

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|--|---|-------------------------|
| In the Matter of the Complaint of Suburban |) | |
| Natural Gas Company, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. 13-1216-GA-CSS |
| |) | |
| Columbia Gas of Ohio, Inc., |) | |
| |) | |
| Respondent. |) | |

ENTRY

The Commission finds:

- (1) On May 17, 2013, Suburban Natural Gas Company (Suburban) filed this complaint against Columbia Gas of Ohio, Inc. (Columbia) and a motion to reopen three Commission proceedings in *In re Complaint of Suburban Natural Gas Company v. Columbia Gas of Ohio*, Case Nos. 93-1569-GA-SLF, 94-938-GA-ATA, and 94-939-GA-ATA (*Suburban/Columbia*), Finding and Order (Jan. 18, 1996). In its complaint, Suburban claims that Columbia was in violation of the stipulation, approved by the Commission in 1996 in *Suburban/Columbia*, that resolved Suburban's allegations that Columbia was offering gas service and facilities to residential customers in violation of its tariff.
- (2) On June 10, 2013, Columbia filed an answer to the complaint generally denying the material allegations of the complaint.
- (3) A settlement conference was held in this case on September 25, 2013. Thereafter, a hearing was initially scheduled for June 10, 2014, but was rescheduled to August 26, 2014.
- (4) On August 15, 2014, Suburban filed a motion to dismiss its complaint without prejudice.
- (5) We note that Suburban's motion to dismiss was filed 11 days prior to the scheduled hearing date and followed settlement conferences, procedural conferences, the filing of witness testimony by both parties, as well as the filing of a deposition

of one of the witnesses for Columbia; all of which necessitated time and expense associated with this litigation of both the parties and the Commission. Nevertheless, Suburban's motion should be granted and the complaint should be dismissed without prejudice.

- (6) While we are granting Suburban's motion to dismiss this proceeding, we would be remiss to not review the historical similarities between the allegations raised by Suburban in this complaint and previously. On December 11, 2007, Suburban filed a substantially similar complaint and motion to reopen the proceedings in *Suburban/Columbia*. In that complaint, Suburban similarly alleged that Columbia was in violation of the stipulation approved by the Commission in 1996 in *Suburban/Columbia*, and was offering gas service and facilities to residential customers in violation of its tariff. Following requests for a stay, Suburban moved the Commission to dismiss that complaint, which was granted by the Commission on July 16, 2008.

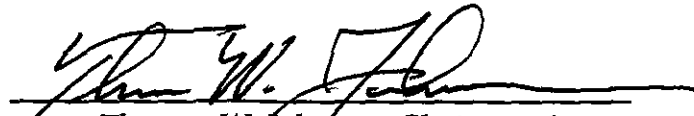
Thus, Suburban has now filed the same motions and complaints against Columbia in two separate proceedings in 2007 and in 2013. And, in both cases, Suburban has unexpectedly and without explanation, moved to dismiss its complaints and motions to reopen. Accordingly, we find it appropriate to stress to Suburban that, in the event it opts, in the future, to file a third complaint against Columbia that raises the same allegations and/or a motion to reopen the proceedings in *Suburban/Columbia*, the Commission intends to expeditiously move that future matter to a final conclusion.

It is, therefore,

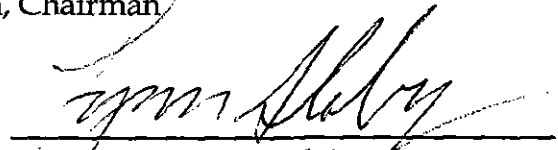
ORDERED, That Suburban's motion be granted and the complaint be dismissed without prejudice. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser


Lynn Slaby

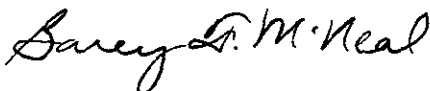

M. Beth Trombold


Asim Z. Haque

SEF/dah

Entered in the Journal

AUG 27 2014



Barcy F. McNeal
Secretary