

PUCO EXHIBIT FILING

14

Date of Hearing: 11 | 21 | 13

Case No. 12-2877-GA-CSS, 13-0124-GA-CSS, 13-0667-GA-CSS

PUCO Case Caption: In the Matter of the Complaint of  
Katherine M. Lyncourt-Donovan, Seneca Builders, LLC,  
Ryan Roth & RHP Investments, Inc.

List of exhibits being filed:

- Seneca Builders 14
- 15
- 16
- 17
- 18
- 19

PUCO

RECEIVED-DOCKETING DIV  
2013 DEC -9 PM 4:05

Reporter's Signature: Karen Gibson

Date Submitted: 12/11/13

I certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician *fe* Date Processed DEC 11 2013

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

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. :  
 - - -

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.

- - -  
VOLUME III  
- - -

ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
Fax - (614) 224-5724  
- - -



From: CN=Christopher R  
Kozak/OU=COH/O=Enterprise  
Sent: 06/15/2012 01:10:54 PM  
To: CN=Jack  
Partridge/OU=COH/O=Enterprise@NiSource  
Cc: "Brooke Leslie" <bleslie@nisource.com>  
;"Curtis J Anstead" <cjanstead@nisource.com>  
;"Charles McCreery" <CMcCreery@nisource.com>  
;"Christopher R Kozak" <crkozak@nisource.com>  
;CN=Daniel  
Creekmur/OU=NCS/O=Enterprise@NiSource;"dmont  
e@nisource.com" <dmonte@nisource.com>;"Karl  
Eckweiler" <keckweiler@nisource.com>;"Richard  
Farmer" <rnfarmer@nisource.com>;"Rob Smith" <  
rrsmith@nisource.com>;"Steve Jablonski" <  
sjablonski@nisource.com>;"Steve Sylvester" <  
ssylvester@nisource.com>;CN=Joseph  
Hamrock/OU=NCS/O=Enterprise@NiSource  
Subject: Re: Oakside situation

I just spoke with Steve Herwat in the Mayor's Office, and his call was, in fact, the 'official invitation' for COH to appear on Monday. He indicated the Mayor was looking for a resolution to restoring service to these customers, but that the City was not going to assume responsibility or liability. He did ask for copies of our test results, and I said I was going to provide those to the property owners and it was at their discretion if they showed to any third-parties. I asked if the City did testing, and Steve said they did: Found some safe, some dangers (6%) and conducted another test downtown and found a dangerous (6+%) reading there. I told him we would - most likely - participate Monday, but I was not sure what we could do as the situation remains unsafe.

Regarding Monday and appearing with me before Council: Rob Smith has graciously offered his expertise and can talk to our standards and operational needs; I think CJ as Toledo OCM would be ideal, as would someone from legal.

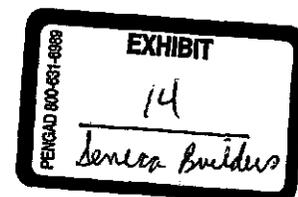
Thanks,

Chris

Re: Oakside situation

**Re: Oakside situation**

Jack Partridge to: Christopher R Kozak



COH01232



From: CN=Christopher R  
Kozak/OU=COH/O=Enterprise  
Sent: 10/11/2012 08:36:57 PM  
To: "Carol Wilson" <cwilson@nisource.com>  
;CN=Charles  
McCreery/OU=TCO/O=Enterprise@NiSource;"Steve  
Jablonski" <sjablonski@nisource.com>;CN=Daniel  
Creekmur/OU=NCS/O=Enterprise@NiSource;CN=Ro  
b  
Smith/OU=COH/O=Enterprise@NiSource;CN=Curtis  
J  
Anstead/OU=COH/O=Enterprise@NiSource;CN=Ste  
ve  
Sylvester/OU=COH/O=Enterprise@NiSource;CN=Sa  
muel  
Gerhardstein/OU=COH/O=Enterprise@NiSource;"Da  
mita Bradley" <dbradley@nisource.com>  
Subject: Fw: Constituent Case: James  
Jagodzinski

See Michelle's request below. I believe I answered her second question in my original email, but I can reiterate. As for her first question, I'd like to respond as such (It's the same response we sent to Ron Hensley on 10/9/12).

Please let me know if there are suggestions, changes or updates.

