

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the	:	
Complaints of:	:	
	:	
Katherine Lycourt-Donovan,	:	
Seneca Builders, LLC, R &	:	
P Investments, Inc, and	:	
Ryan Roth,	:	
	:	
Complainants,	:	
	:	
vs.	:	Case Nos. 12-2877-GA-CSS
	:	13-124-GA-CSS
Columbia Gas of Ohio,	:	13-667-GA-CSS
Inc.,	:	
	:	
Respondent.	:	

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PROCEEDINGS

before Mr. Jeffrey R. Jones, Attorney Examiner, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, Room 11-D, Columbus, Ohio, called at
9 a.m. on Thursday, November 21, 2013.

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VOLUME III

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On her own behalf.

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On behalf of the Complainants Seneca
Builders, LLC, R & P Investments, Inc.,
and Ryan Roth.

NiSource
By Ms. Brooke E. Leslie
and Mr. Stephen B. Seiple
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Columbus, Ohio 43215

Porter, Wright, Morris & Arthur, LLP
By Ms. Christen M. Blend
and Mr. Eric B. Gallon
41 South High Street, 30th Floor
Columbus, Ohio 43215

On behalf of the Respondent.

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INDEX

- - -

Witness	Page
Joe P. Ferry	
Cross-Examination by Mr. Allwein	486
Direct Examination by Mr. Gallon	490
Stephen E. Erlenbach, P.E., C.F.E.I	
Direct Examination by Mr. Gallon	493
Cross-Examination by Mr. Williams	494
Examination by Examiner Jones	507
Redirect Examination by Mr. Gallon	508
Christopher Kozak	
Cross-Examination by Mr. Allwein	512
Direct Examination by Mr. Gallon	549
Recross-Examination by Mr. Allwein	573

- - -

Columbia Exhibit	Identified	Admitted
14 Direct Testimony of Stephen E. Erlenbach, P.E., C.F.E.I.	492	511

- - -

Seneca Builders Exhibit	Identified	Admitted
14 6-15-12 E-mail from Mr. Kozak	516	586
15 10-11-12 E-mail Chain	518	586
16 6-8-12 E-mail Chain	525	586
17 8-20-12 E-mail Chain	531	586
18 6-7-12 E-mail from Mr. Kozak	537	586
19 9-24-12 E-mail from Mr. Kozak	544	586

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Thursday Morning Session,
November 21, 2013.

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EXAMINER JONES: Let's go back on the
record.

Do we have any preliminary issues to deal
with this morning before we proceed to our next
witness?

MR. GALLON: None, your Honor.

EXAMINER JONES: Seeing -- hearing none,
I believe by agreement of the parties that we were
going to proceed next with the testimony of Mr. Joe
Ferry whose been subpoenaed by counsel for Seneca
Builders and Roth -- and the Roths; is that correct?

MR. ALLWEIN: Yes, your Honor.

EXAMINER JONES: All right. Mr. Ferry,
take the stand, please.

(Witness sworn.)

EXAMINER JONES: Thank you. Please be
seated.

Mr. Allwein, are you cross-examining him?

MR. ALLWEIN: Yes, your Honor. Thank
you.

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JOE P. FERRY

being first duly sworn, as prescribed by law, was
examined and testified as follows:

CROSS-EXAMINATION

By Mr. Allwein:

Q. Good morning, Mr. Ferry. My name is
Chris Allwein, and I am counsel representing Seneca
Builders and Ryan Roth and R & P Investments,
Incorporated, in this case.

Can you please state your name for the
record.

A. Sure. It's Joe P. Ferry, F-E-R-R-Y.

Q. And can you state your business address,
please.

A. 200 Civic Center Drive, Columbus, Ohio.

Q. Are you employed?

A. Yes.

Q. By whom?

A. NiSource Corporate Services Corporation.

Q. And what department do you work for?

A. Environment, safety, and sustainability
department.

Q. And how long have you worked in that
department?

A. Approximately ten years -- well, no,

1 since 2000, I'm sorry.

2 Q. And how long have you worked for Columbia
3 Gas or NiSource -- or I'm sorry. Have you worked
4 also for Columbia Gas?

5 A. I worked -- I started with Columbia Gas
6 Transmission in the mid-1990s.

7 Q. And how long have you worked in total
8 then for Columbia Gas and NiSource?

9 A. Could you repeat the question. I'm
10 sorry.

11 Q. What is your total length of employment
12 combined with Columbia Gas and NiSource?

13 A. That would be from '96 to 2013 so.

14 Q. Okay. About 17 years?

15 A. Sounds good.

16 Q. Are you familiar with Graystone Woods in
17 Toledo, Ohio?

18 A. Generally.

19 Q. Okay. In what way?

20 A. Conversation in the hallway regarding the
21 site.

22 Q. Okay. And you're familiar with the
23 situation involving stray gas detection by Columbia
24 Gas that began on May 31, 2012?

25 A. Generally.

1 Q. And did you have a role as a NiSource
2 employee regarding the situation at Graystone Woods?

3 A. I would say I did not have a role.

4 Q. Okay. Were you included in e-mail chains
5 that -- whose subject matter was Graystone Woods and
6 the stray gas situation?

7 A. I was involved in several conversations
8 and some e-mails.

9 Q. And I wanted to ask you, do you recall
10 making a recommendation in this case regarding the
11 installation of radon remediation systems in all of
12 the homes out there?

13 A. I don't recall making a recommendation.
14 I recall discussing it might be a technology that had
15 some applicability.

16 Q. Okay. And the -- being technology that
17 may have some applicability, your recommendation was
18 to install one of these types of systems for -- on
19 each home, correct?

20 A. I don't know if I made a recommendation.
21 I suggested it might be a technology that could be
22 considered.

23 Q. Okay. And --

24 A. Nobody asked me for a recommendation.

25 Q. Okay. Thank you. Thank you for the

1 clarification. And this suggestion for
2 consideration, did it involve the installation of a
3 radon mitigation system at all 13 homes?

4 A. I'm trying -- can you say the question
5 again.

6 Q. Yes, sir. Your suggestion for
7 consideration of this technology, did it involve the
8 installation of a radon-type remediation system in
9 the -- in all of the 13 affected homes in Graystone
10 Woods?

11 A. I guess it's difficult for me to answer
12 the question for a couple of reasons. One, I am not
13 sure how many homes are involved. I can only say
14 that it's a technology that might be applicable to
15 control gases.

16 Q. All right. And are you still of the
17 opinion that it might be technology worthy of
18 consideration to control gases?

19 A. I think it's one of the technologies in
20 the toolbox that one would consider, yes.

21 MR. ALLWEIN: Thank you. I have no
22 further questions, your Honor.

23 EXAMINER JONES: Ms. Donovan, do you have
24 any questions of this witness?

25 MS. DONOVAN: Oh, no, I'm sorry. I do

1 not, your Honor.

2 EXAMINER JONES: Thank you.

3 Any redirect from Columbia?

4 MR. GALLON: Yes, your Honor, just a few
5 questions.

6 EXAMINER JONES: Okay.

7 - - -

8 DIRECT EXAMINATION

9 By Mr. Gallon:

10 Q. Mr. Ferry, you said that you did not make
11 a recommendation as to the installation of any radon
12 mitigation system at Graystone, correct?

13 A. Correct.

14 Q. Would you be capable of making a
15 recommendation about the installation of a radon
16 mitigation system at Graystone Woods at this point?

17 A. No. I don't have enough background
18 information about the site.

19 Q. What do you mean when you say you don't
20 have enough background information about the site?

21 A. Typically I wouldn't be installing vapor
22 mitigation without a complete engineering assessment.

23 Q. Have you seen any kind of engineering
24 assessment that would be applicable to Graystone
25 Woods?

1 A. No.

2 Q. Have you ever yourself installed a radon
3 mitigation system?

4 A. Myself, no. I've had a manager install a
5 passive system at a site in Pennsylvania.

6 Q. Is that the only radon mitigation system
7 you have any awareness of in your position at
8 NiSource?

9 A. Yes. Let me correct though that it
10 wasn't a radon mitigation system. It's like a radon
11 mitigation system. It was installed to control
12 volatile organic compounds left over from a legacy
13 hazardous waste site. It was installed for a
14 different purpose. It was very similar to a radon
15 home system.

16 Q. And you said you hired somebody to
17 install that?

18 A. Yes. We would have hired an engineer to
19 design and a contractor to install.

20 MR. GALLON: Thank you, Mr. Ferry.

21 EXAMINER JONES: Any recross?

22 MR. ALLWEIN: No, your Honor. Thank you.

23 EXAMINER JONES: Thank you.

24 Thank you, Mr. Ferry.

25 Please correct me if I'm wrong but I

1 believe the next witness was going to be Stephen
2 Erlenbach; is that correct?

3 MR. GALLON: It can be either Steve
4 Erlenbach or Chris Kozak. It's up to Complainant's
5 counsel.

6 EXAMINER JONES: Let's go off the record
7 then for a minute.

8 (Discussion off the record.)

9 EXAMINER JONES: Let's go back on the
10 record.

11 We have had a brief discussion off the
12 record. I believe it's been decided we will take
13 Mr. Erlenbach next then.

14 (Witness sworn.)

15 EXAMINER JONES: Thank you. Please be
16 seated.

17 I'm not sure. It looks like Mr. Gallon
18 is going to present.

19 MR. GALLON: If we could have that marked
20 as Columbia Exhibit 14, please.

21 EXAMINER JONES: It shall be so marked.

22 (EXHIBIT MARKED FOR IDENTIFICATION.)

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STEPHEN ERLENBACH, P.E., C.F.E.L.

being first duly sworn, as prescribed by law, was
examined and testified as follows:

DIRECT EXAMINATION

By Mr. Gallon:

Q. Could you please state your name for the
record.

A. Stephen Erlenbach.

Q. How is Erlenbach spelled?

A. E-R-L-E-N-B-A-C-H.

Q. Mr. Erlenbach, are you employed?

A. Yes.

Q. Who is your employer?

A. SEA.

Q. And what is your position with SEA?

A. I'm a mechanical engineer in the fire
group within SEA.

Q. Mr. Erlenbach, have you had testimony
prefiled under your name in this proceeding?

A. Yes.

Q. I've handed you a document the court
reporter has marked as Columbia Exhibit 14. Is this
a true and accurate copy of your testimony prefiled
for you in this case?

A. Yes, it is.

1 Q. Do you have any corrections or revisions
2 to make to your testimony at this time?

3 A. No.

4 Q. If I were to ask you the questions
5 included in this testimony today, would your answer
6 be the same?

7 A. Yes.

8 MR. GALLON: Your Honor, at this time I
9 would move the admission of Columbia Exhibit 14
10 pending cross-examination.

11 EXAMINER JONES: Thank you, Mr. Gallon.
12 Which one of the Complainant parties
13 wants to start first for cross-examination?

14 MR. WILLIAMS: I believe I'll start.

15 EXAMINER JONES: You may proceed.

16 - - -

17 CROSS-EXAMINATION

18 By Mr. Williams:

19 Q. Good morning, Mr. Erlenbach. My name is
20 Todd Williams. I'm an attorney for Ryan Roth, R & P
21 Investments, and Seneca Builders, LLC, in this
22 matter. How are you doing this morning?

23 A. Very good, thank you.

24 Q. Excellent. Do you have a copy of your
25 testimony before you?

1 A. Yes.

2 Q. Excellent. I was hoping you could turn
3 to page 2. I would like to direct your attention to
4 the 2005 investigation that you had about an
5 explosion in a small Ohio home. You state that this
6 was a substantial gas leak outside of the home. Was
7 that from a pipeline source?

8 A. It was from a pipeline source, yes.

9 Q. Is gas under pressure in the pipeline?

10 A. Yes.

11 Q. Was the gas turned off at the time of the
12 explosion?

13 A. The gas actually at the time of the
14 explosion -- I'm not 100 percent sure. The gas was
15 shut off at the house, and I believe it may have been
16 shut off at the tank shortly before the explosion.

17 Q. Is it fair to assume then there was a
18 good period of time between when the leak happened
19 and before the gas was shut off that gas under
20 pressure was under continuous feed into the soil?

21 A. I -- I guess that's kind of a subjective
22 term, "a good time." Could you ask that a different
23 way.

24 Q. Is it fair to assume that gas was leaking
25 from the pipeline or from the source for an amount of

1 time prior to it being shut off allowing it to
2 accumulate?

