

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Orwell)	
Natural Gas Company,)	
)	
Complainant,)	Case No. 15-475-GA-CSS
)	Case No. 15-637-GA-CSS
v.)	
)	
Orwell-Trumbull Pipeline Company, LLC,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) Generally, pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.
- (2) 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.
- (3) On March 31, 2015, Orwell Gas filed complaints in Case No. 15-475-GA-CSS (15-475) and Case No. 15-637-GA-CSS (15-637) against Orwell-Trumbull Pipeline, pursuant to R.C. 4905.26 and 4929.24. In 15-475, Complainant alleged that Respondent was threatening to shut down a pipeline system that provides gas to Complainant. In 15-637, Complainant states that it entered into a contractual agreement with Respondent that is currently detrimental to rate payers within its system and Respondent should be under a standard tariff rate for transportation services. Complainant claims that it has attempted negotiations to set a new rate adjustment but cannot come to a determination.

- (4) Respondent filed answers to both complaints denying the material allegations set forth.
- (5) On April 29, 2015, the Ohio Consumers' Counsel (OCC) filed motions to intervene in these proceedings. 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. In 15-475, OCC asserts 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. In 15-637, OCC asserts that allegations that transportation rates are too high and, thus, detrimental to customers is of vital importance to the residential customers of Orwell Gas who are entitled to rates that are just and reasonable. OCC contends that its interest is different than that of any other party in the cases 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 these proceedings and its intervention will significantly contribute to the full development and equitable resolution of the factual issues. No memorandum contra OCC's motions to intervene were filed.
- (6) Upon review, the attorney examiner finds good cause to grant OCC's motions to intervene in both proceedings.
- (7) At this time, the attorney examiner finds that a settlement conference should be scheduled in these matters to discuss settlement of the issues. In light of the fact that both proceedings involve the same parties, the attorney examiner finds that only one conference should be scheduled and the issues in both cases will be discussed at that time. Accordingly, the settlement conference for these cases should be scheduled for July 9, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle these matters, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of the complaints.

- (8) 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 these matters.
- (9) Further, the attorney examiner notes that, on February 9, 2015, a settlement conference was conducted in a third complaint case, previously filed in Case No. 14-1654-GA-CSS, involving the Complainant and Respondent. At the July 9, 2015 settlement conference, the parties should be prepared to provide a status report concerning the issues involved in that matter.
- (10) 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 motions to intervene be granted. It is, further,

ORDERED, That a settlement conference is scheduled for July 9, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793, in accordance with Finding (7). 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

By: Scott E. Farkas
Attorney Examiner

JRJ/dah

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in

Case No(s). 15-0475-GA-CSS, 15-0637-GA-CSS

Summary: Attorney Examiner Entry that OCC's motions to intervene be granted; and that a settlement conference is scheduled for July 9, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793, in accordance with Finding (7); electronically filed by Debra Hight on behalf of Scott E. Farkas, Attorney Examiner.