

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Investigation into Cobra Pipeline Co., LTD)
and Related Matters.)

Case No. 14-1709-GA-COI

RECEIVED-DOCKETING DIV
2014 OCT 10 PM 5:14
PUCO

**ORWELL NATURAL GAS COMPANY'S REQUEST FOR REFERRAL OF THIS
MATTER TO THE OHIO ATTORNEY GENERAL
TO SEEK IMMEDIATE AND APPROPRIATE INJUNCTIVE RELIEF**

Pursuant to Ohio Revised Code 4905.60, Orwell Natural Gas Company ("ONG") respectfully requests that the Commission refer this matter to the Ohio Attorney General in order to seek immediate and appropriate injunctive relief against Cobra Pipeline Co., Ltd. ("Cobra") and its President, Richard M. Osborne ("RMO"). RMO and Cobra have already unlawfully and hazardedly attempted to shut-off the service of natural gas to ONG and its consumers at the Cobra site regulator station by inserting a flange into a gas line to block the flow of gas. ONG fears that RMO and Cobra will attempt this criminal behavior at other sites.

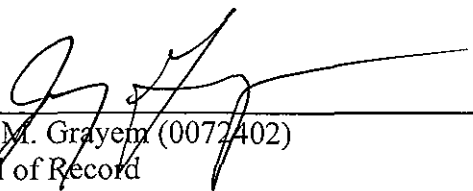
The facts surrounding the events of September 26, 2014, are contained in the Staff Report and Entry issued by the Commission Attorney Examiner on September 26, 2014, as are the Examiner's findings that RMO, by his conduct, created a potentially dangerous situation that could cause as a building to explode. In the interests of brevity, ONG will not restate those facts. ONG has attached for the Commission's reference the Police Report taken by the Willoughby Police Department on September 26, 2014. (*Exhibit 1.*) It is clear from that Report, specifically pages 5-6, that RMO has little regard for the authority and/or power of the Commission as it relates to his activities. When told by Willoughby Police Officer Jonathan Greig that the Commission has jurisdiction over the subject gas line, RMO initially refused to allow anyone on to the property, stating he "doesn't care what the state says." He then admitted

to inserting the subject flange. (*Report* p. 5.) As detailed in the Commission's Report and Entry, RMO and Cobra's actions resulted in a severe and immediate threat to the public safety and welfare. ONG believes RMO's actions on September 26, 2014, are criminal in nature. See O.R.C. 2909.04(A)(2) ("No person, purposely by any means . . . shall do any of the following . . . (2) interrupt or impair . . . water supply, gas, power, or other utility service to the public.") Violating this statute is a fourth-degree felony.

ONG is not requesting that the Ohio Attorney General seek injunctive relief against RMO and/or Cobra that will negatively impact their business or day-to-day activities. Given the increasingly volatile behavior of RMO towards ONG, its affiliates, officers, agents and employees, ONG is simply seeking to enjoin RMO and/or Cobra from committing any further acts that would violate Ohio common law, or the Ohio Revised Code provisions dealing with the transport, service and delivery of natural gas in Ohio.

Additionally, ONG was forced to seek a stay against RMO and another of his pipeline companies, Orwell Trumbull Pipeline Co., Ltd. ("OTP"), due to RMO and OTP's threats to shut down service to ONG and its end-line customers. (See Case No. 14-1654-GA-CSS.) That stay was granted on September 22, 2014, and remains in place. ONG believes that RMO's actions on September 26, 2014, may have been in retaliation to the stay issued in the OTP case. It is for these reasons that ONG feels the Ohio Attorney General should institute proceedings to seek immediate injunctive relief guaranteeing that neither RMO, nor the companies he owns, operates or is affiliated with, tamper or interfere with, in any way, the transport, service and delivery of natural gas to ONG and its customers, or other public utilities, throughout the State of Ohio.