3 MR. GALLON: Objection, vague.

4 EXAMINER JONES: Overruled.

5 A. I guess I would say to answer that
6 question that it wasn't -- that I believe it wasn't
7 instantaneous.

8 Q. You attached a number of pictures from
9 the incident.

10 A. Yes.

11 Q. Is this one of the pictures?

12 A. That appears to be one of them, yes.

13 Q. Can you describe what's in the picture?
14 There's not a number on it.

15 MR. WILLIAMS: Mr. Gallon? Everyone?

16 EXAMINER JONES: This is in SEE.2 though,
17 correct? A series of pictures in that exhibit?

18 MR. GALLON: It's the fifth picture in
19 that exhibit, your Honor.

20 EXAMINER JONES: Thank you.

21 MR. WILLIAMS: I jumbled them around. I
22 wasn't sure of the original order so I didn't want to
23 assign a number to it this morning.

24 Q. Can you describe what's in that picture?

25 A. What is in this picture there's a file

1 cabinet. There is also a bunch of jumbled up
2 electrical cords that were all near the place where
3 the foundation wall meets the floor where there were
4 some cracks noticed along that edge. And post
5 explosion there were scorch marks noticed along the
6 crack line which ultimately damaged these cords.

7 Q. Was this electric wire the source of the
8 ignition?

9 A. No, it was not.

10 Q. Is an electric -- or is electricity a
11 potential ignition source?

12 A. It is a potential ignition source in the
13 right scenario, yes.

14 Q. Page 2, lines 16 and 17, you say you've
15 investigated over 15 incidents from a propane or
16 natural gas piping system which has resulted in
17 explosion.

18 A. Correct.

19 Q. Do you have any investigations of an
20 explosion not from a leak in an underground piping
21 system?

22 A. Yes.

23 Q. What was the source in those leaks?

24 A. Well, there's been several. One that I
25 have done recently was a release of methanol within a

1 house.

2 Q. A release from what? Sorry to interrupt.

3 A. A release of methanol.

4 Q. Where was the methanol released from?

5 A. It was being introduced into a geothermal
6 water loop system as part of the refrigerant -- or as
7 part of the heat exchange fluid.

8 Q. So it was coming from a contain --
9 container of some kind or contained system of some
10 kind?

11 A. Yes.

12 Q. Could you go on with other examples.

13 A. There's been instances where there's been
14 a gasoline bore that was subsequently ignited later
15 as a result of an explosion.

16 Q. Have you investigated any incidents from
17 a naturally occurring stray natural gas causing an
18 explosion?

19 A. No, I have not.

20 Q. You use a couple of different terms in
21 your testimony. I just want to be clear. You use
22 the term "fuel gas." Can you give a definition for
23 "fuel gas"?

24 A. Fuel gas would be -- generally is known
25 as gas that would be used as a fuel so you're talking

1 either -- normally you would be talking about natural
2 gas and propane in that scenario.

3 Q. You also use the term "fugitive gas."
4 Can you define fugitive gas?

5 A. Fugitive gas would be any gas that's
6 escaped containment.

7 Q. And you do reference to the term "stray
8 gas." Do you have a definition for that?

9 A. Stray gas as I guess I have been
10 referring to it in this case would be gas from an
11 unknown source that's in the soil outside the home
12 and inside the home.

13 Q. Page 3 you stated "stray or fugitive
14 gases can migrate underground."

15 A. Which page? I'm sorry.

16 Q. Page 3.

17 A. Okay.

18 Q. Starting at line 7, I believe, sir.

19 A. Okay.

20 Q. Is it fair to assume that a fugitive gas
21 escaping from a system under pressure might migrate
22 further or faster than dissipated stray gas?

23 A. I don't have as much experience in stray
24 gas to know how it can migrate and how fast and to
25 what degree. So it would be hard for me to compare

1 that to gas coming from a pipeline source.

2 Q. So you would say that you have limited
3 experience in analyzing stray gas and the occurrence
4 of stray gas, in particular how it migrates?

5 A. I certainly have a lot less exposure to
6 stray gas as opposed to leaks from say a pipeline by
7 the nature of my job.

8 Q. What would you say your experience with
9 stray gas is?

10 A. I've had a couple of incidents in the
11 past where we have been called out to analyze an
12 unknown gas in a soil for chemical comparison against
13 a known source such as a pipeline in order to see
14 whether that gas is naturally occurring or from a
15 pipeline.

16 Q. In those situations did you analyze the
17 migration of that stray gas?

18 A. Only to some degree, only in the sense
19 that I have been provided maps and have known where
20 the gas company has picked up readings from that --
21 in those incidents.

22 Q. Did you take any testing yourself to
23 determine how the stray gas was migrating in the
24 soil?

25 A. No. In those cases my role was to -- was

1 to document the -- basically to document the site and
2 to take a physical sample of the gas itself.

3 Q. Did you analyze in those situations stray
4 gas migrating through a foundation wall of a
5 building?

6 A. No.

7 Q. Do you have any experience --

8 A. I should take that back. Only in the
9 sense that it was prior to learning what the source
10 of the gas in the soil was. There was concern about
11 nearby structures and it was determined by the gas
12 companies in those cases that there was no gas up
13 against the foundation of those homes.

14 Q. In those situations was it ever -- did
15 you ever reach a point where you determined the
16 source of the gas and were able to reclassify it as
17 fugitive gas?

18 A. In those particular cases the -- the gas
19 that was found in the ground was determined to be --
20 matched the gas -- company gas in those cases leaking
21 from an unknown point.

22 Q. So your experience with stray gas is
23 really limited to situations of fugitive gas from a
24 pipeline system?

25 A. I would say previous to this case, yes.

1 Q. You testified the lower explosive limits,
2 I believe is the correct term, LEL, is 5 percent, the
3 lower percent is 5 percent. The maximum is 15
4 percent in the air. Am I stating that correctly?

5 A. Yes. If you want to go by actual -- I
6 mean, it's -- natural gas is not necessarily a
7 consistent substance. There's vapor. There's -- you
8 can have a slight range in those numbers. Generally
9 the accepted numbers we generally go by is 5 to
10 15 percent. In reality you see other publications
11 that say 4-1/2 to 15 percent, but you are in the
12 general ballpark by saying 5 and 15 percent.

13 Q. Page 5 you discuss -- I'm sorry. Are you
14 okay?

15 Top of page 5 you discuss the detection
16 of 1 percent of LEL at 2107 Oakside Road. You
17 weren't the individual taking this test, correct?

18 A. No, I was not.

19 Q. You weren't present for the test?

20 A. No.

21 Q. You are relying on the testimony of
22 Curtis Anstead concerning the test and the documents
23 from Columbia Gas concerning the test?

24 A. Yes, relying on the testimony and
25 conversations with them and just the general

1 documentation of what's been going on outside and
2 inside the home.

3 Q. Hoping to get a bit of clarification
4 again, 1 percent of LEL, is that 1 percent of the
5 5 percent?

6 A. That would be, yes. If you want to
7 consider, yeah, 5 percent gas as the lower explosive
8 limit, then you are talking about 1 percent of that.

9 Q. Well, the 1 percent of LEL which you are
10 referring to in your testimony, is that what you are
11 referring to, 1 percent of the 5 percent --

12 A. Yes.

13 Q. -- LEL? Okay. Were you present
14 yesterday while Mr. Anstead was testifying?

15 A. Yes.

16 Q. You heard Mr. Anstead testify that
17 Columbia Gas did not determine the source of that gas
18 detected at 2107?

19 A. Yes.

20 Q. You heard the testimony that the customer
21 originating the complaint had said there was an odor
22 of natural gas?

23 MR. GALLON: Objection. Mischaracterizes
24 the evidence. He testified, indicated there was an
25 odor. I don't think it was --

1 MR. WILLIAMS: I'll stipulate to that.

2 That's fine.

3 A. I heard the testimony, yes.

4 Q. You heard Mr. Anstead agree that
5 potentially a source was the kitty litter or a kitty
6 litter box?

7 A. Well --

8 Q. Potential.

9 A. Well, absent -- absent any other data
10 what I do know is that there was a subsequent house
11 line test done at that address which showed there was
12 no leakage from the house piping and I know that
13 there is gas up against the foundation.

14 As far as the potential of kitty litter,
15 I don't -- I don't even know if there is a cat in the
16 house. But if -- I don't even know what the
17 potential of that would be at this point.

18 Q. Hypothetically would cat waste in a
19 litter box generate methane?

20 A. Theoretically I would say so, yes.

21 Q. Hypothetically would methane be found in
22 a trap in the floor in a basement?

23 A. Potentially.

24 Q. Are you aware of any testing or were you
25 provided with any data showing that the gas sample

1 taken in the home matched the -- a stray gas sample
2 taken outside of the home?

3 A. No, I have not.

4 Q. So your sole reliance on the detection of
5 stray gas in the home is from the data provided by
6 Columbia Gas.

7 A. It would be the -- it would be the
8 logical conclusion to make at this point absent any
9 other data showing any other leak source coming from
10 the house. We have gas up against the foundation.
11 There's gas being measured in the basement.

12 Q. So you are stating the logical conclusion
13 is obviously gas outside and gas inside it must have
14 migrated?

15 A. Absent any other data, that's -- that is
16 what I have to go by, yes.

17 Q. Absent any data that the gas inside of
18 the house and the gas outside of the house are the
19 same gas, how do you draw that conclusion?

20 A. There's no -- if I can be shown another
21 source -- I guess I just don't have enough data to
22 say what the source -- what the gas in the house
23 measured that day was.

24 Q. I would like to pose a couple of
25 hypotheticals to you at this point. Are you familiar

1 with the radon mitigation system?

2 A. Only that I have one in my house. I
3 don't design radon mitigation systems. I am not an
4 expert in radon mitigation systems.

5 Q. Why do you have one in your house?

6 A. Because when we had a home inspection,
7 they detected higher levels of radon, and they
8 recommended that one be put in.

9 Q. So is the system in your house designed
10 to prevent the accumulation of radon gas to a
11 dangerous level in your house?

12 A. I would assume so.

13 Q. Do you feel that it's working?

14 A. I would have no way to know whether it's
15 working or not.

16 Q. Exhibit SEE-7 to your testimony, S-E-E-7,
17 I see that you attached the Hull & Associates report
18 dated August 3. Did you review this report as a
19 portion of preparing your testimony?

20 A. Yes.

21 Q. Do you agree -- do you see in the first
22 paragraph the recommendation by Hull & Associates to
23 turn the -- resume gas service to the properties?

24 A. I see that in the document, yes.

25 MR. WILLIAMS: I've got no further

1 questions for this witness.

2 EXAMINER JONES: Thank you.

3 Ms. Donovan, do you have any questions?

4 MS. DONOVAN: I have no further
5 questions, thank you.

6 EXAMINER JONES: Thank you.

7 - - -

8 EXAMINATION

9 By Examiner Jones:

10 Q. I think I just have one for you,
11 Mr. Erlenbach. Following up on a question that
12 counsel Mr. Williams just asked you and there's been
13 some testimony in this proceeding about radon and
14 natural gas and I am not a chemist and I don't know
15 if you can answer this question but do radon gas and
16 methane gas have the same chemical fingerprints? Are
17 they made of the same compounds?

18 A. I have no knowledge of radon gas.

19 EXAMINER JONES: Thank you. That was all
20 I had.

21 Any redirect, Mr. Gallon?

22 MR. GALLON: Just a few questions, your
23 Honor.

24 EXAMINER JONES: Do you need a few
25 minutes with your witness or not?

1 MR. GALLON: No. Thank you.

2 EXAMINER JONES: Okay.

3 - - -

4 REDIRECT EXAMINATION

5 By Mr. Gallon:

6 Q. Mr. Erlenbach, I just had a couple of
7 follow-up questions regarding the discussion you had
8 with Mr. Williams. He was asking you about 2107
9 Oakside Road. Do you recall those questions?

10 A. Yes.

11 Q. And we were talking about potential other
12 sources of methane emissions in the basement of Megan
13 Simmons' address. Do you recall those questions?

14 A. Yes.

15 Q. You were present yesterday, correct?

16 A. Yes.

17 Q. Did opposing counsel put Megan Simmons on
18 the stand yesterday while you were here?

19 A. No.

20 Q. Did opposing counsel put anybody on the
21 stand yesterday to testify as to whether Ms. Simmons
22 owns a cat?

23 A. No.

24 Q. Did opposing counsel put anybody on the
25 stand to testify that Ms. Simmons owns a cat and she

1 keeps her kitty litter box in her basement?

2 A. No.

3 Q. Did opposing counsel put anybody on the
4 stand to talk about the trap in Ms. Simmons'
5 basement?

6 A. No.

7 Q. Did opposing counsel put anybody on the
8 stand to offer actual evidence that there was sewer
9 gas in the basement of Ms. Simmons' home?

10 A. No.

11 Q. Absent any actual evidence of either
12 kitty litter or sewer gas in Ms. Simmons' home and
13 knowing that the house lines had been pressured
14 tested in that home and had been shown not to be
15 leaking, what is your professional opinion as to the
16 most likely source of methane readings in the
17 basement?

