

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Orwell	)	
Natural Gas Company,	)	
	)	
Complainant,	)	
	)	Case No. 14-1654-GA-CSS
v.	)	
	)	
Orwell-Trumbull Pipeline Company, LLC,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) Orwell Natural Gas Company (Orwell Gas or Complainant) and Orwell-Trumbull Pipeline Company, LLC (Orwell-Trumbull Pipeline or Respondent) are public utilities as defined in R.C. 4905.02 and 4905.03, and are subject to the jurisdiction of this Commission.
- (2) On September 19, 2014, Orwell Gas filed the instant complaint against Orwell-Trumbull Pipeline, pursuant to R.C. 4905.26 and 4929.24. Complainant states that Respondent has threatened to begin proceedings to shut off transportation of gas to Complainant in violation of the Ohio Revised Code, because Complainant has failed to pay invoices for service. According to Complainant, it has paid for all volumes of natural gas transported through Respondent's system pursuant to tariffs and the agreement that were previously approved by the Commission. Complainant requests the Commission find that Respondent's recent invoices are not in compliance with the tariff or the agreement, and that Respondent be ordered to not shut off service to the residential and commercial customers of Complainant.
- (3) By Entry of September 22, 2014, the attorney examiner ordered Orwell-Trumbull Pipeline to maintain the provision of service to all customers of Orwell Gas during the pendency of this proceeding, until such time as the Commission orders otherwise.

- (4) On November 7, 2014, the Office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this proceeding. OCC claims that it satisfies the intervention criteria under R.C. 4903.221. OCC notes that the nature and extent of its interest is representing the residential customers of Orwell Gas and the utility's ability to supply necessary and adequate service to its customers. OCC asserted that allegations that Orwell-Trumbull Pipeline threatened to shut-off service to Orwell Gas due to a dispute over payment of past service could mean that the gas service to Orwell Gas' 7,500 residential customers could be negatively impacted. OCC contends that its interest is different than that of any other party in the case because it will advance the position that the service to residential customers should continue uninterrupted; whereas the interests of the parties include the financial interests of stockholders. OCC maintains that its participation will not unduly prolong or delay this proceeding and its intervention will significantly contribute to the full development and equitable resolution of the factual issues. No memorandum contra OCC's motion to intervene were filed.
- (5) Upon review, the attorney examiner finds good cause to grant OCC's motion to intervene.
- (6) At this time, the attorney examiner finds that a settlement conference should be scheduled in this matter to discuss settlement of the issues. The settlement conference in this matter is scheduled for January 22, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Conference Room 1247, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (7) Pursuant to Ohio Adm.Code 4901-1-26(F), all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (8) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the

complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That OCC's motion to intervene be granted. It is, further,

ORDERED, That a settlement conference is scheduled for January 22, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Conference Room 1247, Columbus, Ohio 43215-3793, in accordance with Finding (6). It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Scott E. Farkas

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By: Scott E. Farkas  
Attorney Examiner

JRJ/dah

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**12/11/2014 9:24:14 AM**

**in**

**Case No(s). 14-1654-GA-CSS**

Summary: Attorney Examiner Entry that OCC's motion to intervene be granted; and that a settlement conference be scheduled for January 22, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Conference Room 1247, Columbus, Ohio 43215-3793, in accordance with Finding (6); electronically filed by Debra Hight on behalf of Scott E. Farkas, Attorney Examiner.