Thanks,

Chris

*Hi Michelle,*

*Thanks for the response and I appreciate your follow up questions. I did want to share our response:*

*1) "Can you please send me a copy of the policy used to shut off the gas that you mention in your email?"  
Columbia Gas/NiSource standards are proprietary information, and at this time we have declined to make those standards public. Columbia's standards adhere to the National Fuel Gas Code, Federal Pipeline Safety Codes, the Ohio Administrative Code and its PUCO Tariff; Not all safety precautions and safety related policy is specifically reflected in a code or tariff, however those codes all require COH to safely provide gas service and it is incumbent on COH to establish policies to address safety situations even when those situations may not be specifically addressed by a governing code or tariff.*

*2) "What kind of mitigation system do you want the builder to install?"*

*We are not stray gas remediation experts, and as such do not have a system or process to recommend. We have shared the names and contact information for a number of experts with the developer in an attempt to help him find a resolution to this situation.*

*If you need anything additional, or have any further questions, please let me know.*

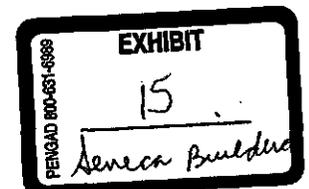
*Sincerely,*

*Chris Kozak*

*Columbia Gas of Ohio*

----- Forwarded by Christopher R Kozak/COH/Enterprise on 10/11/2012 08:22 PM -----

From: "Dempsey, Michelle"



COH00209

To: "crkozak@nisource.com"

Date: 10/10/2012 03:58 PM

Subject: RE: Constituent Case: James Jagodzinski

---

Chris,

Can you please send me a copy of the policy used to shut off the gas that you mention in your email? Also, what kind of mitigation system do you want the builder to install?

Best Regards,

Michelle (Dempsey) Zimmerman

Legislative Aide

Representative Michael Ashford

77 South High St

Columbus, OH 43215-6111

(614) 466-1401

(614) 719-6948 (fax)

-----Original Message-----

From: crkozak@nisource.com [mailto:crkozak@nisource.com]

Sent: Wednesday, October 10, 2012 2:55 PM

To: Dempsey, Michelle; Mudri, Marta

Subject: Re: Constituent Case: James Jagodzinski

Hello,

I appreciate your time and interest in the situation on Oakside in Toledo. To recap our conversation: On May 24th Columbia Gas responded to a call from a homeowner on Oakside regarding a brown spot in her front yard, which can be an indication of a natural gas leak. A bar hole test indicated that gas was present; After testing the Columbia Gas system, we found no leaks and that our facilities were holding pressure. A sample of the gas was taken, and test results came back that the gas present was not Columbia Gas pipeline gas. Once we detect gas, it is our policy to continue the investigation to try and establish a perimeter of the gas. Ultimately, we found stray gas at explosive levels along the foundations of every home (13) on Oakside. Three separate rounds of testing by Columbia Gas, as well as three rounds by an independent firm, all detected the presence of stray gas around these homes. The Columbia Gas policy has always been zero for readings against the foundation of a home. Columbia's standards adhere to the National Fuel Gas Code, Federal Pipeline Safety Codes, the Ohio Administrative Code and its PUCO Tariff. Not all safety precautions and safety related policy is

COH00210

specifically reflected in a code or tariff, however those codes all require COH to safely provide gas service and it is incumbent on COH to establish policies to address safety situations even when those situations may not be specifically addressed by a governing code or tariff.

To restore service, Columbia Gas has requested the following:

- A remediation system installed that would lower and maintain the methane gas readings at zero around the foundation.

- A signed consent from a certified expert OR a government entity stating that it is safe for Columbia Gas to restore natural gas service

- A signed consent form from the home owner stating that the remediation system will be maintained.)

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

If you have any questions, please feel free to give me a call at 419-704-1231.

Sincerely,

Chris Kozak

Columbia Gas of Ohio

From: CN=Christopher R  
Kozak/OU=COH/O=Enterprise  
Sent: 06/08/2012 12:45:49 PM  
To: CN=Margi  
Smith/OU=COH/O=Enterprise@NiSource  
Cc: CN=Charles  
McCreery/OU=TCO/O=Enterprise@NiSource;CN=Cu  
rtis J  
Anstead/OU=COH/O=Enterprise@NiSource;CN=Jac  
ob  
Anstead/OU=NCS/O=Enterprise@NiSource;CN=Ric  
hard  
Kellenberger/OU=NCS/O=Enterprise@NiSource;CN=  
Rob Smith/OU=COH/O=Enterprise@NiSource  
Subject: Re: Fw: 1121 Hope someone can make  
contact with customer about situation on her street. (  
please see below)

Hi Margi,

I think we need to let the Call Center handle these calls/complaints and provide the developer's number. If the customers get a COH number with a 419 area code, they will call it non-stop until they get a resolution. Since the reason for the interruption of service is not a COH issue, I think we need to keep the local point of contact as the developer. Once he gets this issue resolved, we are more than willing to get service to these homes restored. As long as there's gas along the foundations, that's not pipeline gas, this is not our issue.