18 A. The only identified -- the only
19 previously identified source of gas would be gas up
20 against the foundation of the home.

21 Q. And I would also like to turn your
22 attention to the Hull report that Mr. Williams was
23 just asking you about. It's exhibit SEE-7. Do you
24 have it in front of you?

25 A. Yes.

1 Q. And Mr. Williams asked you regarding the
2 first paragraph of the page of SEE-7, correct?

3 A. Yes.

4 Q. And he pointed you to the second sentence
5 which says "At this time we recommend contacting
6 Columbia Gas and requesting that the gas service be
7 resumed to residents in the subdivision," correct?

8 A. I see that, yes.

9 Q. If I could turn your attention to the
10 third paragraph of that page. Do you see that?

11 A. Paragraph starting with "This" or "As"?

12 Q. "As."

13 A. Okay.

14 Q. Do you see any explanation in that
15 paragraph as to why Hull was recommending that the
16 gas service be resumed to residents in the
17 subdivision?

18 A. That they are recommending to monitor
19 methane concentrations while the gas service is on.
20 What was -- I'm sorry. What was -- repeat the
21 question.

22 Q. The first -- could you please read the
23 first sentence of that paragraph for me.

24 A. "As previously discussed with you,
25 monitoring methane concentrations with the natural

1 gas service on will allow us to determine if there
2 are any significant differences in methane
3 concentrations relative to the data collected while
4 the natural gas service was turned off at the
5 residential properties."

6 MR. GALLON: Thank you. I have no
7 further questions for Mr. Erlenbach. Thank you, your
8 Honor.

9 EXAMINER JONES: Any recross?

10 MR. WILLIAMS: No, your Honor.

11 EXAMINER JONES: Thank you. At this time
12 does Columbia re-move for the admission of Columbia
13 Exhibit 14, the prefiled testimony of Stephen
14 Erlenbach?

15 MR. GALLON: Yes, your Honor, we do.

16 EXAMINER JONES: Any objection to the
17 admission of the Columbia Exhibit 14?

18 MS. DONOVAN: No, your Honor.

19 MR. ALLWEIN: No, your Honor.

20 EXAMINER JONES: Thank you.

21 It shall be admitted.

22 (EXHIBIT ADMITTED INTO EVIDENCE.)

23 EXAMINER JONES: I do not believe there
24 were any other exhibits with this witness, were
25 there?

1 MR. GALLON: No, your Honor.

2 EXAMINER JONES: Thank you.

3 Thank you, Mr. Erlenbach. You may step
4 down.

5 At this time I believe the only witness
6 we have remaining is Mr. Christopher Kozak called on
7 behalf of -- by subpoena on behalf of Roth and Seneca
8 Builders; is that correct?

9 MR. ALLWEIN: Yes, your Honor.

10 EXAMINER JONES: Mr. Kozak, would you
11 take the stand, please.

12 (Witness sworn.)

13 EXAMINER JONES: Thank you. You may be
14 seated.

15 Mr. Allwein, are you presenting this
16 witness or cross-examining this witness?

17 MR. ALLWEIN: Yes, your Honor, thank you.

18 - - -

19 CHRISTOPHER KOZAK
20 being first duly sworn, as prescribed by law, was
21 examined and testified as follows:

22 CROSS-EXAMINATION

23 By Mr. Allwein:

24 Q. Good morning, Mr. Kozak. My name is
25 Chris Allwein, and I am counsel for Seneca Builders,

1 Ryan Roth, and R & P Investments, Incorporated.

2 Can you please state your name for the
3 record.

4 A. Chris Kozak.

5 Q. And what is your business address?

6 A. 2901 East Manhattan Boulevard, Toledo,
7 Ohio.

8 Q. Are you employed?

9 A. Yes.

10 Q. By whom?

11 A. Columbia Gas of Ohio.

12 Q. And what is your position with Columbia
13 Gas of Ohio?

14 A. I am the communications and community
15 relations manager.

16 Q. And how long have you held this position?

17 A. Nine years.

18 Q. And how long have you worked for Columbia
19 Gas in total?

20 A. Nine years.

21 Q. Are you familiar with Graystone Woods in
22 Toledo, Ohio?

23 A. Yes.

24 Q. Are you aware of the situation involving
25 stray gas detection that began on May 31, 2012?

1 A. Yes.

2 Q. And what was your role as a Columbia Gas
3 employee regarding the situation at Graystone Woods,
4 if any?

5 A. My role is to work with the operations
6 staff and provide communications, guidance.

7 Q. And were you the spokesperson for
8 Columbia Gas regarding the situation at Graystone
9 Woods?

10 A. Yes.

11 Q. Mr. Kozak, you as a representative of
12 Columbia Gas met with the residents of Graystone
13 Woods to discuss the situation on June 11, 2012. Do
14 you recall that meeting?

15 A. Yes.

16 Q. And that was 11 days after Columbia Gas
17 interrupted service to the 13 homes on Oakside Road;
18 is that correct?

19 A. Yes.

20 Q. And was this meeting -- I'm sorry. Was
21 your attendance at this meeting at the request of a
22 Mr. Kris Jensen?

23 A. Yes.

24 Q. Where did you meet?

25 A. We met at a home on Oakside, I believe

1 Ms. Donovan's home.

2 Q. And do you remember what time it was that
3 you met?

4 A. It was in the morning, 8 or 8:30 a.m.

5 Q. So an early morning meeting.

6 A. Yes.

7 Q. At that meeting do you recall that you
8 were asked for results of Columbia's recent bar hole
9 testing in the neighborhood?

10 A. Yes.

11 Q. And did you share those results at that
12 time?

13 A. No.

14 Q. And at that meeting the residents also
15 asked you to share a copy of Columbia Gas's standards
16 applicable in the Graystone Woods situation; is that
17 correct?

18 A. Yes.

19 Q. And you refused to provide Columbia's
20 standards at that time, correct?

21 A. I was not able to provide the standards
22 because I didn't have them available to me.

23 Q. Okay. Did you provide them to the
24 residents of Graystone Woods at a later date?

25 A. No.

1 Q. On June 15, 2012, do you recall that you
2 received an invitation from Steve Herwat, I think
3 that's how you say his name, to appear before City
4 Council?

5 A. Yes.

6 Q. And who is Steve Herwat?

7 A. Steve Herwat is the deputy mayor for the
8 city of Toledo.

9 Q. And was that invitation via a phone call?

10 A. I believe that's how Steve reached out to
11 me, yes.

12 MR. ALLWEIN: Your Honor, may I approach?

13 EXAMINER JONES: Yes, you may.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 Q. Mr. Kozak, I have just handed you what's
16 been marked as Seneca Exhibit 14, correct?

17 A. Yes.

18 Q. And we were discussing a phone
19 conversation that you had with Steve Herwat from the
20 mayor's office, correct?

21 A. Yes.

22 Q. And this e-mail dated June 15 of 2012
23 from you to various folks at Columbia Gas is a
24 summary of that meeting; is that a fair
25 characterization?

1 A. Yes.

2 Q. And I wanted to point out a couple of
3 things on this e-mail. If you look, can you read the
4 second sentence in that e-mail.

5 A. "He indicated the Mayor was looking for a
6 resolution to restoring service to these customers,
7 but that the City was not going to assume
8 responsibility or liability."

9 Q. And by "he" you mean Steve Herwat,
10 correct?

11 A. Yes.

12 Q. And do you see the next sentence
13 Mr. Herwat is requesting copies of your test results?
14 Do you see that?

15 A. Yes.

16 Q. And you did not provide those to the
17 deputy mayor; is that correct?

18 A. Correct.

19 Q. Do you know if he ever received those
20 test results subsequent to that request?

21 A. I don't believe I've ever provided those
22 test results to Steve Herwat.

23 Q. Subsequent to the request on June 11,
24 2012, by the residents of Graystone Woods for the
25 applicable Columbia Gas standards governing the

1 situation at Graystone Woods, did you supply those
2 written policies and standards to -- I'm sorry. Were
3 you asked to provide those written policies and
4 standards by others?

5 A. I don't believe I was asked by others to
6 provide that standard.

7 Q. Do you recall correspondence with
8 Representative Michael Ashford's Office in October of
9 2012?

10 A. Yes, I do.

11 MR. ALLWEIN: Your Honor, may I approach?

12 EXAMINER JONES: Yes, you may.

13 MR. ALLWEIN: Your Honor, may I have this
14 exhibit marked as Seneca Exhibit 15, please.

15 EXAMINER JONES: Certainly.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 Q. Mr. Kozak, I have just handed you what
18 has been marked as Seneca Exhibit 15, correct?

19 A. Yes.

20 Q. And this is an e-mail from you and it is
21 dated October 11, 2012, correct?

22 A. Yes.

23 Q. And this is to various folks that work
24 for either Columbia Gas or NiSource, correct?

25 A. Yes.

1 Q. And this e-mail is addressing a proposed
2 response to someone from Representative Michael
3 Ashford's Office, correct?

4 A. Yes.

5 Q. So if you turn to the second page of this
6 three-page document, are you there?

7 A. Yes.

8 Q. You see that -- can you read the first
9 sentence.

10 A. "Can you please send me a copy of the
11 policy used to shut off the gas that you mention in
12 your e-mail?"

13 Q. All right. And the second sentence,
14 could you read that also.

15 A. "What kind of mitigation system do you
16 want the builder to install?"

17 Q. And this e-mail is from Michelle Dempsey
18 Zimmerman, correct?

19 A. Yes.

20 Q. And she is a legislative aide to
21 Representative Michael Ashford; is that correct?

22 A. Yes.

23 Q. And so she has just asked you for a copy
24 of the policy used to shut off the gas to the
25 Graystone Woods area; is that correct?

1 A. Yes.

2 Q. And your proposed response is on the
3 first page of this three-page document. Can you turn
4 to that page.

5 A. Yes.

6 Q. And if you look, your proposed answer
7 states that "Columbia Gas/NiSource standards are
8 proprietary information, and at this time we have
9 declined to make those standards public"; is that
10 correct?

11 A. Yes.

12 Q. Did this proposed answer -- was it sent
13 to Representative Michael Ashford's Office?

14 A. I believe it was, yes.

15 Q. So you refused to provide the applicable
16 standards to the State Representative in this area;
17 is that correct?

18 A. Yes.

19 Q. There's one other thing I would like to
20 point out. On the third page -- well, I'm sorry.
21 Starting on the second page and continuing on to the
22 third page, there is another e-mail from you to
23 Michelle Dempsey and is it Marta Mudri?

24 A. As far as I'm aware, yes.

25 Q. Okay. And who are Michelle Dempsey and

1 Marta Mudri? Do you know?

2 A. Well, Michelle Dempsey is the legislative
3 aide for Representative Ashford. I don't know who
4 Marta Mudri is.

5 Q. Okay. And what is this e-mail? Do you
6 know?

7 A. The e-mail -- my e-mail to her?

8 Q. Yes, sir.

9 A. She had -- I had been forwarded questions
10 from Representative Ashford's Office regarding this
11 situation internally, and they asked me to respond.

12 Q. And part of your correspondence here, and
13 this would be on page 3, about -- about five lines
14 down you state that "To restore service, Columbia Gas
15 has requested the following:" and it says "A
16 remediation system installed that would lower and
17 maintain the methane gas readings at zero around the
18 foundation"; is that correct?

19 A. Yes.

20 Q. And in your opinion was that the Columbia
21 Gas policy in place at the time?

22 A. The Columbia Gas policy in place at the
23 time was all three needed to be adhered to. It was
24 the remediation, it was the signed consent form, and
25 it was a signed form from a certified expert as well.

1 So it wasn't just the remediation system.

2 Q. Thank you for that clarification but in
3 particular your statement today is that the
4 Columbia -- the applicable Columbia Gas policy at the
5 time is that the remediation installed would lower
6 and maintain the methane gas readings at zero around
7 the foundation. That's what was required, correct?

8 A. Yes.

9 Q. And one more thing, if you would, on
10 Seneca Exhibit 15, your introduction to this proposed
11 answer you state that "As for her first question, I'd
12 like to respond as such" and in parentheses "It's the
13 same response we sent to Ron Hensley on October 9,
14 2012," correct?

15 A. Yes.

16 Q. And Ron Hensley was the developer of
17 Graystone Woods, correct?

18 A. Yes.

19 Q. And so from your e-mail we can determine
20 that you sent a response to Ron Hensley the day
21 before this e-mail -- excuse me, two days before this
22 e-mail where you also refused to provide the Columbia
23 Gas or NiSource standards; is that correct?

24 A. Yes.

25 Q. Was that the first time that the

1 builder/developer had asked you for a copy of those
2 standards?

3 A. You know, so much e-mail traffic and so
4 many conversation it wouldn't surprise me if that
5 weren't the first time I was asked, but I don't have
6 any specific recollection.

