metering stations and type of meter used at each, including whether low side or high side measurement is used.

INTERROGATORY NO. 23: Please identify each DEO storage well in Ohio, the metering stations and the type of meter used at each metering station, including whether low side or high side measurement is in place.

RESPONSE: Objection. This Interrogatory seeks information regarding storage wells, which are not at issue in this proceeding, and this Interrogatory thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence.

As previously explained, questions about DEO's storage wells and operational measurement meters are not relevant to the claims set forth in Cutter's complaint, nor are they reasonably calculated to lead to the discovery of evidence admissible in this proceeding. Please see the above discussion in Section I.A.

D. Interrogatory No. 24

Interrogatory No. 24 asks about "hydrate issues."

INTERROGATORY NO. 24: Has DEO and/or its production affiliates experienced hydrate issues at its metering stations?

RESPONSE: Objection. This Interrogatory is vague and ambiguous because the phrase "experienced hydrate issues" is undefined and subject to a variety of meanings. This Interrogatory also is overly broad and unduly burdensome, in that it purports to seek information

for an unlimited period of time regarding metering stations that are not at issue in this proceeding, and this Interrogatory thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence.

DEO has objected to this Interrogatory on the ground that the phrase "experienced hydrate issues" is vague, ambiguous, undefined, and subject to multiple meanings. Your letter – and specifically, your claim that DEO is aware of "hydrate formation in rotary meters" – does not clarify Interrogatory No. 24. As such, DEO cannot respond to this Interrogatory as written.

II. REQUESTS FOR PRODUCTION OF DOCUMENTS

A. Requests for Production Nos. 35 to 41, 47, 49, 51

Your letter addresses DEO's responses to Requests for Production Nos. 35, 36, 37, 38, 39, 40, 47, 49, and 51.

REQUEST FOR PRODUCTION NO. 35: All Documents and Communications between Dominion East Ohio and representatives from the manufacturer and/or supplier of the Dresser rotary meters from July 1, 2006 to the current date.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 36: All Documents and Communications between Dominion East Ohio and representatives from the manufacturer and/or supplier of the Mooney FlowGrid pressure regulators from July 1, 2006 to the current date.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 37: All Communications from Matt Dye relating or referring to Cutter Exploration, Mike Cutter, rotary meters and/or pressure regulation at metering stations.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 38: All Communications relating to, evidencing or referring to both Department of Transportation rules and/or regulations and the use of high side measurement and/or low side measurement.

RESPONSE: Objection. This Request is overly broad and unduly burdensome, in that it purports to seek material related to Department of Transportation rules and regulations that are not at issue in this case, and this Request thus is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 39: All Communications from or to Alliance Petroleum, Summit Petroleum, Range Resources, Great Lakes Energy Partners, Enervest Operating LLC, Cedar Valley Energy, Inc., Tim Altier, Bill Kinney, Bill Bennett and/or John Miller relating to, evidencing or referring to Cutter Exploration, Mike Cutter, rotary meters, low side measurement and/or high side measurement.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 40: All Communications from or to Alliance Petroleum, Summit Petroleum, Range Resources, Great Lakes Energy Partners, Enervest Operating LLC, Cedar Valley Energy, Inc., Tim Altier, Bill Kinney, Bill Bennett and/or John Miller relating to, evidencing or referring to conversion of existing metering stations to rotary meters and/or low side measurement or relating to, evidencing or referring to the installation of stricture plates on rotary meters.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 41: All Communications from or to Tim Altier from January 2007 to the present date.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it purports to seek material "from or to Tim Altier" regardless whether such material related to the issues in this proceeding. Subject to and without waiving these objections, DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 47: All Documents and Communications related to, referring to or evidencing the installation of stricture plates, the conversion of meter stations

from high side to low side measurement and the conversion of orifice stations to rotary meter stations at metering stations owned and/or operated by producers other than Cutter Exploration in Cuyahoga County or Geauga County.

RESPONSE: See documents labeled with Bates numbers DEO 5224 through DEO 5228, which are invoices associated with the installation of restrictor plates. DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 49: All Documents and Communications referring to or related to the Horvath No. 1 well and/or the associated metering station (P-101).

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

REQUEST FOR PRODUCTION NO. 51: All Documents and Communications referring to, related to or evidencing investigations to determine whether high side measurement is in use at metering stations supplying a Dominion East Ohio system.

RESPONSE: DEO states that all reasonably responsive materials within DEO's possession, custody or control already have been produced.

You apparently believe that DEO's use of the phrase "all reasonably responsive materials" indicates that DEO has not provided complete responses to these requests. This is incorrect. DEO has, in fact, provided complete responses to these requests, subject to its objections. The phrase "all reasonably responsive materials" simply means that DEO has conducted a reasonable investigation to determine the existence of responsive documents and things within its possession, custody, or control, and has produced responsive materials to Cutter.

