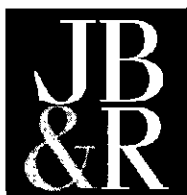


FILE

Ne



Javitch,
Block &
Rathbone
ATTORNEYS AT LAW

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1100 Superior Avenue, 19th Floor
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Sam A. Benson
Extension 3089
sbenson@JBandR.com
Direct Fax: (216) 525-4924

February 16, 2011

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

11-907-GA-CSS

Re: *State Farm Fire & Casualty Company vs. Columbia Gas of Ohio, Inc.*
Our File No. J80637

Dear Sir or Madam:

In regard to the above-captioned matter, enclosed please find the original and 12 copies of a Complaint which I ask be filed herein. I have also enclosed a stamped, self-addressed envelope for your use in returning a time-stamped copy to me.

Thank you for your assistance herein.

Sincerely,

Sam A. Benson

Sam A. Benson

SAB/kds
Enclosures

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
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Technician JD Date Processed 2-18-11

A Limited Liability Partnership

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IN THE PUBLIC UTILITIES COMMISSION OF OHIO
FRANKLIN COUNTY, OHIO

State Farm Fire And Casualty Company
as subrogee of Michael Kurtz
112 E. Washington St., DTB 8
Bloomington, IL 61701

Plaintiff,

-vs.-

Columbia Gas Of Ohio, Inc.
Through its statutory agent
CSC Lawyers Incorporating Service
50 West Broad Street
Suite 1800
Columbus, OH 43215

Defendant.

CASE NO. 11-907-GA-CSS

ATTORNEY EXAMINER

COMPLAINT

NOW COMES the Plaintiff, State Farm Fire and Casualty Company, by and through counsel, and for its Complaint against the Defendant, Columbia Gas of Ohio, Inc., states the following:

FACTS

1. All of the events that are the subject of this Complaint occurred on or about January 27, 2009 in the City of Findlay, Hancock County, State of Ohio.
2. At all times relevant, Michael E. Kurtz ("Kurtz") owned property located at 2101 Candlewick Drive, Findlay, Ohio ("Property").
3. Defendant Columbia Gas of Ohio, Inc. ("Columbia") provided natural gas service to the Property.
4. Plaintiff State Farm Fire and Casualty Company ("State Farm") insured the Property.

5. On December 31, 2008, Columbia issued a monthly account statement to Kurtz which indicated a balance of \$28.07 for natural gas service to the Property for the preceding month. A copy of the monthly account statement has been attached as Exhibit A.
6. The balance of \$28.07 was to be paid by January 19, 2009. See Exhibit A.
7. Prior to January 27, 2009, Columbia terminated natural gas service to the Property.
8. Pursuant to Ohio Revised Code §4933.12, the utility company "shall not, for any reason, * * * stop gas from entering the premises of any residential consumer for the period beginning on the fifteenth day of November and ending on the fifteenth day of the following April, unless * * * (1) the account of the consumer is in arrears thirty days or more."
9. At the time of termination, Kurtz's residential service account with Columbia was not in arrears for more than thirty (30) days.

COUNT I

10. Plaintiff incorporates all of the preceding allegations as if fully rewritten herein, and further states:
11. As a result of the wrongful and unlawful termination of natural gas service to the Property, a water pipe froze and burst causing extensive water damage to the Property.
12. As a direct and proximate result of Columbia's negligence, the Property owned by Kurtz sustained damages in the amount of \$29,530.66.
13. State Farm reimbursed its insured for the loss, thereby becoming subrogated to his rights and claims with respect to this action.

COUNT II

14. Plaintiff incorporates all of the preceding allegations as if fully rewritten herein, and further states:
15. Columbia wrongfully and unlawfully terminated natural gas service to the Property in violation of Ohio Revised Code §4933.12.
16. As a direct and proximate result of Columbia's violation of Ohio Revised Code §4933.12, a water pipe at the Property froze and burst causing water damage to the Property in the amount of \$29,530.66.

17. State Farm reimbursed its insured for the loss, thereby becoming subrogated to his rights and claims with respect to this action.

COUNT III

18. Plaintiff incorporates all of the preceding allegations as if fully rewritten herein, and further states:
19. Columbia wrongfully and unlawfully terminated natural gas service to the Property in violation of Ohio Revised Code §4933.122.
20. Columbia failed to give reasonable notice prior to termination as required under Ohio Revised Code §4933.122.
21. As a direct and proximate result of Columbia's violation of Ohio Revised Code §4933.122, a water pipe at the Property froze and burst causing water damage to the Property in the amount of \$29,530.66.
22. State Farm reimbursed its insured for the loss, thereby becoming subrogated to his rights and claims with respect to this action.