7 Q. Okay. But subsequent to his request --
8 or I guess I should say subsequent to your response
9 to him on October 9, 2012, you did not provide a copy
10 of the Columbia standards that would govern the
11 situation in Graystone Woods in this case, correct?

12 A. Correct, I did not provide a copy.

13 Q. Now, Ron Hensley was expressly stated to
14 be a point of contact by Columbia Gas regarding the
15 situation at Graystone Woods; is that correct?

16 A. Yes.

17 Q. And on May 31 a letter was sent out to --
18 was either sent out or taped to the door, I guess?

19 A. We did put it on either doors or
20 mailboxes, yes.

21 Q. Okay. And did you compose that letter?

22 A. I did, yes.

23 Q. All right. And so it indicated that if
24 folks had questions or concerns, they were supposed
25 to call Ron Hensley, and it had his phone number on

1 that letter -- or in that letter; is that correct?

2 A. Yes.

3 Q. And was Ron Hensley named by Columbia Gas
4 to be the point of contact for Columbia -- or the
5 point of contact for the situation at Graystone Woods
6 just for the events that occurred on May 31, 2012, or
7 was Ron Hensley named by Columbia Gas to be a point
8 of contact subsequent to that?

9 A. You know, I don't believe we named Ron
10 Hensley. I believe Ron Hensley requested to be the
11 point of contact.

12 Q. Okay. And did Ron Hensley request to be
13 the point of contact with regards specifically to the
14 activities on May 31, 2012, or did Ron Hensley
15 request to be a point of contact going forward from
16 May 31?

17 A. I believe going forward from May 31.

18 Q. So why did Columbia decide to agree to
19 that request?

20 A. At that time this was maybe 90 minutes to
21 120 minutes into that service being shut off. Once
22 it was determined it was not Columbia Gas gas, we
23 really didn't know what our responsibility or
24 liability was in terms of restoring service or how to
25 get that situation remediated, and Mr. Hensley said

1 have them call me. I'll take care of the situation.

2 Q. Okay. And so it was your understanding
3 that Ron Hensley was saying that he would be the
4 point of contact from May 31 onward for an
5 undetermined period of time?

6 A. He would be the point of contact to have
7 the situation resolved, yes.

8 Q. Okay. Was there any other reason that
9 Columbia Gas agreed to send inquiries to Ron Hensley
10 or decided to send inquiries to Ron Hensley?

11 A. Not that I can think of right now.

12 MR. ALLWEIN: Your Honor, may I approach?

13 EXAMINER JONES: Yes, you may.

14 MR. ALLWEIN: Your Honor, may I please
15 have this marked as Seneca Exhibit 16.

16 EXAMINER JONES: It shall be so marked.

17 (EXHIBIT MARKED FOR IDENTIFICATION.)

18 Q. Mr. Kozak, I have just handed you what's
19 been marked as Seneca Exhibit 16, correct?

20 A. Yes.

21 Q. And this is an e-mail from you to other
22 folks at -- several folks that work for either
23 Columbia Gas or NiSource, correct?

24 A. Yes.

25 Q. And this e-mail is dated June 8, 2012; is

1 that correct?

2 A. Yes.

3 Q. And you're replying to someone named, is
4 it, Margi Smith?

5 A. Yes.

6 Q. And what was Margi Smith asking you that
7 prompted this reply?

8 A. It looks like Margi had asked me about a
9 customer on Oakside had some questions.

10 Q. Okay. And can you read the e-mail
11 beginning with "I think" and ending with to the point
12 of where it says "not our issue."

13 A. "Hi Margi, I think we need to let the
14 Call Center handle these calls/complaints and provide
15 the developer's phone number. If the customers get a
16 COH number with the 419 area code, they will call it
17 non-stop until they get a resolution. Since the
18 reason for the interruption of service is not a COH
19 issue, I think we need to keep the local point of
20 contact as the developer. Once he gets this issue
21 resolved, we are more then willing to get service to
22 these homes resolved" -- "restored. As long as
23 there's gas along the foundations, that's not
24 pipeline gas, this is not our issue."

25 Q. Now, at this point in time, this is

1 June 8, 2012, and that's eight days after service was
2 interrupted; is that correct?

3 A. Yes.

4 Q. And at that point in time the residents
5 of Graystone Woods are still Columbia Gas customers;
6 is that correct?

7 A. Yes.

8 Q. But you didn't want these customers
9 calling Columbia Gas; is that correct?

10 A. We didn't want these customers calling
11 Columbia Gas in Toledo just as we don't have local
12 numbers for any of the public to call Columbia Gas in
13 Toledo.

14 Q. Okay. So if someone in Toledo has a
15 question about their service, who do they call?

16 A. They call the 1-800 number on their bill.

17 Q. All right. And where does that 1-800
18 number go?

19 A. To the call center.

20 Q. Okay. And what kind of calls does the
21 call center handle?

22 A. All sorts of calls about customer issues,
23 questions about their accounts, questions about their
24 bills, general questions, gas emergencies.

25 Q. And in your opinion was the situation at

1 Graystone Woods highly unusual?

2 A. Yes.

3 Q. And at that point the only communication
4 that the residents of Graystone Woods had received
5 from Columbia Gas directly was that letter that you
6 composed and either sent to residents or taped to
7 their doors on May 31, 2012; is that correct?

8 A. Yes.

9 Q. So if a Columbia Gas customer wasn't
10 satisfied talking to Ron Hensley, the
11 builder/developer, there wasn't a way for them to get
12 ahold of anyone at Columbia Gas to discuss the
13 situation directly, correct?

14 A. I believe they had the information on
15 their bill to contact Columbia Gas directly.

16 Q. But that wouldn't have been someone in
17 Toledo. That would have been someone at the call
18 center, correct?

19 A. Correct.

20 Q. Which is not in Toledo.

21 A. Correct.

22 Q. Are you aware that on August 23, 2012,
23 the 4-inch service line that supplied gas to the
24 homes on Oakside Road in Toledo, Ohio, was closed for
25 service?

1 A. I don't know the specific date, but I
2 know we did take that action.

3 Q. Okay. And in addition to closing that
4 line Columbia Gas also terminated the accounts of
5 every customer on Oakside Road; is that correct?

6 A. I don't believe we terminated the
7 accounts so much as we took them out of the system.
8 And the difference there is by taking them out of the
9 system, something was happening throughout this
10 process, they were continuing to get bills and that
11 would continue to be a concern for the customers, why
12 am I still getting billed if I am not getting any
13 gas, and we thought it was best to remove those from
14 the system so they didn't continue to get bills while
15 they were in this situation.

16 Q. Okay. And so -- I want to try to
17 understand the answer you just gave me. You didn't
18 want them to keep getting billed every month; is that
19 correct?

20 A. Correct.

21 Q. And so you took them out of Columbia
22 Gas's accounting system, correct?

23 A. We made sure they didn't get bills every
24 month.

25 Q. Okay. So they are not getting bills

1 every month now.

2 A. Correct.

3 Q. And so hasn't their service been
4 effectively terminated?

5 A. You know, I believe that could be an
6 interpretation.

7 Q. Okay. Was there any other reason --
8 other than you didn't want these folks who didn't
9 have gas to keep receiving bills, was there any other
10 reason that you removed these folks from the
11 accounting system?

12 A. You know, every month that bill would
13 come out it would -- it would upset them, rightfully
14 so I feel, that why are we getting this bill and go
15 back in and make sure we credit that account and I
16 wanted to eliminate that part of their concern and
17 hardship.

18 Q. Was it a hassle for the folks in the
19 accounting department to deal with these folks on
20 Oakside Road in their billing that they had to credit
21 by hand every month?

22 A. I have no idea. I am not in the
23 accounting department.

24 MR. ALLWEIN: Your Honor, may I approach?

25 EXAMINER JONES: You may.

1 MR. ALLWEIN: Your Honor, may I please
2 have this exhibit marked as Seneca Exhibit 17.

3 EXAMINER JONES: You may.

4 MR. ALLWEIN: Thank you, your Honor.

5 (EXHIBIT MARKED FOR IDENTIFICATION.)

6 Q. Mr. Kozak, I have just handed you what
7 has been marked as Seneca Exhibit 17; is that
8 correct?

9 A. Yes.

10 Q. And this is an e-mail from you and it was
11 sent on August 20, 2012, to Steve Jablonski who
12 appears to work for Columbia Gas of Ohio or NiSource;
13 is that correct?

14 A. Yes.

15 Q. And who is Steve Jablonski?

16 A. Steve Jablonski, he is my boss in
17 communications, director for Ohio, I believe.

18 Q. Okay. And this e-mail is discussing the
19 removal of the customers on Oakside Road from
20 Columbia's accounting system, isn't it?

21 A. Yes.

22 Q. And can you read that first paragraph
23 that begins with "I fully expect" and ends with "what
24 that means."

25 A. "I fully expect this to generate another

1 round of calls to the media, elected officials, et
2 cetera...'they've forgotten about us!' Just need a
3 better talking point then: it easier for COH to
4 remove them all and not send them a bill instead or
5 manually going in and adjusting their account every
6 month, which can be a pain for our co-workers...As
7 for closing off the system into that neighborhood,
8 that's been communicated to the developers/residents
9 attorney, but I don't think they fully grasp what
10 that means."

11 Q. Now, so in addition to trying to
12 alleviate the angry calls that you would receive
13 after these folks would get a bill, this was also a
14 pain for your co-workers to deal with these bills; is
15 that correct?

16 A. I think I perceived it as a pain for our
17 co-workers, yes.

18 Q. Okay. And I want to ask you about I
19 guess the last sentence where it says "As for closing
20 off the system into that neighborhood, that's been
21 communicated to the developers/residents attorney,
22 but I don't think they fully grasp what that means."
23 What -- what did it mean?

24 A. I believe closing off the pipeline into
25 that system means that it was more difficult for them

1 to come back on.

2 Q. Okay. And at the point their accounts
3 are removed from Columbia Gas's system they are also
4 no longer customers; isn't that correct?

5 A. Correct.

6 Q. And so just to be clear the folks who
7 were terminated as Columbia Gas customers in part
8 simply in order to ease the burden on your fellow
9 Columbia Gas employees; is that correct?

10 A. Yes.

11 Q. Let's return to Seneca Exhibit 16 for a
12 moment.

13 A. Which e-mail is that?

14 Q. That is the one with -- the one that's
15 addressed to Margi Smith.

16 A. Okay.

17 Q. Now, the e-mail that you wrote to Margi
18 Smith was on June 8, 2012, correct?

19 A. Yes.

20 Q. And on the second page there's a second
21 e-mail, an earlier e-mail, also written on June 8,
22 2012, to Margi Smith; is that correct?

23 A. Yes.

24 Q. And it's from you, correct?

25 A. Yes.

1 Q. And it's written to -- in addition to
2 Margi Smith it's also written to various other folks
3 at Columbia Gas or NiSource, correct?

4 A. Yes.

5 Q. And I want to direct your attention to
6 the body of your e-mail. Can you tell me what this
7 e-mail is?

8 A. The e-mail back to Margi Smith?

9 Q. Yes, sir.

10 A. It looks like it is a copy response we
11 sent to Toledo City Councilman Sarantou.

12 Q. Okay. And if you could, could you read
13 that response to the councilman beginning with
14 "Service is off" through the words "presents a
15 dangerous situation."

16 A. "Service is off to the homes on Oakside
17 because the large amounts of gas from an unknown
18 source were found throughout the development. It is
19 Columbia Gas policy that when gas readings against a
20 home's foundation are anything but 0%, we cannot
21 provide service; the introduction of natural gas-and
22 in turn pilot lights or other potential sources of
23 ignition-presents a dangerous situation."

24 Q. Thank you. So within that portion that
25 you just read, you're emphasizing that pilot lights

1 and presumably I'm assuming that you are referring to
2 those fueled by Columbia-supplied gas could be a
3 potential source of ignition; is that correct?

4 A. Yes.

5 Q. And this would be an ignition of what?

6 A. Ignition of the gas that's found against
7 the home's foundation.

8 Q. Okay. Are the pilot lights for
9 appliances that are fueled by Columbia Gas at Oakside
10 Road, are they against the foundation of the homes on
11 the outside of the homes?

12 MR. GALLON: Objection, foundation.

13 EXAMINER JONES: Sustained.

14 MR. ALLWEIN: He just -- I asked him the
15 ignition of what, and he stated that the ignition of
16 the gas against the foundation of the home.

17 I can rephrase.

18 EXAMINER JONES: Please rephrase it.

19 MR. ALLWEIN: Okay.

20 Q. Mr. Kozak, is it your understanding that
21 most customers, most residential customers, the
22 appliances that are fueled by natural gas are located
23 somewhere inside of the structure of the home?