B. Request for Production No. 42

In your letter, you request DEO to provide a complete response to Request for Production No. 42.

REQUEST FOR PRODUCTION NO. 42: All Documents and Communications relating to, evidencing or referring to performance goals for Tim McNutt, Brent Breon, Matt Dye and Jeff Angelletti that relate to rotary meters, gas measurement at production receipt points, gas measurement at storage well receipt points, electronic orifice meters and/or paper orifice meters for the period from January 1, 2007 through the present date.

RESPONSE: Objection. This Request is vague and ambiguous because the phrase "performance goals" is undefined and subject to a variety of meanings. This Request is overly

broad and unduly burdensome in that it purports to seek material related to "rotary meters" that is not at issue in this case. Further, to the extent that this Request seeks information relating to individual employees' personnel files and evaluation and compensation information, such information is confidential, irrelevant and the improper subject of any discovery. Subject to and without waiving these objections, to the extent performance evaluations relate to the conversion of production orifice meters to rotary meters, DEO will provide a supplemental production of performance evaluations for Messrs. Breon and Dye, from which material not relating to that conversion effort will be redacted. There are no documents responsive to this Request relating to Messrs. McNutt or Angeletti.

Your objection to DEO's response is mere boilerplate. For example, you claim that the request is "for a limited period of time," when it is not. Indeed, you fail to identify what "limited" period would be covered by this request.

The request also suffers from other infirmities, your protests notwithstanding. You did not define the term "performance goals." Nor is the request limited when it seeks any "performance goals" "relating to rotary meters."

As DEO's response states, DEO has provided excerpts of what DEO deems to be performance goals for Messrs. Breon and Dye relating to the conversion of production well meters from orifice meters to rotary meters. Given the myriad deficiencies in this request, DEO's response is complete and appropriate.

C. Request for Production No. 43

REQUEST FOR PRODUCTION NO. 43: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from inception to the current date at the following stations: Smith #2, Corbin#2, Miller#3 and #4, Miller #2, DEO Unit#1, DEO Unit #2, Kormish#4, Robli#3, Robli#4, Colloca#1, Colloca#2, Dento, Kunkle#2, Simth#1, Sebe, Metro Parks, Haers#1 and Kormish#2.

RESPONSE: Objection. Because this Request seeks material related to meters that are not at issue in this case, this Request is not relevant to the claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, DEO states that responsive material is publicly available on the website of the Ohio Department of Natural Resources, at www.dnr.state.oh.us.

Subject to and without waiving its objections, DEO states that documents reflecting daily, monthly and annual production volumes for these wells, which belong to third parties, will be produced subject to an appropriate protective agreement in the form accompanying this letter.

D. Request for Production No. 45

You ask DEO to provide a complete response to Request for Production No. 45, which seeks production volumes for DEO storage wells using rotary meters from January 1, 2007 to the present.

REQUEST FOR PRODUCTION NO. 45: All Documents relating to, evidencing or referring to monthly, daily and annual production volumes measured from January 1, 2007 to the current date for each DEO storage well using rotary meter(s).

RESPONSE: Objection. This Request seeks information regarding storage wells, which are not at issue in this proceeding. Thus, this Request is not relevant to the claims or defenses of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, DEO states that there are no documents reflecting production volumes for DEO storage wells.

As explained previously, DEO's use of meters for storage gas measurement is not relevant to Cutter's claims in this proceedings. Requests for documents related to storage gas measurement are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Please see DEO's response in Section I.A. above.

E. Request for Production No. 48

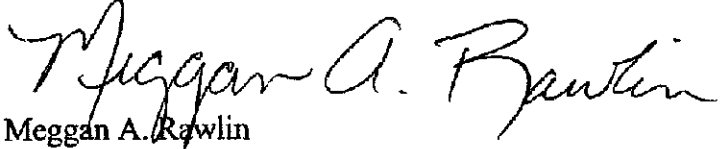
Your letter requests DEO to provide an unredacted copy of the document with Bates No. DEO 5243 through DEO 5244 that DEO produced in response to Request for Production No. 48.

REQUEST FOR PRODUCTION NO. 48: All Documents and Communications related to, referring to or evidencing investigations to determine whether rotary meters in use at production receipt points have stricture plates.

RESPONSE: See documents labeled with Bates numbers DEO 5243 through DEO 5244, which is a spreadsheet containing a list of meters for which DEO will install a restrictor plate in 2010. Information not related to the presence of stricture plates is nonresponsive and has been redacted from these documents.

An unredacted, bates labeled copy of this document will be provided with the documents that DEO is producing in response to Cutter's Second Set of Interrogatories and Document Requests.

Very truly yours,


Meggan A. Rawlin

cc: W. Jonathan Airey, Esq. (w/enclosure)
J. Michael Zontini, Esq. (w/enclosure)
David A. Kutik, Esq. (w/enclosure)
Grant W. Garber, Esq. (w/enclosure)