If there's another thought, please let me know. Just my .02.

Thanks,

Chris

Margi Smith/COH/Enterprise

Margi Smith/COH/Enterprise

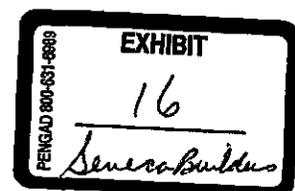


06/08/2012 11:54 AM

Christopher R Kozak/COH/Enterprise@NiSource

Charles McCreery/TCO/Enterprise@NiSource, Curtis J Anstead/COH/Enterprise@NiSc  
Jacob Anstead/NCS/Enterprise@NiSource, Richard Kellenberger/NCS/Enterprise@NiSo  
Rob Smith/COH/Enterprise@NiSource

Re: Fw: 1121 Hope someone can make contact with customer about situation on her stre  
please see below)



COH01769

Thank you so much Chris, for your prompt reply. Do you suggest I call this customer, as at least an acknowledgement of her inquiry/request/demand and just direct her to the developer with her concerns, as you stated in your reply? or just let it be addressed by her councilman and city officials when and if they call?.

Thanks  
Margi

Margi Smith  
Columbia Gas of Ohio  
Operations Coordinator  
Toledo Operations Center  
3222 W. Central Ave.  
Toledo Oh 43606  
Office: 419-539-6054  
Fax: 419-539-6075  
msmith@nisource.com

Christopher R Kozak---06/08/2012 11:22:33 AM---Hi Margi, Below is the response we sent to councilman Sarantou when he was contacted by a constituent

From: Christopher R Kozak/COH/Enterprise  
To: Charles McCreery/TCO/Enterprise@NiSource, Margi Smith/COH/Enterprise@NiSource  
Cc: Curtis J Anstead/COH/Enterprise@NiSource, Jacob Anstead/NCS/Enterprise@NiSource, Richard Kellenberger/NCS/Enterprise@NiSource, Rob Smith/COH/Enterprise@NiSource  
Date: 06/08/2012 11:22 AM  
Subject: Re: Fw: 1121 Hope someone can make contact with customer about situation on her street. ( please see below)

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Hi Margi,

Below is the response we sent to councilman Sarantou when he was contacted by a constituent. As you can see, we're directing the residents to contact the developer. Let me know if you have any questions.

Service is off to the homes on Oakside because large amounts of gas from an unknown source were found throughout the development. It is Columbia Gas policy that when gas readings against a home's foundation are anything but 0%, we can not provide service; the introduction of natural gas - and in turn pilot lights or other potential sources of ignition - presents a dangerous situation. Readings in the Oakside development have been as high as 17%; we have conducted more than 200 samples throughout the development. Columbia Gas tested the gas found in the development, and it was determined that it was

not 'pipeline gas' (ie: Not from a leak in our system). Tests performed by a third-party show that "the absence of any other hydrocarbon, compounded by the elevated level of carbon dioxide in relation to the methane content tends to suggest biogenic sources such as sanitary gas, coal or bog gas or biological decomposition." We have been in contact with the EPA, Toledo Fire Department and the Division of Environmental Services. Columbia Gas of Ohio's responsibility is to safely deliver natural gas to our customers. Under the current conditions, we feel it is not safe. Columbia Gas is willing to restore service if we have an authority with jurisdiction (Mayor of Toledo, TFD Fire Chief, EPA), sign a consent giving their approval that it is safe to restore service, as well as each property owner, sign a waiver stating they understand the situation and that they accept responsibility and liability. As a prerequisite, presumably the developer, or some other entity, would have to find and install an effective solution to remediate the problem before any of these signatures could be obtained. Beyond that, Columbia Gas can not deviate from our policy and can not jeopardize the safety of the neighborhood. We do understand the unfortunate situation the customers are experiencing, however our actions are being conducted for safety reasons. Columbia Gas is not responsible for the solution to this stray gas problem, but we will work with the affected parties as appropriate, in their efforts to solve the problem. Regarding what steps are being taken in the development, I direct you to the developer - Ron Hensley at 419-467-2562 - to see what is being done to address this issue.