WHEREFORE, Plaintiff requests a finding that Columbia Gas of Ohio, Inc. wrongfully and unlawfully terminated natural gas service to the Property in violation of the Ohio Revised Code. Plaintiff also requests an award in the amount of \$29,530.66, with interest at the statutory rate per annum from the date of the award, and treble damages pursuant to Ohio Revised Code §4905.61, plus the costs of this action.

Respectfully submitted,



Jeffrey E. Dubin, SCR# 0068001
Sam Benson, SCR#0082199
Attorneys for Plaintiff
Javitch, Block & Rathbone LLP
1100 Superior Ave. 19th fl
Cleveland, Ohio 44114
Phone: (216) 623-0000
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SBENSON@JBANDR.COM

How to Contact Us

1-800-344-4077

For DirectLink self-service 24 hours/day

For billing questions,

call 7 a.m. - 7 p.m., Mon. - Fri. before due date

For quickest response,

call 11 a.m. - 3 p.m., Mon. - Fri.

1-800-344-4077

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Press option 2 after the greeting

711

For hearing-impaired relay

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Payment Options

NCO EasyPay Call 1-800-284-8572 or link from our Web site to pay by credit/debit card, or e-check. A convenience fee will apply.

Authorized Payment Centers: Call or visit us online to find a payment center near you. Agents charge a fee for each transaction.

Mail Return: coupon below with payment to:

Columbia Gas of Ohio

P.O. Box 742510

Cincinnati, OH 45274-2510

Gas Meter Information

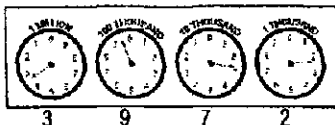
Actual Reading: We have read the meter. You're required to provide us access to read the meter at least once a year or risk shut-off. Please contact us to make arrangements if access is required.

Estimated Reading: During the months we don't read the meter, we accurately estimate your reading based on the history of usage at the service address and normal temperatures for the billing period. We verify the reading the next time we read the meter to make sure you pay only for the energy you've used.

Gas Usage: We measure your gas usage in Ccf equal to 100 cubic feet.

How to Read the Meter: When a pointer is between two numbers on a dial-type meter, read the smaller number except when the pointer is between 9 and 0. Record the reading on the dials from left to right.

Example:



Billing & Payment Summary

Customer Name

Michael E Kurtz

Adjusted Bill

Final Service

Previous Amount Due on 12/17/2008

\$363.86

Payments Received by 12/26/2008

- \$370.00

Billing Adjustment 12/31/2008

- \$63.08

Balance on 12/15/2008

= \$69.22CR

Charges for Gas Service This Period

+ \$97.29

Amount Due by 01/19/2009

= \$28.07

Billing & Payment Notes

If we receive your payment for the current total Amount Due by the due date shown on this bill, you will avoid a late payment charge of 1.50%.

See back of bill for Detail Charges for Gas Service.

Service Summary

Service Location

2101 Candlewick Dr
Findlay OH 45840-4307

Meter Number

228856

Meter Readings (13 Billing Days)

Adjusted Reading on 12/15

1180

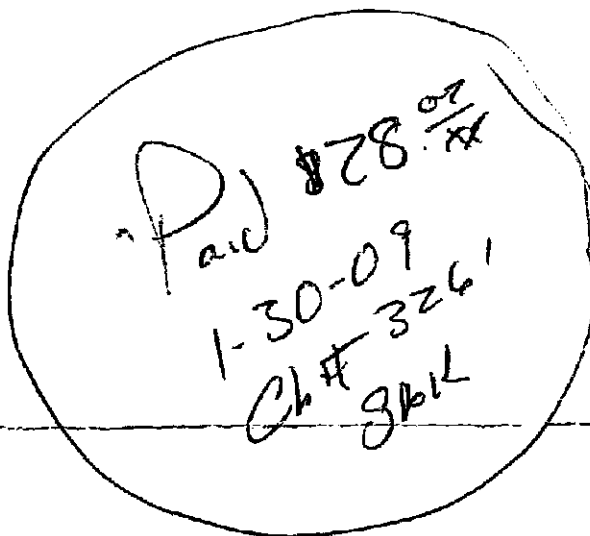
Adjusted Reading on 12/2

- 1119

Gas Used (Ccf)

= 61

Service Summary Notes



Legal Notices

Public Utilities Commission of Ohio: If your complaint is not resolved after you have called us, or for general utility information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll-free) or for TTY at 1-800-686-1570 (toll-free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.PUCO.ohio.gov.

Office of Ohio Consumers' Counsel: Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 1-877-742-5622 (toll-free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.pickocc.org.

Payment Coupon

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