

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

ORWELL NATURAL GAS COMPANY

Case No. 15-475-GA-CSS

Complainant,

v.

ORWELL-TRUMBULL PIPELINE
COMPANY, LLC,

Respondent.

**ORWELL TRUMBULL PIPELINE COMPANY, LLC'S STATEMENT,
PURSUANT TO RULE 4901-9-01(F),
THAT THE COMPLAINT IN THIS MATTER HAS BEEN SATISFIED**

Now comes respondent Orwell-Trumbull Pipeline Company, LLC ("OTP"), pursuant to Rule 4901-9-01(F) of this Commission's rules regarding complaint proceedings, to state its understanding that the Complaint filed against it in this matter by Orwell Natural Gas Company (ONG) was satisfied when OTP assisted ONG in arranging to purchase a temporary supply of natural gas from a third party, through a bankruptcy trustee in Erie, Pennsylvania.

OTP asks this Commission to note, even so, that the complaint ONG filed with this Commission on March 9, 2015, was frivolous. ONG's complaint asserted a concern that its customers would be denied fuel for heat during the winter season in the event that OTP severed and abandoned a portion of pipeline running beneath Interstate 90 at Vrooman Road in Leroy Township, Lake County, Ohio. ONG filed its complaint in this proceeding with the deliberate intent of creating the false impression that an emergency existed.

For example, ONG suggested in its complaint that it had learned of the project to abandon and relocate the pipeline only days before it filed its complaint. That suggestion was deliberately intended to be misleading. In fact, ONG personnel were fully aware of the issues

that necessitated abandonment and relocation of the pipeline, and they had possessed that knowledge for more than one year before ONG filed its complaint.

ONG apparently hoped to create the impression to members of this Commission and its staff that OTP's abandonment of the pipeline was an arbitrary and irrational act, performed in violation of an attorney examiner's Entry in another case. ONG was fully aware, however, that the pipeline relocation was actually necessitated by a mandate to OTP, issued by the Ohio Department of Transportation ("ODOT"), in order to accommodate an I-90 road construction project.

ONG also deliberately suggested that it would be unable to provide natural gas service to ONG customers should the pipeline be severed and abandoned as scheduled. In reality, ONG understood that ONG personnel need only provide notice of a temporary disruption to its customers, and then assist those customers in taking their gas appliances off-line and then bringing those appliances back on-line. In actual fact, ONG proved able to restore service to its customers who were dependent upon the OTP pipeline within hours after OTP took the first step necessary to abandon the line.

Further, at the time it filed its complaint with this Commission, ONG attempted to create an impression that it would have no ability to restore service to a small subset of its customers, specifically, to 13 residential customers of ONG that were located north of I-90. In fact, ONG was aware that it could restore service to those customers simply by delivering sufficient supplies of compressed natural gas to an injection point north of I-90.

OTP will acknowledge that ONG's use of compressed natural gas may have proved somewhat more expensive to ONG than an equivalent volume of natural gas delivered via the pipeline. Even so, placing some context upon ONG's "concern" about this expense is warranted.

To do so, OTP will assume that ONG's 13 residential customers would typically each consume \$100 worth of natural gas during a typical March service month. OTP will next assume that compressed natural gas would have cost ONG twice as much as natural gas would cost, delivered by pipeline. These two assumptions suggest that the total expense ONG faced might have been as high as \$2,600, and that ONG could have maintained service to those customers from mid-March, 2015 when the line was to have been severed until mid-April, 2015, when OTP anticipated it would complete construction of a new line beneath I-90 for a mere additional \$1,300.

Even if this Commission should conclude that OTP's estimates are low, however, or if it concludes that OTP overlooked some unknown additional expense involved in supplying CNG to ONG customers, it is equally worth note that the Commission can *QUADRUPLE* OTP's estimate, and the estimate still suggests that ONG complaint permitted it to avoid an additional expense of something less than \$10,000.

These costs, which ONG declined to bear, can be contrasted to the cumulative cost ONG's complaint imposed upon the staff of this Commission, to ODOT and its engineers, to an out-of-state bankruptcy trustee, to OTP, and even to ONG itself (in the form of legal fees it elected to incur).

These apparently nominal costs may also fairly be contrasted to the hundreds of thousands of dollars in delay damages ONG's actions threatened to cause to ODOT and, assuming ODOT would have in turn filed suit against OTP to recover any delay damages incurred by ODOT, upon OTP.

Again, OTP is pleased to inform the Commission that it believes this particular complaint has been satisfied. In the event it is in error and the complainant chooses to proceed further, however, OTP respectfully states it will seek leave to amend its Answer in order to formally assert counterclaims against ONG based upon the conduct of ONG as it relates to these matters.

NOTICE

Pursuant to Commission Rule 4909.01(F) the complaining party has twenty days from the date this Statement was filed with the Commission in which to file a written response agreeing or disagreeing with the assertions of Orwell Trumbull Pipeline Company, LLC. If no response is filed, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

Respectfully submitted,

/s/ Michael D. Dortch
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ORWELL TRUMBULL
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CERTIFICATE OF SERVICE

The PUCO's e-filing system will serve notice of this filing upon counsel for the Complainant.

In addition, I hereby further certify that a true and accurate copy of the foregoing was served upon counsel for the Complainant this April 3, 2015, by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Gina M. Piacentino, Esq.
Weldele & Piacentino Law Group
88 East Broad Street, Suite 1560
Columbus, OH 43215

/s/ Michael D. Dortch

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4/3/2015 11:18:16 AM

in

Case No(s). 15-0475-GA-CSS

Summary: Memorandum and Statement by Orwell Trumbull-Pipeline Company, LLC, pursuant to Rule 4901-9-01(F) that the complaint in this matter has been satisfied electronically filed by Mr. Michael D. Dortch on behalf of Orwell-Trumbull Pipeline Company, LLC