Respectfully submitted,



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Co-Counsel for Orwell Natural Gas Company

Willoughby

36700 Euclid Ave. Willoughby, Ohio 44094 440-953-4212

Incident Number

14-26495

Incident / Offense Report

Method Received T	Time Received 11:09:53	Time Dispatched 11:11:24	Time Arrived 11:32:06	Time Cleared: 11:59:39
Report Date / Time Date Time Friday 09/26/2014 16:11:00		Incident Occurred From Date Time Friday 09/26/2014 10:00:00		Incident Occured To Date Time Friday 09/26/2014 11:09:00
Location of the Incident (Street #, Street, Apt. #, City, State, Zip) 3511 LOST NATION RD 213 WILLOUGHBY OH 44094 COBRA PIPELINE				Zone 122
Persons Involved: JEFFREY J HEIDNIK - SUB JESSICA A CAROTHERS - PRP JEFF MATTHEW POLKA - OIV RICHARD M OSBORNE - SUS OHIO PUCO - GOV ORWELL NATURAL GAS CO - OIV		Property: 0 Amount:		
Units: 1st: 0809 2nd: 3rd: 4th: 5th:		Officers: STEPHEN A ALEMAGNO Photos: 0		
Codes: 5707 2994	Descriptions: TRESPASSING (FREE TEXT) DISRUPTING PUBLIC SERVICE			
OFFENSES				
Weapons Used:		Trade Marks:		Hate Bias
Entry:		Location Type: Other Business Office		
Refer to Arrest:	Incident #:	Tow#:	Dispatcher: 180	Officer in Charge: 078 Entry Id: 180
Case Status:	Cleared Date:		Cleared By:	

Narrative: 14-26495 Page: 1

COBRA PIPELINE

W/M gry hair with gry tshirt and jeans, Jeffrey Heidnik former employee on property and was served notification not to trespass. Heidnik works for Orwell Natural Gas, this is a civil matter between Orwell Natural gas and Rick Osborne. Orwell belives Osborne has blocked his gasline and will have Dominion come out and check it.
See report



DANIEL PITTS

Reviewing Supervisor:

Bureau Supervisor:

PTL JONATHAN C GREIG

Officer:

Willoughby

Incident Number

Page # 2

Persons Involved with Incident

14-26495

Incident #:	Relation:	Arrest #:	CAD #:	Date of Contact:	Phone:		
1426495	SUB			09/26/2014			
First Name:	Middle	Last Name:	Til:	DOB:	SSN:	Pager:	
JEFFREY	J	HEIDNIK		08/28/1961	273442880		
Street #:	Street Name:	Apt:	City:	St:	Zip:	Cell Phone:	Employee Phone:
615	MEADOWLANE DR		RICHMOND HTS	OH	44143	440-413-9809	440-205-4600
Hgt:	Wgt:	Hair:	Eyes:	Race:	Sex:	Physical Marks:	
600	215	BRO	BRO		M		
Offenses:	5707	TRESPASSING (FREE TEXT)					
	2994	DISRUPTING PUBLIC SERVICE					

Resident Class:	Suspected of using:	Victim Type:
	/	/

Incident #:	Relation:	Arrest #:	CAD #:	Date of Contact:	Phone:		
1426495	PRP			09/26/2014	440-255-1945		
First Name:	Middle	Last Name:	Til:	DOB:	SSN:	Pager:	
JESSICA	A	CAROTHERS		09/18/1981	281841690		
Street #:	Street Name:	Apt:	City:	St:	Zip:	Cell Phone:	Employee Phone:
4190	RIVER RD		PERRY	OH	44081		
Hgt:	Wgt:	Hair:	Eyes:	Race:	Sex:	Physical Marks:	
507	140	BRO	BLU		F		
Offenses:	5707	TRESPASSING (FREE TEXT)					
	2994	DISRUPTING PUBLIC SERVICE					