24 A. It's hard to say. I've only been in
25 Ms. Donovan's kitchen.

1 Q. Okay. So you haven't been in a lot of
2 houses?

3 A. I have been in houses, not on Oakside.

4 Q. Okay. And generally in houses are the
5 appliances fueled by natural gas inside the building?

6 A. Yes.

7 Q. All right. And so you're worried that
8 Columbia Gas -- I'm sorry, that pilot lights fueled
9 by Columbia-supplied gas could be a potential source
10 of ignition to the gas outside the home; is that
11 correct?

12 A. No, that's not.

13 Q. Okay. Can you please state -- then state
14 it correctly.

15 A. I'm concerned that gas outside the home
16 will get inside the home and find its way to that
17 ignition source.

18 Q. Okay. And the concern here is that that
19 potential ignition source is fueled by
20 Columbia-supplied gas, correct?

21 A. Yes.

22 Q. So you don't want an appliance powered by
23 Columbia -- fueled by Columbia Gas's gas, if you
24 will, to be the thing that ignites any stray gas that
25 may accumulate in a basement, correct?

1 A. We don't want anything to ignite that --

2 Q. Okay.

3 A. -- stray gas that may get into the
4 basement.

5 Q. All right. And your testimony is that
6 you don't want anything to ignite it, this stray gas
7 that may accumulate inside of a home, is this in the
8 interest of ensuring customer safety or in order to
9 prevent Columbia Gas from liability?

10 A. Customer safety, absolutely.

11 MR. ALLWEIN: Your Honor, may I approach?

12 EXAMINER JONES: Yes, you may.

13 MR. ALLWEIN: Your Honor, may I please
14 have this marked as Seneca Exhibit 18.

15 EXAMINER JONES: It shall be so marked.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 Q. Mr. Kozak, I have just handed you what's
18 been marked as Seneca Exhibit 18; is that correct?

19 A. Yes.

20 Q. And this is an e-mail from you dated
21 June 7, 2012; is that correct?

22 A. Yes.

23 Q. And so this e-mail is dated one day
24 earlier than your e-mails to Margi Smith that we just
25 discussed in Seneca Exhibit 16, correct?

1 A. Yes.

2 Q. And so this e-mail was sent by you seven
3 days after service was interrupted to the homes at
4 Graystone Woods, correct?

5 A. Yes.

6 Q. All right. And what is this e-mail? Can
7 you tell me?

8 A. It looks like a note from myself to
9 Curtis Anstead recalling a conversation with Paul
10 Hutz at TolTest.

11 Q. All right. And the second paragraph in
12 that e-mail it looks like you are discussing the
13 developer. Do you see that?

14 A. Yes.

15 Q. And by the developer, you mean Ron
16 Hensley; isn't that correct?

17 A. Correct.

18 Q. Can you read that second paragraph
19 beginning with the words "The developer feels
20 abandoned" through the words "he should consider."

21 A. "The developer feels abandoned; the
22 customers are reaching out to City Council, et
23 cetera...I asked the developer if he has looked at
24 other energy sources for these homes: Propane or
25 electric. He said he has not. I told him he should

1 consider."

2 Q. And so we just got done discussing that
3 you don't want anything in these homes to ignite
4 stray gas that Columbia Gas fears may accumulate
5 inside of them; is that correct?

6 A. Yes.

7 Q. But here you're proposing that the
8 developer should consider alternative energy sources
9 for these homes, correct?

10 A. I'm discussing in the context the
11 developer feels the TolTest results are zero.

12 Q. I'm sorry. I didn't hear you. Could you
13 repeat.

14 A. I am using it in the context the
15 developer feels safe the TolTest result is zero
16 readings.

17 Q. And you're advocating that he look at
18 other energy sources for these homes, propane or
19 electric, correct?

20 A. I told him he should consider it.

21 Q. Well, why are you asking him to consider
22 other energy sources for these homes at this time?

23 A. Through the course of the issue there
24 hasn't been a whole lot of credence lent on the
25 developer's side to the findings of Columbia Gas. We

1 can only control the natural gas delivered to that
2 home or those homes in that development, and if at
3 this point he doesn't feel those are accurate
4 readings and he is more comfortable with the TolTest
5 reading, that's at his discretion to do what he feels
6 appropriate.

7 Q. So one week into this you are
8 recommending that he look for other sources of fuel,
9 if you will, to supply the appliances for the
10 residents of Graystone Woods.

11 A. I am telling him he should look at other
12 energy sources.

13 Q. And that includes propane.

14 A. Yes.

15 Q. And doesn't propane have the same
16 potential to ignite that gas inside the home that
17 Columbia-supplied natural gas does?

18 A. Yes.

19 Q. But if the homes in Graystone Woods were
20 fueled by propane as opposed to Columbia Gas's gas,
21 Columbia would have no potential liability; isn't
22 that correct?

23 A. No. I don't know if I know the answer to
24 that 100 percent where our liability begins and ends
25 in terms of what the community needs to know about

1 the readings around those homes.

2 Q. Well, if these folks are no longer
3 Columbia Gas customers, then Columbia is not
4 involved; isn't that correct?

5 A. Could you rephrase that question.

6 Q. If all of these folks switched to propane
7 and Columbia Gas is no longer supplying natural gas
8 service to these homes, there's no potential for
9 liability to Columbia Gas should anything happen;
10 isn't that correct?

11 MR. GALLON: Objection. Seeks a legal
12 conclusion.

13 EXAMINER JONES: I agree. Sustained.

14 MR. ALLWEIN: I'll withdraw that
15 question.

16 Q. I want to ask you before we move on as of
17 June 7, 2012, was it your opinion that the stray gas
18 situation would not be resolved?

19 A. How do you define "resolved"?

20 Q. Resolved meaning that resumption of
21 natural gas service from Columbia Gas to be restored.

22 A. I guess I have two answers. One, I am
23 not an expert. I don't know how -- how this scenario
24 is going to play out. It was new to me at Columbia
25 Gas after nine years, but if you are asking if I

1 thought we would be here today, no, I did not.

2 Q. Did Columbia desire to abandon service to
3 this neighborhood?

4 A. I don't know if "desire" is the right
5 word.

6 Q. Did Columbia seek to abandon service to
7 this neighborhood?

8 A. I believe it was discussed internally.

9 Q. And were -- were there any activities
10 towards the abandonment of service to this
11 neighborhood by Columbia Gas?

12 A. How would you clarify "activities"?

13 Q. Anything done to forward the abandonment
14 of service to Columbia Gas.

15 MR. GALLON: I would object to this
16 question to the extent he is using abandonment in the
17 legal sense rather than a general sense.

18 EXAMINER JONES: Can you explain for us
19 how you are using the term "abandonment" because
20 there is a legal process for abandonment at the
21 Public Utilities Commission of Ohio. Are you talking
22 about in a legal sense as an application should be
23 filed with the Commission, or are you in the general
24 sense using the term "abandonment" to mean
25 termination of service?

1 MR. ALLWEIN: Well, I have a -- an
2 exhibit that may clear this up. And it will be
3 abandonment the way that Mr. Kozak himself refers to
4 it.

5 EXAMINER JONES: I will allow the
6 question.

7 Do you need the question read back?

8 THE WITNESS: Yes, please.

9 EXAMINER JONES: Can you read the
10 question back, please, Karen.

11 (Record read.)

12 THE WITNESS: Thank you. And your Honor
13 described abandonment as just the general sense, not
14 the legal process through the PUCO?

15 EXAMINER JONES: I will allow you to
16 answer that how you are defining or how you
17 understand abandonment.

18 A. Yeah, we did have some discussions like
19 that, yes.

20 Q. Okay.

21 MR. ALLWEIN: Your Honor, may I approach?

22 EXAMINER JONES: You may.

23 MR. ALLWEIN: Your Honor, may I please
24 have this exhibit marked as Seneca Exhibit 19.

25 EXAMINER JONES: It shall be so marked.

1 MR. ALLWEIN: Thank you, your Honor.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 Q. Mr. Kozak, I have -- or, I'm sorry, I
4 just handed you what's been marked as Seneca Exhibit
5 19; is that correct?

6 A. Yes.

7 Q. And this is an e-mail from you to various
8 folks that work for either Columbia Gas or NiSource,
9 correct?

10 A. Yes.

11 Q. And this e-mail is dated September 24,
12 2012; is that correct?

13 A. Yes.

14 Q. And I want to -- well, what is this
15 e-mail? Can you describe it for me?

16 A. This was a recap of recent activities at
17 the Graystone situation and contacts I had made that
18 week with property owners.

19 Q. Okay. And you sent this to quite a few
20 people at NiSource; isn't that correct?

21 A. Yes.

22 Q. And these folks include, if you look
23 towards the bottom, it says sseiple@nisource.com, do
24 you see that?

25 A. Yes.

1 Q. It's above the word "Tom." Do you see
2 that?

3 A. Yes.

4 Q. And who is S. Seiple?

5 A. I believe it is Steve Seiple.

6 Q. And what does Steve Seiple do for
7 Columbia Gas or NiSource?

8 A. Legal, he is a lawyer.

9 Q. Okay. Are there any other attorneys that
10 you see in that list of recipients?

11 A. Yes.

12 Q. Can you identify them, please.

13 A. Brooke Leslie, Charles McCreery. I
14 believe that's it.

15 Q. All right. I think there's one more. If
16 you look down there one line below the last name
17 McCreery, there's also a Daniel Creekmur. Do you see
18 that?

19 A. Yes.

20 Q. And he is also an attorney for Columbia
21 Gas or NiSource; isn't that correct?

22 A. At this point he was in the regulatory
23 department. I don't know if he was an attorney.

24 Q. Okay. But we do have folks that you are
25 aware of that are attorneys on this recipient list

1 that include Brooke Leslie, Steve Seiple, and Charles
2 McCreery, correct?

3 A. Yes.

4 Q. Looking at the body of your e-mail and
5 your summary of the latest updates on the Graystone
6 situation, you kind of have a summary there at the
7 top. Can you read the words after letter "B"
8 beginning with "There are no" and ending with the
9 words "has been initiated."

10 A. "There are no suggestions for
11 remediation. As such, we are strongly considering a
12 complete abandonment of these homes and the
13 development. Internally" -- sorry. Where do you
14 want me to stop?

15 Q. At "has been negotiated."

16 A. "Internally, work has started on the
17 process and some outreach to the PUCO has been
18 initiated."

19 Q. So there you state that "we" and by we I
20 assume you mean Columbia Gas; is that correct?

21 A. Yes.

22 Q. And you say "we are strongly considering
23 a complete abandonment of these homes and the
24 development"; is that correct?

25 A. Yes.

1 Q. What do you mean by a "complete
2 abandonment"?

3 A. I mean that if you look back at, A, with
4 methane levels still existing around the foundation
5 home and, B, no suggestion or action or movement
6 towards remediation, that we would look at abandoning
7 service to this neighbor.

8 Q. And when you say abandoning service, are
9 you referring to a general definition of abandonment,
10 or are you referring to the legal process that takes
11 place in front of the Public Utilities Commission of
12 Ohio?

13 A. In this case the legal process.

14 Q. So it looks like you state that "work has
15 started on the process"; is that correct?

16 A. "Work has started." There had been
17 conversations with the Commission, yes.

18 Q. Conversations with whom?

19 A. There had been conversations with the
20 Commission, yes.

21 Q. If you turn to the second page of that
22 e-mail, towards the bottom you have a -- not bullet
23 points exactly but it's dash steps under the heading
24 "Next Steps." Do you see that?

25 A. Yes.

1 Q. And what is the second step there that
2 you list?

3 A. "We will continue the internal
4 abandonment process."

5 Q. And what do you mean by the "internal
6 abandonment process"?

7 A. The process -- the process for us to
8 discuss and determine whether that's the action we
9 want to take next.

10 Q. Uh-huh. And so at this point did
11 Columbia Gas desire to abandon service to the
12 neighborhood at Graystone Woods in the sense to which
13 you are referring here in this e-mail?

14 A. With no resolution or remediation to the
15 methane gas found around these homes, yes, that was
16 the desire.

17 MR. ALLWEIN: I have no further
18 questions, your Honor.

19 EXAMINER JONES: Thank you.

20 Ms. Donovan, do you have
21 cross-examination for this witness?

22 MS. DONOVAN: I do, just a few, if I may,
23 your Honor.

24 EXAMINER JONES: Okay. We'll go ahead.
25 I was considering taking a break, but if you only

1 have a few, we will go ahead.

2 MS. DONOVAN: Do you want? I could use a
3 bathroom break.

4 EXAMINER JONES: Okay. Let's take 5
5 minutes.

6 (Recess taken.)