Thank you,

Chris Kozak

Columbia Gas of Ohio

Charles McCreery---06/08/2012 10:06 AM CDT---

From: Charles McCreery

To: Margi Smith

Cc: Christopher Kozak; Curtis Anstead; Jacob Anstead; Richard Kellenberger; Rob Smith

Date: 06/08/2012 10:06 AM CDT

Subject: Re: Fw: 1121 Hope someone can make contact with customer about situation on her street. ( please see below)

PRIVILEGED

Chuck McCreery

COH01771



From: CN=Christopher R  
Kozak/OU=COH/O=Enterprise  
Sent: 08/20/2012 08:07:03 AM  
To: CN=Steve  
Jablonski/OU=COH/O=Enterprise@NiSource  
Subject: Re: 13 accounts on Oakside Road -  
Toledo (stray methane)

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

I have talked to FirstEnergy - and will see their president today - and have already mentioned. I'll broach again today as well.

Re: 13 accounts on Oakside Road - Toledo (stray methane)

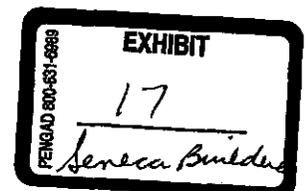
**Re: 13 accounts on Oakside Road - Toledo (stray methane)**

Steve Jablonski to: Christopher R Kozak

Chris,

This could prompt another outcry from the residents - validates there doesn't appear to be any solution pending - and especially from those who are smart enough to consider the implications as we get closer to the heating season. Maybe you could get First Energy to do a targeted conversion promotion.

Christopher R Kozak---08/20/2012 07:46:00 AM---Hello,



COH00564

From: Christopher R Kozak/COH/Enterprise

To: Carol Wilson/COH/Enterprise@NiSource, Curtis J Anstead/COH/Enterprise@NiSource, Peggy Walker/COH/Enterprise@NiSource, Charles McCreery/TCO/Enterprise@NiSource, Shawn Anderson/NCS/Enterprise@NiSource, Steve Jablonski/COH/Enterprise@NiSource

Date: 08/20/2012 07:46 AM

Subject: Re: 13 accounts on Oakside Road - Toledo (stray methane)

Hello,

Looks like we are not only going to remove the accounts from the system, but completely isolate the system. I felt that we need to make the customers aware of this development - as well as possibly a call to the developer. Below is a draft letter to the 13 impacted accounts.

Carol: If they have a credit, can they get a check and - if so - where should they call?

Also: The August 25th date is just a date I dropped in...I'll look to Columbia for guidance on this as well.

Any input on this letter or further clarification as to why we are taking this step is greatly appreciated.

Chris

Dear Oaskide Resident;

Columbia Gas of Ohio wanted to make you aware that, per company policy, your account will be removed from the Columbia Gas system, effective Friday, August 25th.

We understand the unique situation surrounding the interruption of your natural gas service, and this action in no way impacts our immediate ability restore service once the situation has been resolved. Removing your account from the Columbia Gas system does ensure your account is no longer credited, debited or impacted in any way. Additionally, if your account currently has a credit, you may request a check for the full amount.

Columbia Gas continues to work with the Oakside developer, and awaits consent that the conditions are safe to restore the natural gas service to your home.

Sincerely,

Columbia Gas of Ohio

Re: 13 accounts on Oakside Road - Toledo (stray methane)

COH00565

From: CN=Christopher R  
Kozak/OU=COH/O=Enterprise  
Sent: 06/07/2012 07:06:12 AM  
To: CN=Curtis J  
Anstead/OU=COH/O=Enterprise@NiSource  
Subject: Oakeside and Toltest

CJ –

I wanted to make sure I get this name/number in your hands first thing this morning:

Paul Hutz (TolTest) 419-324-2222 ext 1171

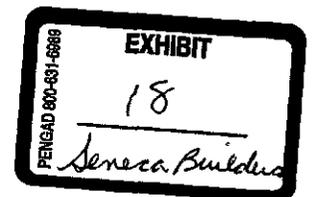
The developer is saying TolTest found nothing, zero, nada...He said the City found some methane in front of the post office (4%...I asked "The City found levels of gas in front of the post office – near explosive levels – and they are OK with that?"). If we can test again today – with TolTest on site, and see what we find. Then I think we need to have conf call: COH, COH legal, City of Toledo, Developer, TolTest, to determine next steps.