Resident Class:	Suspected of using:	Victim Type:
	/	/

Incident #:	Relation:	Arrest #:	CAD #:	Date of Contact:	Phone:		
1426495	OIV			09/26/2014			
First Name:	Middle	Last Name:	Til:	DOB:	SSN:	Pager:	
JEFF	MATTHEW	POLKA		08/10/1972	268789285		
Street #:	Street Name:	Apt:	City:	St:	Zip:	Cell Phone:	Employee Phone:
717	HANCE AVE NW		NEW	OH	44663		
Hgt:	Wgt:	Hair:	Eyes:	Race:	Sex:	Physical Marks:	
600	215	BRO	BLU		M		
Offenses:	5707	TRESPASSING (FREE TEXT)					
	2994	DISRUPTING PUBLIC SERVICE					

Resident Class:	Suspected of using:	Victim Type:
	/	/

Reviewing Supervisor:

Bureau Supervisor:

PTL JONATHAN C GREIG
Officer:

Willoughby

Incident Number

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Persons Involved with Incident

14-26495

Incident #:	Relation:	Arrest #:	CAD #:	Date of Contact:	Phone:		
1426495	SUS			09/26/2014			
First Name:	Middle	Last Name:	Til:	DOB:	SSN:	Pager:	
RICHARD	M	OSBORNE		09/22/1945	274401807		
Street #:	Street Name:	Apt:	City:	St:	Zip:	Cell Phone:	Employee Phone:
8780	FOXHOLLOW DR		KIRTLAND HILLS	OH	44060		
Hgt:	Wgt:	Hair:	Eyes:	Race:	Sex:	Physical Marks:	
508	180	BRO	BLU		M		
Offenses:	5707	TRESPASSING (FREE TEXT)					
	2994	DISRUPTING PUBLIC SERVICE					
Resident Class:	Suspected of using:			Victim Type:			

Incident #:	Relation:	Arrest #:	CAD #:	Date of Contact:	Phone:		
1426495	GOV			09/26/2014			
First Name:	Middle	Last Name:	Til:	DOB:	SSN:	Pager:	
		OHIO PUCO					
Street #:	Street Name:	Apt:	City:	St:	Zip:	Cell Phone:	Employee Phone:
180	E BROAD ST		COLUMBUS	OH	43215		440-488-6571
Hgt:	Wgt:	Hair:	Eyes:	Race:	Sex:	Physical Marks:	
Offenses:	5707	TRESPASSING (FREE TEXT)					
	2994	DISRUPTING PUBLIC SERVICE					
Resident Class:	Suspected of using:			Victim Type:			

Incident #:	Relation:	Arrest #:	CAD #:	Date of Contact:	Phone:		
1426495	OIV			09/26/2014			
First Name:	Middle	Last Name:	Til:	DOB:	SSN:	Pager:	
		ORWELL NATURAL					
Street #:	Street Name:	Apt:	City:	St:	Zip:	Cell Phone:	Employee Phone:
8470	STATION ST		MENTOR	OH	44060		
Hgt:	Wgt:	Hair:	Eyes:	Race:	Sex:	Physical Marks:	
Offenses:	5707	TRESPASSING (FREE TEXT)					
	2994	DISRUPTING PUBLIC SERVICE					
Resident Class:	Suspected of using:			Victim Type:			

Reviewing Supervisor:

Bureau Supervisor:

PTL JONATHAN C GREIG

Officer:

Willoughby

Incident Number

Page # 4

Vehicles Involved with the Incident

14-26495

No:	Value:	Plate:	LIC St.:	LIC Yr.:	LIC Type:	VIN #:
		54301	OH		PC	1C4PJMAK0CW174364

Year:	Make:	Model:	Style:	Color:	Ownership Verification:	Tow No:	Date of Theft:
2012	JEEP		SW	WHI /			

Recovery Condition:	Recover Date:	Recover Location:	NCIC#	Owner Applied #:
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Damaged Missing:

Front:	NO	Rear:	NO	Doors :	NO	Deck :	NO	NCIC Entry:
Interior:	NO	Engine:	NO	Trans :	NO	Dash:	NO	
Vin Plate:	NO	LIC Plate:	NO	Ignition:		Other:		NCIC Remove:
Misc:								

Reviewing Supervisor:_____
Bureau Supervisor:_____
PTL JONATHAN C GREIG
Officer:

3511 Lost Nation Road
September 26, 2014
1109 hrs.

On the above noted day and time I responded to Cobra Pipeline Company in reference to a trespassing complaint. Upon arrival I spoke with the complainant Jessica Caruthers who advised a Jeffrey J. Heidnik was trespassing on the property and was served with paper work advising him he could not be there. Caruther's stated she was advised by her boss to contact the police if he showed up. She stated that her boss Richard Osborne discovered that Orwell Natural Gas did not have the proper variances to put a gas line on Osborne's property. The gas line has been there for several years, but to get to the gas line Orwell has to come on to Osborne's property.

I spoke with Heidnik who was still on scene. He stated he is the General Manager for Orwell Natural Gas and he was checking a gas line on the property that is owned by Orwell. He stated the line is on Osborne's property but the line itself is still owned and was installed by Orwell. He stated that Osborne use to be the chairman of Orwell and is still the majority stock holder in the company. Osborne was recently removed from the board at Orwell which he is upset about, and has now deiced to block Orwell from getting to their gas line.

Heidnik stated he came to check the line due to a severe drop in output. When he looked at the line he could see a "blank" was placed in the line between two connecting pipes, blocking the gas flow. He stated he had calls in to the Public Utilities Commission of Ohio and Dominion Gas.

At 1304 hrs. I responded back to the location. Heidnik was on scene and so was Richard Osborne. Heidnik stated an investigator from PUCO would be there soon to check the line. I spoke with Osborne who was very upset that I was there and told me "no one was coming on his property, unless there's something in writing". A short time after this Gas Pipeline Safety Compliance Investigator from PUCO, Jeff Polka arrived.

Polka stated that PUCO does have jurisdiction over this gas line and he was going to take pictures of it. He briefly walked on Osborne's property to take pictures of the line. He spoke with Osborne as well. Osborne again stated no one was coming onto his property; he "doesn't care what the state says". When I told him why PUCO wanted to check the line due to the alleged "blank" that was blocking gas flow he said; "your damn right I blocked it, they aren't paying rent".

I spoke with Polka's supervisor on his cell phone. He stated it could be a possible public safety threat to have the gas line blocked. Heidnik had advised the pressure of the line had gone from the normal forty to forty pounds per square inch, to eighteen pounds per square inch. Polka' supervisor stated he was going to get in touch with PUCO's legal department and he would call me back. During the approximate hour wait for the call back Heidnik stated the pressure had dropped to sixteen pounds per square inch.

I received a call back from Polka's supervisor, an attorney for PUCO, and the Chief Service Monitor of Gas Line Safety Enforcement for PUCO, John Williams. Williams advised that Orwell had to be allowed onto the property due to the public safety risk with the blocked line. Williams stated if the gas pressure got any lower, pilot lights in all of the effected businesses could go out over the weekend. If service is restored during this time the businesses could fill up with gas and a potential for a large explosion could arise.

Willoughby

Incident Number

Investigative Report

Title / Subject: DISRUPTION OF PUBLIC

14-26495

Osborne was advised of this and stated again "that he wanted something in writing". I advised Osborne via P/S that we were not going to block PUCO's investigator from allowing Orwell to turn the gas back on, due to the possibility of an explosion that PUCO was concerned about. Orwell entered the gated in area around the gas line, which they have a key for. The PUCO investigator Jeff Polka stood by while Orwell restored the flow of gas in the line by removing a metal disk that had been placed between the connections. The gas service was restored and Orwell locked the fenced in area around the line and left.

Contact information and the report number for this incident were supplied to Richard Osborne, Jeff Polka and Jeffrey J. Heidnik. No further service was requested by any of the parties involved. Law Director John Wiles was informed of this incident and he requested a copy of this report be forwarded to his office.

Forward to City of Willoughby Law Director Wiles.

By: PTL JONATHAN C GREIG

Badge# 155

Date: 09/26/2014 Time: 17:06:1 No. 001 Page #: 6

Reviewing Supervisor: _____

Date: _____