

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

ORWELL NATURAL GAS
COMPANY,

Complainant,

vs.

ORWELL-TRUMBULL PIPELINE
COMPANY, LLC,

Respondent.

Case No.: 15-475-PA-CSS

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PUCO

COMPLAINT AND REQUEST FOR RELIEF

Pursuant to §4905.26 and §4929.24 of the Ohio Revised Code, Orwell Natural Gas Company hereby files this Complaint with the Public Utilities Commission of Ohio (hereinafter referred to as "PUCO") asserting violations of the Ohio Revised Code ("ORC"), against Orwell-Trumbull Pipeline Company, LLC and requests the relief set forth herein.

In support of their Complaint, the Complainant states as follows:

PARTIES

1. Orwell Natural Gas Company (hereinafter referred to as "ONG") is an Ohio Corporation with facilities located at 95 E. Main St, Orwell, OH 44076.

2. Orwell-Trumbull Pipeline Company, LLC (hereinafter referred to as "OTP") is an Ohio limited liability company and intrastate pipeline company located at 8500 Station Street, Mentor, Ohio 44060.

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JURISDICTION

3. OTP is engaged in the transportation of natural gas in Ohio, and, as such, is a pipe-line company under ORC §4905.03.

4. As a pipe-line company under ORC §4905.03, OTP is also a public utility as defined in ORC §4905.02.

5. ONG is a public utility pursuant to ORC §4905.02.

6. Due to the nature of these two entities, the PUCO has exclusive jurisdiction over this matter.

GENERAL ALLEGATIONS

7. The allegations contained in Paragraphs 1 through 6 of this Complaint are re-alleged and incorporated as if fully set forth herein.

8. The PUCO has approved Tariffs for ONG and OTP and the two parties have been acting pursuant to those Tariffs since 2008. (See Entry and Order under Case No.: 08-1244).

9. On March 5, 2015, OTP, through an employee, notified ONG that a system fed by OTP off of Vrooman Road in Lake County will be shut down *completely* (emphasis added) for an alleged need to move OTP pipe and/or maintenance.

10. In response to this information, ONG, to protect its customers and for the safety of all involved, sent correspondence to OTP requesting detailed information about the shut down as well as plans to ensure customers would be able to receive gas.

11. On March 6, 2015, OTP responded to this correspondence with a mere email stating “have an Orwell crew prepared to relight the system once OTP comes back on.” No other information or answers were provided.

12. As of the filing of this Complaint, the owner of the line was presumed to be OTP, as OTP has been charging the Tariff rate since the line was in service; however, this ownership is now in dispute.

13. Further, there is no evidence or apparent need for this complete shutdown and/or maintenance.

14. If the shutdown is permitted, this would leave several customers without gas during the middle of the winter season.

15. Complainant now files this Complaint with the Commission, asserting the following violations of Ohio law and Commission regulations.

COUNT ONE

16. The allegations contained in Paragraphs 1 through 14 of this Complaint are re-alleged and incorporated as if fully set forth herein.

17. ORC §4929.22 establishes the minimum service requirements of a retail natural gas supplier for the protection of consumers in the state.

18. ORC §4929.22(E) specifically mandates “minimum service quality, safety and reliability.”

19. OTP’s obvious intent and plans to shut down the system off Vrooman road is in violation of §4929.

COUNT TWO

20. The allegations contained in Paragraphs 1 through 18 of this Complaint are re-alleged and incorporate as if fully set forth herein

21. The proposed complete shutdown of the system off Vrooman Road is unjust and unreasonable and violates the PUCO Entry issued in Case No. 14-1654-GA-CSS.

22. ORC §4905.26 provides that any service, measurement or practice by a public utility that is in any respect unjust, unreasonable, unjustly discriminatory, unjustly preferential, or in violation of law, the PUCO will set a hearing.

23. OTP's obvious intent and plans to shutdown the system off Vrooman road is in violation of ORC §4905.26.

PRAYER FOR RELIEF

WHEREFORE, for the reasons stated herein, Complainant respectfully requests that the Commission grant the following relief:

1. Find that the Complainant has set forth reasonable grounds for their Complaint;
2. Order an Entry be enforced as to prevent shut-off for residential and commercial customers of ONG;
3. Set a hearing and notify all parties involved;
4. Award Complainant's attorney's fees as statutorily authorized;
5. Order any other remedy permitted by ORC §4905.61;
6. Order any other relief that the Commission deems appropriate, just and reasonable.

Respectfully submitted,

**THE WELDELE & PIACENTINO
LAW GROUP CO., LPA**

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Counsel for Orwell Natural Gas Company

PRAECIPE FOR SERVICE

TO THE CLERK:

Please cause the Complaint and Request for Relief be served upon the following Defendant

ORWELL-TRUMBULL PIPELINE CO., LLC
ATTN: THOMAS J SMITH
8500 STATION STREET
SUITE 100
MENTOR, OH 44060