

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|--|---|-------------------------|
| In The Matter of The Application of Orwell- Trumbull Pipeline Company, LLC To Amend its Rates and Charges. |) | |
| |) | Case No. 16-1726-PL-AIR |
| |) | |
| In the Matter of the Complaint of Orwell Natural Gas Company, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. 16-2419-GA-CSS |
| |) | |
| Orwell Trumbull Pipeline Company, LLC, |) | |
| |) | |
| Respondent. |) | |

**MOTION TO STAY THE PROCEEDINGS OF ZACHARY BURKONS OF RENT DUE,
LLC AS RECEIVER FOR ORWELL TRUMBULL PIPELINE COMPANY, LLC AND
REQUEST FOR EXPEDITED TREATMENT**

Pursuant to Ohio Administrative Code (“O.A.C.”) Rule 4901-1-12(A), Zachary Burkons of Rent Due, LLC, acting as the court-appointed receiver (“Receiver”) for Orwell Trumbull Pipeline Company, LLC, (“OTP”) hereby requests that the Public Utilities Commission of Ohio (“Commission”) stay the above-captioned proceedings. The stay is necessary in these proceedings because the Receiver needs time to assess the issues involved in these proceedings. The Receiver is in the process of assessing the financial viability of OTP in expectation for potential sale. It is more prudent for the Receiver to seek a stay of these cases during this process rather than incur additional litigation costs and attorneys’ fees. The Receiver also seeks expedited treatment of this motion pursuant to O.A.C. Rule 4901-1-12(C). The reasons supporting this motion are stated in the accompanying memorandum in support.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Since 2014, Orwell Trumbull Pipeline Company, LLC (“OTP”) has been embroiled in a lawsuit in the Cuyahoga County Court of Common Pleas, Ohio (Case No. CV-14-822810) (“State Court Action”). In the State Court Action, the court appointed Zachary Burkons of Rent Due, LLC (“Receiver”) as receiver for OTP pursuant to Ohio Revised Code Section (“R.C.”) 2735.01. This appointment provided the Receiver with broad receivership powers as set forth in R.C. 2735.04(B). Further, on November 21, 2017, the court issued an order which also set forth certain powers of the Receiver, which include, but are not limited to:

1. The authority to take complete possession, control, and custody of personal and real property, cash and cash equivalents, general intangibles, note receivables, and the books and records of OTP;
2. The authority to sell OTP free and clear of all encumbrances, subject to court approval after notice and opportunity for a hearing; and
3. The authority to institute, prosecute, defend, compromise, adjust, intervene in, or become a party to any action and/or proceeding as necessary for the administration, prosecution, maintenance, protection, or preservation of OTP.

Since his appointment, the Receiver has taken steps to ensure safe, continuous, and reliable service for OTP’s customers. The Receiver has taken possession and control of OTP. The Receiver hired Utility Pipeline Ltd. (“UPL”) to operate OTP and to assist with remedying any potential operational issues discovered on the system. The Receiver has been diligently working to obtain all documents and records regarding the current financial status of OTP. In

addition, the Receiver has had discussions with OTP's current counsel to obtain information regarding the status of OTP's pending Commission cases. On February 27, 2018, the Receiver filed motion to intervene in all Commission proceedings in which OTP is a party and actively involved. All of the Receiver's actions have been driven by his goals of maximizing and preserving the value of OTP's assets in anticipation of a potential sale of the company.

II. ARGUMENT

There is good cause for the Commission to stay the OTP's rate case (Case No. 16-1726-PL-AIR) and Orwell Natural Gas Company's ("Orwell") complaint case against OTP (Case No. 16-2419-GA-CSS). OTP's first and foremost concern when taking control over OTP was ensuring that OTP's customers continued to receive safe, reliable, and continuous service. OTP hired UPL to operate the pipeline system, and has maintained a smooth transition of management of the pipeline to UPL. Now that UPL is operating the pipeline system, the Receiver intends to turn its intention to assessing OTP's cases pending before the Commission. The Receiver is already in discussions with OTP's counsel regarding documentation related to the proceedings. The Receiver is actively developing a strategy for processing the cases going forward. Because the Receiver's primary goal is an eventual sale of OTP's assets, the Receiver will need to decide the most appropriate way to address OTP's pending cases, which may include holding the cases in abeyance until the potential purchaser of the company has the opportunity to resolve the matters.

At this time, prosecuting these matters is contrary to Receiver's obligation to maximize the value of OTP for potential sale. Until he is able to determine the best way of addressing these matters, the Receiver believes it is prudent to seek a stay of these proceedings to avoid the ongoing time and expense related to prosecuting these cases. If this motion for stay is granted,

the Receiver will keep all parties involved informed regarding his plans for addressing these matters. The Receiver will maintain open lines of communication with OTP's current counsel, Orwell and Commission Staff regarding the status of the receivership and the Receiver's expectation for addressing these cases.

The Receiver contacted counsel for all parties in the above-captioned cases before filing this motion. Counsel for the other parties indicated that they do not oppose this motion. In addition, counsel for the parties indicated that they did not oppose expedited treatment of this motion.

III. CONCLUSION

Based on the foregoing, the Receiver requests that the Commission grant the motion to stay the above-captioned proceedings.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Stay was served upon the parties of record in these proceedings by electronic mail this 1st day of March 2018.



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Summary: Motion Motion to Stay the Proceedings electronically filed by Mr. Devin D. Parram
on behalf of Zak Burkons, Receiver for OTP