7 EXAMINER JONES: All right. Let's go
8 back on the record.

9 Ms. Donovan, are you prepared to
10 cross-examine at this time?

11 MS. DONOVAN: Actually after some
12 reconsideration, your Honor, I don't have any further
13 questions for him.

14 EXAMINER JONES: Okay. Thank you.
15 Redirect, Mr. Gallon?

16 MR. GALLON: Yes, your Honor.

17 - - -

18 DIRECT EXAMINATION

19 By Mr. Gallon:

20 Q. Mr. Kozak, we've discussed a number of
21 topics this morning. I would like to take you back
22 through some of the documents that you have been
23 handed and ask you some additional questions about
24 the topics that Mr. Allwein sought your opinion on.
25 If we could start from the most recent one which is

1 Seneca Exhibit 19. Do you still have that?

2 A. Yes.

3 Q. Mr. Allwein asked you about an internal
4 abandonment process, correct?

5 A. Yes.

6 Q. And you explained that it's your
7 understanding that abandonment is a legal process,
8 correct?

9 A. Yes.

10 Q. It requires an application --

11 A. Yes.

12 Q. -- correct? To your knowledge has
13 Columbia filed an application to abandon Graystone
14 Woods?

15 A. Not to my knowledge.

16 Q. To your knowledge -- strike to your
17 knowledge.

18 Does Columbia still consider the
19 residents of Graystone Woods to be its customers?

20 A. Yes.

21 Q. If we could turn to Exhibit 19, the one
22 we were just discussing, this is an e-mail that you
23 sent on September 24 of 2012, correct?

24 A. Yes.

25 Q. What was the purpose of this e-mail?

1 A. To give kind of a weekly update to this
2 regular group what had transpired most recently.

3 Q. And among the other topics in this
4 e-mail, you are giving an update on your interactions
5 with the residents in Graystone Woods, correct?

6 A. Yes.

7 Q. Could you read the second bullet point in
8 your e-mail.

9 A. Well, it begins "In an effort"?

10 Q. Yes, please.

11 A. "In an effort to share the COH story and
12 engage the customers, I called every home on Friday
13 afternoon and spoke with 11 of the 13 impacted homes.
14 I did offer a face-to-face meeting (only one took me
15 up); however, most took the chance to tell me I was
16 wasting their time and express varying levels of
17 frustration."

18 Q. Thank you, Mr. Kozak. Who was the
19 customer at Graystone Woods who took you up on your
20 offer of a face-to-face meeting?

21 A. Mr. Jacizinski.

22 Q. And did you meet with Mr. Jacizinski?

23 A. We did.

24 Q. Where did you meet?

25 A. At the Reynolds Corner Branch Library.

1 Q. And how long did you meet with
2 Mr. Jacizinski?

3 A. Probably 30 minutes.

4 Q. What was the topic of your conversation?

5 A. The issue in Graystone.

6 Q. Did Ms. Donovan take you up on your offer
7 of a face-to-face meeting?

8 A. No.

9 Q. Did either Bruce Roth or his son Ryan
10 Roth take you up on the offer of a face-to-face
11 meeting?

12 A. I never spoke to them. In our system at
13 that time it was a former tenant still listed as the
14 contact for that address.

15 Q. Who was that former tenant?

16 A. Last name was -- I can't recall the last
17 name off the top of my head. Winston, Winson, began
18 with a W, I believe.

19 Q. Let's go with Woodson.

20 A. Okay.

21 Q. Did you speak with Mr. Woodson at this
22 time?

23 A. I did.

24 Q. So this is again September of 2012, you
25 had a conversation with the tenant at the Roths'

1 residence, correct?

2 A. Is Roth 2141 Oakside?

3 Q. Let me say did you have a conversation
4 with a tenant at 2141 Oakside Road?

5 A. Yes.

6 Q. Is that conversation described in this
7 e-mail?

8 A. Yes.

9 Q. Could you please read the portion of this
10 e-mail that described that conversation.

11 A. "2141 Oakside: This customer moved out a
12 month ago, but the account is still in his name; he
13 was leasing the home from the developer and moved out
14 when he saw no resolution in sight. He was concerned
15 about the methane issue, asking the developer for
16 weekly tests inside the house, and this was refused.
17 The account is still in his name, as the developer
18 won't let him out and is trying to force him to pay
19 through the end of the lease. He said COH has done
20 nothing wrong and blames the developer."

21 Q. Thank you, Mr. Kozak. If you would go on
22 to the next paragraph and read that for me as well.

23 A. "As part of the outreach on Friday, I
24 also spoke to the Mayor's Office, City Council, the
25 Fire Department and Toledo Environmental Services.

1 All appreciated the call. However, the Clerk" -- I'm
2 sorry, "the City Council Clerk did share with me that
3 the Developer was the one who provided and installed
4 electric water tanks for each home so they could
5 shower. A week later, each resident received a bill
6 for \$653."

7 Q. Thank you, Mr. Kozak. As part of your
8 outreach in the Graystone Woods situation, did you
9 regularly reach out to the governmental entities in
10 the Toledo area?

11 A. Over this time we did have
12 communications. Some was I instigated. Others they
13 were instigated.

14 Q. What was the conversations -- let me
15 rephrase the question. Whom did you reach out to in
16 local government throughout this Graystone Woods
17 situation?

18 A. The outreach I had was directly with
19 Steve Herwat of the mayor's office who asked for
20 updates.

21 Q. What was his position?

22 A. He is the deputy mayor for the city of
23 Toledo.

24 Q. If we could turn to the previous e-mail
25 which is marked as Seneca Exhibit 18, do you have it

1 in front of you?

2 A. Yes.

3 Q. And this is a much earlier e-mail,
4 correct?

5 A. Yes.

6 Q. What's the date of this e-mail?

7 A. June 7, 2012.

8 Q. And do you recall that counsel for the
9 Roths and for Seneca Builders directed your attention
10 to the paragraph that starts "The developer feels
11 abandoned"?

12 A. Yes.

13 Q. And he asked you some questions about
14 your communications regarding alternative energy
15 sources for the homes, correct?

16 A. Yes.

17 Q. Was it Columbia's ultimate desire that
18 the residents of Graystone Woods find an alternative
19 source of energy?

20 A. I would regard the entire course of this
21 process our desire was to have them have their
22 natural gas service restored.

23 Q. So between the option of having them
24 remediate the methane and have their service restored
25 or not remediate the methane and find alternative

1 sources of energy, which was Columbia's desired
2 outcome?

3 A. Proposition A.

4 Q. There's a paragraph in here after the
5 part we were just discussing in which you are
6 referencing a comment by the developer regarding the
7 presence of methane in other parts of Toledo. Do you
8 see that?

9 A. Yes.

10 Q. Are you an expert in stray gas?

11 A. No.

12 Q. Do you have any geology training or
13 education?

14 A. No.

15 Q. Do you have any personal knowledge as to
16 whether methane is present in other locations in
17 Toledo?

18 A. No.

19 Q. Do you have any personal reason to
20 believe that the statement you attribute to the
21 developer here is actually correct?

22 A. No.

23 Q. Could we next turn to Seneca Exhibit 17.
24 The discussion here was regarding the closing of the
25 accounts on Columbia's system, correct?

1 Let me back up a step, Mr. Kozak. This
2 is an e-mail from August 20, 2012, from you to Steve
3 Jablonski, correct?

4 A. Yes.

5 Q. And Mr. Allwein asked you some questions
6 regarding the decision to close the customers'
7 accounts, correct?

8 A. Yes.

9 Q. Did you make the decision to close the
10 customers' accounts on Columbia's system?

11 A. No.

12 Q. Is that within your authority as a
13 community relations person in the Toledo office?

14 A. No.

15 Q. Who made that decision?

16 A. I believe ultimately we went with -- we
17 went with and worked with Carol Wilson.

18 Q. Do you have any understanding as to what
19 Columbia's interpretation of that action or the
20 impact of that action would be?

21 A. Our hope was not to continue to send
22 these customers bills every month, and quite honestly
23 it upset them every month, to try and eliminate that
24 sense of frustration from their lives as they dealt
25 with this.

1 Q. How do you know it upset the customers at
2 Graystone Woods to receive bills every month?

3 A. Because I would get phone calls.

4 Q. Who did you get phone calls from,
5 Mr. Kozak?

6 A. I got phone calls from Kris Jensen and
7 Tony -- Mr. Jacizinski and Connie Kulyat would call
8 why am I still getting bills. I don't have gas.

9 Q. Did you inform these people that you
10 would be removing them from Columbia's system so they
11 would stop receiving bills?

12 A. When they called, I told them we would
13 take care of it. Obviously they didn't -- they
14 weren't in our system. They weren't receiving their
15 service at that time, so we took them out, and then
16 we contacted them later.

17 Q. Did Columbia continue to consider the
18 residents at Graystone Woods its customers after
19 their accounts were removed from the computer system
20 so as to stop them from receiving bills?

21 A. Yes.

22 Q. And when you say that Columbia still
23 considered them customers, what do you mean?

24 A. Well, they had -- still had meters on the
25 side of their homes and our natural gas structure in

1 their yards.

2 Q. Did Columbia continue to seek a
3 resolution of the stray gas situation at Graystone
4 Woods after the customers' accounts were removed from
5 the system? Let me rephrase the question.

6 A. Yes.

7 Q. Did Columbia continue to communicate with
8 the residents of Graystone Woods and respond to their
9 communications after their accounts were removed from
10 the system?

11 A. I believe we had these face-to-face
12 meetings. We offered the face-to-face meetings after
13 we sent the letter notifying them they would be
14 removed from our system. So at that point, yes, we
15 did still offer to communicate with them.

16 Q. Mr. Kozak, if we could turn back a couple
17 of exhibits now to Exhibit -- Seneca Exhibit 15.
18 Actually before we move to 15 let me ask you a few
19 questions more about the removal of the customers
20 from Columbia's computer system. Do you have any
21 personal knowledge of what it would require to readd
22 the customers to Columbia's system and start back
23 under the process of sending the monthly bills?

24 A. From a logistical standpoint or from an
25 accounting standpoint?

1 Q. From a logistical standpoint.

2 A. Basic knowledge, yes.

3 Q. Would it have been difficult for Columbia
4 to readd the accounts to the system and start sending
5 out bills once the methane problem was remediated and
6 service was reconnected?

7 A. No. In fact, when we met with City
8 Council, we told them we could have that restored the
9 same day.

10 Q. And I believe Mr. Allwein also asked you
11 some questions about the pressure testing that
12 Columbia conducted in August of 2012 in which it
13 disconnected the main line to Oakside Road to perform
14 tests on the lines. Do you recall that?

15 A. Yes.

16 Q. And I believe he asked you what the
17 effect of that removal would be, correct?

18 A. Yes.

19 Q. And if you'll turn to Seneca 17 which was
20 the e-mails between you and Mr. Jablonski, he
21 directed you to the end of the first paragraph. Do
22 you recall those questions?

23 A. Yes.

24 Q. And there was a line there that said "I
25 don't think they fully grasp what that means,"

1 correct?

2 A. Yes.

3 Q. And I believe Mr. Allwein asked you a
4 question about what you meant by that statement,
5 correct?

6 A. Yes.

7 Q. And I believe you said that it would be
8 more difficult for them to turn the service back on
9 after that -- after that test, correct?

10 A. Yes.

11 Q. Have you ever served as a service
12 technician for Columbia Gas of Ohio?

13 A. No.

14 Q. Have you ever served in any position for
15 Columbia Gas of Ohio other than your current
16 community relations position?

17 A. No.

18 Q. Do you have an understanding of what
19 would be required to reconnect the main line that
20 serves Columbia Gas following a test like the one
21 that was conducted in August of 2012?

22 A. Rudimentary.

23 Q. Have you ever performed a pressure test
24 on a main line?

25 A. No.

1 Q. Have you ever been in the position of
2 reconnecting the line after such a pressure test was
3 conducted?

4 A. No.

5 Q. So you have no firsthand knowledge of
6 what it would take to reconnect the main line to
7 Oakside Road and the Graystone Woods residences once
8 the methane problem was remediated, correct?

9 A. Correct.

10 Q. If we could now turn to Seneca Exhibit
11 15, Mr. Kozak, which is your e-mails with Michelle
12 Dempsey Zimmerman. Do you see those e-mails?

13 A. Yes.

14 Q. And I believe you said Ms. Zimmerman is a
15 legislative aide to a state representative?

16 A. Yes.

17 Q. Do you often respond to communications
18 from state representatives as a part of your duties
19 at Columbia gas?

20 A. Generally my government relations ends at
21 the county level. Someone else picks that up on the
22 state level, but when it's a situation like this
23 specific to northwest Ohio, they referred it back to
24 me.

25 Q. I believe one of the questions you were

1 asked about this e-mail was whether Columbia would
2 send the state representative a copy of the policy it
3 uses to shut off the gas; is that correct?

