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CITY OF MARIETTA

Office of the Law Director
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Marietta, Ohio 45750

Paul G. Bertram, III
Law Director

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May 10, 2018

Barcy F. McNeal, Secretary
Tanowa Troupe, Acting Secretary
Susan Patterson, Acting Secretary
Beverly Hoskinson, Acting Secretary
OHIO PUBLIC UTILITIES COMMISSION
180 East Broad Street
Columbus, OH 432150-3793

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PUCO

Re: The East Ohio Gas Company d/b/a/ Dominion Energy Ohio
vs
The City of Marietta, Ohio
CASE NO. 18-0290-GA-PWC

Dear Madames:

Enclosed please find for filing with the Ohio Public Utilities Commission, the City of Marietta, Ohio's "Answer" to Complainant, East Ohio Gas Company, dba Dominion Energy Ohio's "Complaint and Appeal From Public Way Ordinance" that was filed with the Commission on or about April 30, 2018.

Please file the enclosed "Answer" with the Commission. I have mailed a hard copy of the "Answer" to opposing counsel this day via Ordinary U.S. Mail service. Additionally, I have this day, emailed opposing counsel a copy of the "Answer".

If you have any questions, please don't hesitate to contact me at (740) 373-4171.

Sincerely,



Nicola Rogers, Assistant to
Paul G. Bertram, III
Marietta City Law Director

This is to certify that the images appearing are an
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Technician ke Date Processed 5/14/18

THE EAST OHIO GAS COMPANY D/B/A/)	
DOMINION ENERGY OHIO,)	
1201 East 55 th Street)	CASE NO. 18-0290-GA-PWC
Cleveland, Ohio 44103)	
)	
Complainant,)	
)	
vs)	
)	ANSWER OF RESPONDENT
)	
THE CITY OF MARIETTA)	
259 Butler Street)	
Marietta, Ohio 45750)	
)	
Respondent.)	

1. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 1.
2. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 2.

3. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 3.
4. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 4.
5. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 5.
6. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 6. Respondent further asserts that Marietta, Ohio, is a municipal corporation, organized under the laws of Ohio.
7. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 7.
8. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 8.
9. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 9.
10. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 10. Respondent further asserts that on October 2, 2017, a letter was sent to PUCO with notification.
11. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 11.
12. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 12.

13. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 13.

14. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 14.

15. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 15. Furthermore, on or about late November 2017, or early December, 2017, the Complainant, DEO, by and through their representative or agent, met with the City of Marietta, Ohio, at the Marietta City Law Director's Office. Present was Paul Bertram, Marietta City Law Director; Katheryn Downer, Chairwoman of the Streets and Transportation Committee; a DEO representative; representatives from American Electric Power and a representative from ATT&T. At this meeting, Ordinance Number 316 (16-17) was amended. Later, Ordinance 316 (16-17) it was further amended, prior to enactment. The amendments to Ordinance 316 (16-17) were made in accordance with the recommendations of DEO and AEP. DEO and AEP were provided with a copy of the amendments to Ordinance 316 (16-17), prior to the enactment of Ordinance 316 (16-17).

16. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 16.

17. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 17. Respondent further states that on March 26, 2018, a letter was sent to DEO addressing the Respondent's methodology for fees.

18. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 8.

COUNT I

Respondent, The City of Marietta, Ohio for its Answer to Complainant's "Complaint and Appeal From Public Way Ordinance", restates, and incorporates by reference, its answers, as contained in Paragraphs 1 through 18, as if fully rewritten herein.

19. Paragraph 19 of Complainant's Complaint requires no response from Respondent.

20. Respondent, the City of Marietta, Ohio, ADMITS in part, and DENIES in part, the allegation contained in Paragraph 20. When someone makes application, pays the application fee, and the application is approved by the City of Marietta, then a Service Permit is immediately issued to the Applicant.

21. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 21. Respondent states that the Comprehensive Right-of-Way Ordinance is "project driven". If Complainant, DEO, notifies the City of Marietta, pursuant to Ordinance 910.08, that DEO has ten (10) projects for the calendar year 2018, then there will be a one-time Application Fee, and a Right-of-Way Permit Fee. The Application Fee that DEO pays, gives DEO a Service Permit. After the Application is complete, the Application Fee is paid, the Application is approved, and DEO is provided with a Service Permit, DEO can then apply for the General Right-of-Way Permit. (A Service Permit allows an Applicant to apply for a General Right-of-Way Permit.) DEO would then have two (2) years to complete its ten (10) projects, as outlined in DEO's Service Permit. If, however, there is

another project that comes up in 2018, that was not listed on DEO's initial Application, then DEO would need to request another Service Permit, at no cost to DEO. The additional Service Permit would then allow DEO to make a request for another Right-of-Way permit, however, DEO would be required to pay the sum of \$250.00 for that additional Right-of-Way Permit. (Please note that Emergency and routine maintenance does NOT require Right-of-Way Permits).

22. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 22.
23. Respondent, the City of Marietta, Ohio, ADMITS in part and DENIES in part the allegation contained in Paragraph 23.
24. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 24.
25. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 25.
26. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 26.

COUNT II

Respondent, The City of Marietta, Ohio for its Answer to Complainant's "Complaint and Appeal From Public Way Ordinance", restates, and incorporates by reference, its answers, as contained in Paragraphs 1 through 26, as if fully rewritten herein.

27. Paragraph 27 of Complainant's Complaint requires no response from Respondent.

28. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 28.

29. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 29.

30. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 30.

31. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 31.

32. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 32.

33. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 33.

34. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 34.

COUNT III

Respondent, The City of Marietta, Ohio for its Answer to Complainant's "Complaint and Appeal From Public Way Ordinance", restates, and incorporates by reference, its answers, as contained in Paragraphs 1 through 34, as if fully rewritten herein.

35. Paragraph 35 of Complainant's Complaint requires no response from Respondent.

36. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 36. Since 2009, and to the present, Complainant, DEO, has provided to the City of Marietta, a Performance Bond.

37. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 37.

38. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 38.

39. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 39.

40. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 40.

41. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 41. As previously stated, DEO currently supplies the City of Marietta with a Performance Bond.

42. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 42.

COUNT IV

Respondent, The City of Marietta, Ohio for its Answer to Complainant's "Complaint and Appeal From Public Way Ordinance", restates, and incorporates by reference, its answers, as contained in Paragraphs 1 through 42, as if fully rewritten herein.

43. Paragraph 43 of Complainant's Complaint requires no response from Respondent.

44. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 44.

45. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 45.

46. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 46.

47. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 47.

48. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 48.

49. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 49.

50. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 50.

COUNT V

Respondent, The City of Marietta, Ohio for its Answer to Complainant's "Complaint and Appeal From Public Way Ordinance", restates, and incorporates by reference, its answers, as contained in Paragraphs 1 through 50, as if fully rewritten herein.

51. Paragraph 51 of Complainant's Complaint requires no response from Respondent.

52. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 52. As previously stated, since March of 2009, DEO has continued to supply the City of Marietta with a Performance Bond.

53. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 53.

54. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 54.

55. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 55.

56. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 56.

57. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 57.

58. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 58.

COUNT VI

Respondent, The City of Marietta, Ohio for its Answer to Complainant's "Complaint and Appeal From Public Way Ordinance", restates, and incorporates by reference, its answers, as contained in Paragraphs 1 through 58, as if fully rewritten herein.

59. Paragraph 59 of Complainant's Complaint requires no response from Respondent.

60. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 60.

61. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 61.

62. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 62.

63. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 63.

64. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 64.

65. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 65.

COUNT VII

Respondent, The City of Marietta, Ohio for its Answer to Complainant's "Complaint and Appeal From Public Way Ordinance", restates, and incorporates by reference, its answers, as contained in Paragraphs 1 through 65, as if fully rewritten herein.

66. Paragraph 66 of Complainant's Complaint requires no response from Respondent.

67. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 67.

68. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 68.

69. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 69.

70. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 70.

71. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 71.

72. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 72.