The developer feels abandoned; the customers are reaching out to City Council, etc...I asked the developer if he has looked at other energy sources for these homes: Propane or electric. He said he has not; I told him he should consider. He keeps saying "There's methane all over Toledo because it was a swamp. If you shut us down, you have to shut down the Kroger and the Post Office and St. James Woods, etc...You'll destroy this whole corner of the City." I told him our concern is that this part of the City might explode. As you and I have talked, safety is not this guys priority...but I do admit I see some merit to his argument.

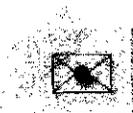
Let me know what you want me to do next.

Thanks,

Chris



COH00357



From: CN=Christopher R  
Kozak/OU=COH/O=Enterprise  
Sent: 09/24/2012 09:45:44 AM  
To: bleslie@nisource.com;CN=Carol  
Wilson/OU=COH/O=Enterprise@NiSource;CN=Charles  
McCreery/OU=TCO/O=Enterprise@NiSource;cjanstead@nisource.com;cwilson@nisource.com;CN=Daniel  
Creekmur/OU=NCS/O=Enterprise@NiSource;dkoren@nisource.com;dmonte@nisource.com;CN=Jack  
Partridge/OU=COH/O=Enterprise@NiSource;janstead@nisource.com;CN=Joe  
Ferry/OU=TCO/O=Enterprise@NiSource;CN=Joseph  
Hamrock/OU=NCS/O=Enterprise@NiSource;keckweiler@nisource.com;kmurphy@nisource.com;mdkeeling@nisource.com;pwalker@nisource.com;CN=Richard  
Kellenberger/OU=NCS/O=Enterprise@NiSource;rkeener@nisource.com;rnfarmer@nisource.com;rrsmith@nisource.com;sanderson@nisource.com;sgerhardstein@nisource.com;sjablonski@nisource.com;skiger@nisource.com;sseiple@nisource.com;ssylvester@nisource.com;CN=Tom  
Brown/OU=COH/O=Enterprise@NiSource;CN=Christopher R Kozak/OU=COH/O=Enterprise@NiSource  
Subject: 9/24 Graystone (Toledo) Update

Hello,

I wanted to offer the latest updates on the Graystone situation:

-Following last Monday's face-to-face meeting with Graystone legal, experts and developer (in addition to representatives from Hull, they brought in an 'expert' named John Weiss who was anything but)— it was determined that A) methane levels still exist at the foundations of these homes and B) There are no suggestions for remediation. As such, we are strongly considering a complete abandonment of these homes and the development. Internally, work has started on the process and some outreach to the PUCO has been initiated.

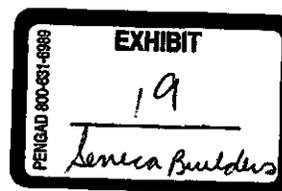
-In an effort to share the COH story and engage the customers, I called every home on Friday afternoon and spoke with 11 of the 13 impacted homes. I did offer a face-to-face meeting (only one took me up); however, most took the chance to tell me I was wasting their time and express varying levels of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

Some noteworthy conversations:

-2107 Oakside: this is the home that first called about the brown spots; her lawn is still torn up. I promised her I would get our restoration team and address her lawn ASAP.

-2120 Oakside: Claims he is taking a TV station to area hospitals, schools and the Mayor's house for testing to prove methane is everywhere.

-2130 Oakside – This resident has been the most vocal, and this call was no different. She is asking for test results from the installation of the line in 2009, copies of the consent forms, claims we are calling because we are getting pressure to restore service and that we "have gotten ourselves into a problem we can't



COH00709

figure out how to get out of.” Most interesting part of her call: In the background I could hear, coaching and offering questions, ‘expert’ John Weiss. I had suspected there was some relationship between John and a resident, and this confirms my belief.

-2123 Oakside – while not happy with COH, this customer does believe the blame lies with the developer and not COH. To note: This customer did tell me he used to work for Washington Gas and Electric.

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

As part of the outreach on Friday, I also spoke to the Mayor’s Office, City Council, the Fire Department and Toledo Environmental Services. All appreciated the call. However, the City Council Clerk did share with me that the Developer was the one who provided and installed electric water tanks for each home so they could shower. A week later, each resident received a bill for \$653.

Next steps:

-Mike Keeling will do a 4<sup>th</sup> round of bar-hole testing on Tuesday of this week.

-We will continue the internal abandonment process.

-I will meet with the one interested resident on Wednesday

-I will work to get the restoration process initiated for 2107 Oakside.

Please let me know if there are any questions; feel free to add any additional updates or thoughts. As an FYI – frost warning with a low of 36 this morning in Toledo.

Thanks,

Chris