4 A. Yes.

5 Q. And you indicated you did not send a copy
6 of that policy.

7 A. Correct.

8 Q. Did you explain to Ms. Zimmerman what the
9 policy required?

10 A. When you say the policy required, is that
11 for reestablishing service or the reaffirmation of
12 service?

13 Q. Did you explain to Ms. Zimmerman what the
14 policy required regarding the reestablishment of
15 service following the detection of methane at or near
16 the foundation of a customer's structure?

17 A. I believe that's in my first e-mail
18 response to her, the three bullet points at the end.

19 Q. Could you turn to that first e-mail to
20 Ms. Zimmerman.

21 A. Yes.

22 Q. I would like you to start actually at the
23 bottom of the second page which is COH00210. Do you
24 see the sentence that begins the "Columbia Gas
25 policy"?

1 A. Yes.

2 Q. Could you read forward from this point to
3 the three bullet points that you were just
4 referencing.

5 A. Including the three bullets points?

6 Q. Yes, sir.

7 A. "The Columbia Gas policy has always been
8 zero for readings against the foundation of a home.
9 Columbia's standards adhere to the National Fuel Gas
10 Code, Federal Pipeline Safety Codes, the Ohio
11 Administrative Code and its PUCO tariff. Not all
12 safety precautions and safety related policy is
13 specifically reflected in a code or tariff, however
14 those codes all require COH to safely provide gas
15 service and it is incumbent on COH to establish
16 policies to address safety situations even when those
17 situations may not be specifically addressed by a
18 governing code or tariff. To restore service,
19 Columbia Gas has requested the following:

20 "A remediation system installed that
21 would lower and maintain the methane gas readings at
22 zero around the foundation.

23 "A signed consent from a certified expert
24 OR a government entity stating that it is safe for
25 Columbia Gas to restore natural gas service.

1 "A signed consent form from the home
2 owner stating that the remediation system will be
3 maintained."

4 Q. And could you please continue to read the
5 following two sentences.

6 A. "I do appreciate talking with you, and as
7 I said: I completely understand the frustration and
8 concern of these residents. However, Columbia Gas
9 wants to make sure that these homes are safe for
10 natural gas service."

11 Q. Thank you, Mr. Kozak. If we could turn
12 to Seneca Exhibit 16 for a moment.

13 A. What's the date on 16?

14 Q. The date on 16 is June 8, 2012. It's an
15 e-mail from you to Margi Smith, cced several people.

16 A. Okay.

17 Q. Do you have it in front of you?

18 A. Yes.

19 Q. And do you recall a series of questions
20 from Mr. Allwein regarding the statements in the
21 first two sentences regarding a COH number with a 419
22 area code?

23 A. Yes.

24 Q. And you explained that there is a call
25 center instead that Columbia was referring the

1 customers to contact instead of the local office?

2 A. Yes.

3 Q. The date of this e-mail is June 8, 2012,
4 correct?

5 A. Yes.

6 Q. What communications were you having with
7 the residents of Graystone Woods at that time?

8 A. I know we had had a couple of phone
9 conversations with a handful of residents. I know we
10 had heard communication through elected leaders at
11 this point to discuss the situation.

12 Q. Did you meet with any of the residents of
13 Graystone Woods in the days surrounding June 8, 2012?

14 A. You know, without looking at a timeline,
15 I am not 100 percent sure.

16 Q. Do you recall that you discussed a
17 meeting at Ms. Donovan's house?

18 A. Yes.

19 Q. Do you remember what date that meeting at
20 Ms. Donovan's house was, approximately?

21 A. Right around this time, the 11th.

22 Q. So within three days of this e-mail you
23 actually were meeting at one of the residents' homes
24 with a number of the residents at Graystone Woods,
25 correct?

1 A. Yes.

2 Q. Do you recall whether any additional
3 letters were sent to the residents at Graystone Woods
4 regarding the stray gas situation in the week
5 following this June 8, 2012, e-mail?

6 A. I believe we sent them a letter with the
7 stray gas readings specific to their accounts to
8 their homes.

9 Q. You mentioned you sent them a letter
10 regarding the stray gas readings specific to their
11 homes. So the letters you sent them did not discuss
12 the readings that Columbia Gas was obtaining at other
13 homes in Graystone Woods that were not own --

14 A. No, correct. It was only to their
15 individual home.

16 Q. Why did you only provide each individual
17 homeowner with the readings that were pertinent to
18 their homes?

19 A. We looked at it the same way as if
20 someone called up and asked for their neighbor's gas
21 bill. We would not provide that to them.

22 Q. So I believe that you received requests
23 from other individuals outside of Graystone Woods for
24 copies of the specific readings at the homes in
25 Graystone Woods, correct?

1 A. Yes.

2 Q. And did you provide copies of those
3 readings to people outside of Graystone Woods?

4 A. At that time, no.

5 Q. Why not?

6 A. The exact same reason as stated earlier,
7 what I viewed and we viewed as personal information
8 much like their bill that we would not share if
9 someone requested.

10 Q. If one of the neighbors in Graystone
11 Woods had come to you and asked for the results of
12 stray gas testing that were taken at their neighbor's
13 house across the street, would you have provided that
14 information?

15 A. No.

16 Q. Is your reason the same as the reasons
17 you have just provided me?

18 A. Yes.

19 Q. If we can now turn to Seneca Exhibit 14
20 which is an e-mail you sent to a number of people on
21 June 15 of 2012. And if you look in the middle of
22 the first paragraph, you'll see the words "he did ask
23 for copies of our test results." Do you see that?

24 A. Yes.

25 Q. Is this an example of one of the requests

1 you received from people outside of Graystone Woods
2 for copies of the specific readings taken there?

3 A. Yes.

4 Q. And when you said "I said I was going to
5 provide those to the property owners and it was at
6 their discretion if they showed to any
7 third-parties," is this because of the privacy
8 concerns we were just discussing?

9 A. Yes.

10 Q. There's a comment in the -- I believe
11 it's the second sentence. It's the sentence that
12 begins "He indicated the Mayor." Do you see that
13 sentence?

14 A. Yes.

15 Q. "He indicated the Mayor was looking for a
16 resolution to restoring service to these customers,
17 but that the City was not going to assume
18 responsibility or liability." Do you see that?

19 A. Yes.

20 Q. Have I read that correctly?

21 A. Yes.

22 Q. Do you recall at any time asking the city
23 of Toledo to assume liability for the stray gas issue
24 at Graystone Woods?

25 A. No.

1 Q. If we could turn back to Seneca 17 for
2 just a moment which, again, was the e-mails between
3 you and Mr. Jablonski from August 20 of 2012. Do you
4 have the e-mail in front of you?

5 A. Yes.

6 Q. There's a reference there to a
7 conversation with FirstEnergy. Do you see that
8 reference?

9 A. Yes.

10 Q. And you and I were just talking about
11 Columbia's policy with regard to sharing test results
12 with third parties, correct?

13 A. Yes.

14 Q. Did you ever discuss the testing that was
15 being performed at Graystone Woods with anyone from
16 FirstEnergy?

17 A. We discussed the testing, yes.

18 Q. With whom at FirstEnergy did you talk
19 about the testing?

20 A. I discussed it with Randy Frames who at
21 that time was regional president for FirstEnergy and
22 Meg Adams who was their external affairs manager, I
23 believe.

24 Q. Did you share the specific test results
25 with FirstEnergy?

1 A. No.

2 Q. Did they express to you whether or not
3 they had received any information about the test
4 results from Seneca Builders?

5 A. They did -- had not received any test
6 results, no.

7 Q. Did they express to you whether they had
8 spoken with Seneca Builders more generally about the
9 testing that was performed at Graystone Woods?

10 A. Yes.

11 Q. And what did they say to you?

12 A. They -- they said there had been tests
13 performed and that the development -- the developer
14 would like to see the development become an all
15 electric facility, and before they could ultimately
16 make that decision they wanted to see the test
17 results.

18 Q. Do you recall when approximately that
19 conversation took place?

20 A. The fall of 2012, most likely on this
21 day.

22 Q. This day is August 20, 2012?

23 A. Yes.

24 Q. Have you had any more recent
25 conversations with anybody from FirstEnergy regarding

1 the stray gas situation at Graystone Woods?

2 A. Yes.

3 Q. When was the last time you spoke with
4 anyone about -- at FirstEnergy about the stray gas
5 situation at Graystone Woods?

6 A. Last 60 to 90 days.

7 Q. And what was the substance of those
8 conversations?

9 A. Wanted to -- it was with Meg Adams.
10 Again, she wanted to know what was going on out
11 there, if -- if we had any copies of test results we
12 could provide. At that point they still had not
13 received any.

14 Q. Did you provide her with copies then?

15 A. No.

16 Q. Have you ever had any communications with
17 FirstEnergy regarding whether they intended to
18 convert the neighborhood to all electric?

19 A. Yes.

20 Q. When was the most recent conversation
21 with a person at FirstEnergy regarding that topic?

22 A. Again, within the last 60 to 90 days.

23 Q. And did they at that time state that they
24 intended to convert the neighborhood at Graystone
25 Woods to all electric?

1 A. They were still waiting to see test
2 results before they could make that ultimate
3 decision.

4 MR. GALLON: Mr. Kozak, I have no further
5 questions for you. Thank you.

6 THE WITNESS: Thank you.

7 EXAMINER JONES: Any recross,
8 Mr. Allwein?

9 MR. ALLWEIN: Yes, I do, your Honor.

10 - - -

11 RE CROSS-EXAMINATION

12 By Mr. Allwein:

13 Q. Mr. Kozak, regarding the face-to-face
14 offer that your counsel just discussed with you from
15 Seneca Exhibit 19 in which you read some of the
16 individual residence or address, I guess, summaries,
17 what date was it that you made this face-to-face
18 offer?

19 A. The date of the phone calls?

20 Q. Pardon me?

21 A. The date the phone calls were placed?

22 Q. Yes, sir.

23 A. I would have to go back and look on a
24 calendar for sure, but I'm reasonable it was in this
25 week.

1 Q. Within the week?

2 A. The 24th.

3 Q. Okay. And that is a solid two and a half
4 months plus after the gas was shut off at Graystone
5 Woods; isn't that correct?

6 A. Yes.

7 Q. And let's go to 2141, the summary of that
8 address, which I believe is on page 2. You state
9 that -- down into the paragraph that "the account is
10 still in his name" and by that do you mean the gas
11 account?

12 A. Yes.

13 Q. And "still in his name," do you mean in
14 the tenant's name?

15 A. Yes.

16 Q. And you say "as the developer won't let
17 him out and is trying to force him to pay through the
18 end of the lease," do you see that?

19 A. Yes.

20 Q. And by "developer" who are you referring
21 to?

22 A. At this time the e-mail was sent I was
23 under the impression or thought Mr. Hensley was the
24 owner of this property, and I have since learned
25 otherwise.

1 Q. Okay. You also discussed a conversation
2 with a a city clerk, I believe it is --

3 A. Yes.

4 Q. -- towards the end of the e-mail. And
5 can you identify the clerk?

6 A. Yes.

7 Q. Who is that clerk?

8 A. Lisa Renee Ward.

9 Q. Okay. And do you know where she received
10 the source of her information?

11 A. She shared that with me. She had been in
12 contact with one of the residents on Oakside.

13 Q. With one of the residents on Oakside.

14 A. Yes.

15 Q. Did she identify the resident?

16 A. She did not.

17 Q. Okay. And did this clerk see the bills
18 herself?

19 A. I don't know if I can answer that.

20 Q. Okay. Did she indicate to you she saw
21 the bills from the developer?

22 A. She told me -- she told me that each
23 person received a bill.

24 Q. And she got that information from someone
25 telling her that each person received a bill,

1 correct?

2 A. She got it from a resident.

3 Q. Okay. But you don't know which one.

4 A. Correct.

5 Q. And then you stated that you were
6 "contacting folks regularly." What's the frequency
7 of regularly?

8 A. My contact, my outreach two weeks to 30
9 days or as necessary.

10 Q. Okay. Let's go to Seneca 17 for just a
11 second. You indicated upon questioning by Columbia's
12 counsel that it was not your decision to remove these
13 folks from your accounting system, but it was the
14 decision of someone named I believe Carol Wilson; is
15 that correct?

16 A. Yes.

17 Q. And while Carol Wilson made the decision
18 to remove these folks from the accounts, this e-mail
19 appears to be your attempt to decide how to
20 characterize this activity; is that correct?

21 A. Characterize and communicate, yes.

22 Q. Because you were the spokesperson for the
23 situation out at Graystone Woods. You stated that
24 earlier in your testimony, correct?

25 A. Yes.

1 Q. So you're figuring out in this e-mail how
2 to figure out a nice way to say that we're closing
3 your account because it can be a pain for your
4 co-workers; is that correct?