COUNT VIII

Respondent, The City of Marietta, Ohio for its Answer to Complainant's "Complaint and Appeal From Public Way Ordinance", restates, and incorporates by reference, its answers, as contained in Paragraphs 1 through 72, as if fully rewritten herein.

73. Paragraph 73 of Complainant's Complaint requires no response from Respondent.

74. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 74.

75. Respondent, the City of Marietta, Ohio, ADMITS the allegation contained in Paragraph 75.

76. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 77.

77. Respondent, the City of Marietta, Ohio, DENIES the allegation contained in Paragraph 77.

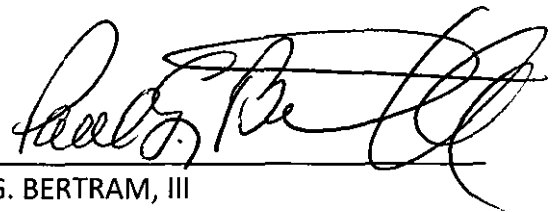
REQUEST FOR RELIEF

1. Respondent, the City of Marietta, Ohio, requests that the Commission DENY Complainant, The East Ohio Gas Company d/b/a/ Dominion Energy Ohio's first request for relief on the grounds that it lacks merit.
2. Respondent, the City of Marietta, Ohio, requests that the Commission DENY Complainant, The East Ohio Gas Company d/b/a/ Dominion Energy Ohio's second request for relief on the grounds that it lacks merit.

3. Respondent, the City of Marietta, Ohio, requests that the Commission DENY Complainant, The East Ohio Gas Company d/b/a/ Dominion Energy Ohio's third request for relief on the grounds that it lacks merit.
4. Respondent, the City of Marietta, Ohio, requests that the Commission DENY Complainant, The East Ohio Gas Company d/b/a/ Dominion Energy Ohio's fourth request for relief on the grounds that it lacks merit.
5. Respondent, the City of Marietta, Ohio, requests that the Commission DENY Complainant, The East Ohio Gas Company d/b/a/ Dominion Energy Ohio's fifth request for relief on the grounds that it lacks merit.
6. Respondent, the City of Marietta, Ohio, requests that the Commission DENY Complainant, The East Ohio Gas Company d/b/a/ Dominion Energy Ohio's sixth request for relief on the grounds that it lacks merit.

WHEREFORE, Respondent requests that this matter be dismissed on the grounds that the Complaint and Appeal filed against Respondent lacks sufficient merit.

Respectfully submitted this 10th day of May, 2018.



PAUL G. BERTRAM, III
Ohio Supreme Court Reg. No. 0041285
Marietta City Law Director
259 Butler Street
Marietta, OH 45750
Telephone: (740)373-4171
Email: paulgbertram3@mariettaoh.net

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the "Answer of Respondent" was served upon the following persons via email on the 10th day of May, 2018.

Mr. Mark A. Whitt (#0067996)

Mr. Andrew J. Campbell (#0081485)

Ms. Rebekah J. Glover (#0088798)

WHITT STURTEVANT LLP

The Key Bank Building, Suite 1590

88 East Broad Street

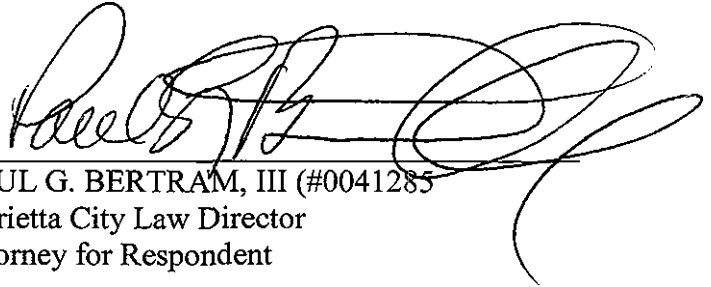
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glover@whitt-sturtevant.com

Attorneys for The East Ohio Gas Company d/b/a/ Dominion Energy Ohio

A handwritten signature in black ink, appearing to read "Paul G. Bertram, III", is written over a horizontal line. The signature is stylized with large, flowing loops.

PAUL G. BERTRAM, III (#0041285)

Marietta City Law Director

Attorney for Respondent