5 A. Yes.

6 Q. And you also stated upon questioning from
7 Columbia's counsel that Columbia still considered
8 these folks to be customers; isn't that correct?

9 A. Yes.

10 Q. If I were to call your call center today
11 and give them the addresses of the homes on Graystone
12 Woods, would they indicate an active account at those
13 addresses, or would they indicate that those accounts
14 were closed?

15 MR. GALLON: Objection, speculation and
16 foundation.

17 MR. ALLWEIN: Your Honor, he is saying
18 Columbia considers these folks to be customers, and
19 I'm trying to define in what sense Columbia would
20 consider them to be customers.

21 EXAMINER JONES: I am going to overrule
22 the objection.

23 A. I haven't looked at any of the Oakside
24 accounts recently, but I believe they would be listed
25 as inactive.

1 Q. Just a second. My apologies. And I
2 believe counsel for Columbia asked you some questions
3 about your refusal to share test results out of
4 concern for the privacy of the customers on Oakside
5 Road; is that correct?

6 A. Yes.

7 Q. And you went over the fact that you did
8 not share them with the mayor's office or the city of
9 Toledo; isn't that correct?

10 A. Yes.

11 Q. Is this -- is the city of Toledo one of
12 the entities that you were looking for to sign a
13 consent form in order to have the gas service
14 restored?

15 A. Yes.

16 Q. So isn't it reasonable that they would
17 ask to see what the test results were before they
18 would sign such a consent form?

19 MR. GALLON: Objection, foundation.

20 EXAMINER JONES: Overruled.

21 A. Could you repeat the question?

22 Q. Isn't it reasonable for the city being
23 one of the potential authorities having jurisdiction
24 to sign the consent form required by Columbia to ask
25 to see the test results that you were getting out

1 there at Oakside Road?

2 A. It's hard for me to speak for the city.
3 But in this case I think they would like to see the
4 test results that show there is no readings.

5 Q. Okay. Regardless I am not asking you to
6 speak for the city. I am asking in your opinion is
7 it reasonable for them to want to view the test
8 results of the area for which you're asking them to
9 sign a consent form.

10 A. It's reasonable and they would have the
11 opportunity to ask the individual residents to share
12 those with them.

13 Q. And in this e-mail, Seneca 14, which is
14 your summary of your discussions on the telephone
15 with Steve Herwat, it looks like they shared their
16 test results with you; isn't that correct?

17 A. Yes.

18 Q. Okay. But you wouldn't share Columbia's
19 test results with them.

20 A. Correct.

21 Q. And just to be clear the city of Toledo
22 is a potential authority having jurisdiction; isn't
23 that correct?

24 A. Yes.

25 Q. I want to ask you about the removal of

1 the customers from Columbia's accounting system. And
 2 I believe your counsel asked -- for Columbia asked
 3 you whether that could be characterized as difficult.
 4 And, forgive me, I am paraphrasing here. But you
 5 indicated that you -- well, you asked counsel from a
 6 logistical or accounting standpoint what he meant,
 7 and I don't recall the answer, but you said that
 8 these accounts could be restored the same day; isn't
 9 that correct?

10 A. Yes.

11 Q. And that's just the accounts, right, in
 12 Columbia's system for each customer? Is that what
 13 you are referring to when you say you could restore
 14 these customers to the accounting system in the same
 15 day? Is that what you were referring to?

16 A. No. We could restore service to their
 17 homes the same day.

18 Q. Okay. But you also just stated to your
 19 counsel that you have no idea what kind of field work
 20 would be involved to get that line reconnected; isn't
 21 that correct?

22 A. Correct.

23 Q. And when I asked you earlier about what
 24 fully grasp, what it means -- meant, you stated that
 25 it would be more difficult for these folks to be

1 restored as customers; isn't that correct?

2 A. Yes.

3 Q. I want to turn one more time to Seneca
4 Exhibit 15 which is your e-mail conversation with
5 Michelle Dempsey Zimmerman who is a legislative aide
6 to Representative Michael Ashford. And counsel for
7 Columbia had you read quite a bit of that e-mail that
8 began on the second page of the document and into the
9 third; isn't that correct?

10 A. Yes.

11 Q. And my question to you is did
12 Ms. Zimmerman ask you to explain the policy to her in
13 an e-mail, or was she asking for a copy of the policy
14 that you used to shut off the gas?

15 A. She was asking me for an overview of what
16 was going on.

17 Q. Does she use the term overview?

18 A. In the e-mail that was forwarded to me.

19 Q. And the e-mail that was forwarded to you,
20 I believe it says "Can you please send me a copy of
21 the policy used to shut off the gas?" Am I reading
22 that correctly?

23 A. Yes.

24 Q. So she's asking for a copy of the
25 policy --

1 A. Yes.

2 Q. -- correct? And toward the end of that
3 extended e-mail on the third page -- I'm sorry, on
4 the second page of the document so let me -- strike
5 that. I'll ask it again.

6 Towards the bottom of the second page of
7 this document where it says that the Columbia Gas
8 policy has always been for zero readings against the
9 foundation of a home, that's your understanding of
10 the policy, correct?

11 A. No. That's what my experts shared with
12 me.

13 Q. Who are your experts?

14 A. Rob Smith and Curtis Anstead.

15 Q. Okay. And you also state that
16 "Columbia's standards adhere to the National Fuel Gas
17 Code." Are you familiar with the National Fuel Gas
18 Code?

19 A. I am not.

20 Q. And you also state that "Columbia's
21 standards adhere to the Federal Pipeline Safety
22 Codes." Are you familiar with the Federal Pipeline
23 Safety Codes?

24 A. I am not.

25 Q. And it also states that "Columbia's

1 standards adhere to the Ohio Administrative Code."

2 Can you identify which sections of the Ohio
3 Administrative Code that you are referring to?

4 A. I cannot but since our service -- our
5 expert Rob Smith gave this to me, that's what I was
6 using as the basis for my response.

7 Q. Okay. So you are just repeating what Rob
8 Smith told you here in this portion of your e-mail.

9 A. Rob Smith reviewed the entire e-mail.

10 Q. Did he write the e-mail?

11 A. No.

12 Q. So -- so you wrote that "Columbia's
13 standards adhere to the National Fuel Gas Code,
14 Federal Pipeline Safety Codes, the Ohio
15 Administrative Code, and its PUCO tariff," correct?

16 A. I would have to go back and see what Rob
17 added from my original draft.

18 Q. It is possible Rob did write part of this
19 e-mail?

20 A. Yes.

21 Q. Okay. Thank you. But just to be clear
22 you yourself have no familiarity with those codes
23 and/or standards that you're discussing in that
24 portion of the e-mail?

25 A. Correct.

1 Q. You discuss -- or I'm sorry. You
2 testified that upon questioning from Columbia's
3 counsel that you have had discussions with
4 FirstEnergy regarding Graystone Woods in the last 60
5 to 90 days; isn't that correct?

6 A. Yes.

7 Q. And you say that you had these
8 discussions with Meg Adams; is that correct?

9 A. Yes.

10 Q. And what is Ms. Adams' title at
11 FirstEnergy?

12 A. I believe she is the external affairs
13 manager.

14 Q. Okay. Is it your understanding as of
15 today Toledo Edison is still providing electric
16 service to the residents at Graystone Woods?

17 A. As far as I'm aware.

18 Q. And is it your understanding that
19 Columbia Gas is currently as of today not providing
20 gas service to Graystone Woods?

21 A. Yes.

22 Q. And is it your understanding that
23 Columbia Gas has not provided natural gas service to
24 Graystone Woods since May 31 of 2012?

25 A. Correct.

1 MR. ALLWEIN: I have no further
2 questions, your Honor.

3 EXAMINER JONES: Thank you. Do we have
4 anything further for this witness other than the
5 admission of documents?

6 MR. GALLON: No, your Honor.

7 EXAMINER JONES: Okay. I believe we have
8 Seneca Exhibits 13 through 19 presented with this
9 witness; is that correct, Mr. Allwein?

10 MR. ALLWEIN: No.

11 EXAMINER JONES: I'm sorry, you're right,
12 14 through 19; is that correct?

13 MR. ALLWEIN: Yes, sir.

14 EXAMINER JONES: Okay.

15 MR. ALLWEIN: At this time I would move
16 for admission of Seneca Exhibits 14 through 19 --

17 EXAMINER JONES: Thank you.

18 MR. ALLWEIN: -- into the record, your
19 Honor.

20 EXAMINER JONES: Mr. Gallon, any
21 objection to the admission of Seneca Exhibits 14
22 through 19?

23 MR. GALLON: No, your Honor.

24 EXAMINER JONES: Thank you. Those
25 documents shall be admitted.

1 (EXHIBITS ADMITTED INTO EVIDENCE.)

2 EXAMINER JONES: Anything further for
3 this witness?

4 If not, thank you, Mr. Kozak. You may
5 step down.

6 THE WITNESS: Thank you, your Honor.

7 EXAMINER JONES: Any further witnesses to
8 be called at this time?

9 MS. BLEND: No, your Honor. Columbia has
10 no further witnesses. We also wanted to note for the
11 record that we have no additional cross for
12 Mr. Hensley regarding the documents received from
13 Hull & Associates per Columbia's subpoena to it.

14 EXAMINER JONES: Okay. Thank you.
15 Anything further from Complainants?

16 MR. ALLWEIN: Not from us, your Honor,
17 thank you.

18 EXAMINER JONES: Thank you. I'm assuming
19 that the parties would like to file briefs in this
20 case; is that correct?

21 MR. ALLWEIN: Yes, your Honor.

22 EXAMINER JONES: Is that a safe
23 assumption?

24 MR. GALLON: Yes, your Honor.

25 EXAMINER JONES: Okay. I am anticipating

1 initial and reply briefs then. And based upon the
 2 filing of the transcript probably by no later than --
 3 well, around December 6 sometime, I am going to throw
 4 out some dates, and we can discuss whether those are
 5 feasible or not. I'm going to suggest initial briefs
 6 on -- get my calendar opened up here -- Monday,
 7 January 6, 2014, with reply briefs due Friday,
 8 January 31, 2014.

9 That's just a suggestion at this point.
 10 What do the parties think of those dates?

11 MR. WILLIAMS: What was the second date?

12 EXAMINER JONES: Friday, January 31,
 13 2014. It will be a little over a month for initial
 14 briefs and almost a month for reply briefs, three
 15 weeks plus.

16 Comments? Any concerns with those dates?

17 MR. GALLON: My only thinking I might be
 18 doing some traveling around the holidays the week
 19 around New Year's Eve and perhaps a few extra days
 20 added to January 6 would be appreciated, but it's
 21 not -- maybe the 10th instead of the 6th, slight
 22 modification. It may also be difficult to reach
 23 people the weeks around the holidays to get them to
 24 review briefs.

25 EXAMINER JONES: How about if we move it

1 to Friday, January 10, 2014, and reply briefs Monday,
2 February 3, 2014?

3 MR. GALLON: That would work for us, your
4 Honor. Thank you.

5 EXAMINER JONES: I understand around the
6 holidays it's kind of difficult. We all like to take
7 some time off to be with our families so.

8 MR. ALLWEIN: I'm sorry, your Honor. So
9 the initial brief would be due?

10 EXAMINER JONES: Friday, January 20,
11 2014.

12 MR. ALLWEIN: Okay.

13 EXAMINER JONES: With the reply brief
14 Monday, February 3, 2014.

15 MR. GALLON: I'm sorry, your Honor. Did
16 you say January 20?

17 EXAMINER JONES: January -- January 10,
18 2014, which is the date I believe you suggested,
19 Mr. Gallon.

20 MR. GALLON: It is but I thought I heard
21 something different.

22 EXAMINER JONES: I may have misspoken.
23 And then reply briefs Monday, February 3, 2014.

24 MR. ALLWEIN: So 1-20 and 2-3, right?

25 EXAMINER JONES: That is correct, of

1 2014.

2 MR. ALLWEIN: Yes, sir.

3 EXAMINER JONES: Agreeable to everyone?

4 MR. ALLWEIN: Yes, your Honor.

5 MR. GALLON: Yes.

6 EXAMINER JONES: Thank you.

7 Those will be the dates for the initial
8 and reply briefs.

9 Is there anything further for us to do at
10 this point in time with this hearing?

11 If not, I appreciate everybody's patience
12 and indulgence, and we will stand adjourned. Thank
13 you.

14 (Thereupon, the hearing was concluded at
15 11:43 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Thursday, November 21,
2013, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5784)

- - -

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Summary: Transcript in the matter of Katherine Lycourt-Donovan, Seneca Builders, LLC, R & P Investments, Inc., and Ryan Roth vs Columbia Gas of Ohio, Inc. hearing held on 11/21/13 - Volume III electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.