

1 Q How many wells are on the Hemphill property?

2 A Two in existence, or in production, and we just
3 drilled a third well.

4 Q So, there are three wells, one of which is not in
5 production, is that correct?

6 A Correct.

7 Q Does that hook into that pipeline?

8 A Correct.

9 Q And that is a four-inch pipeline?

10 A Uh-huh, that's right.

11 Q Do you know what the capacity of that pipeline is?

12 A No, I couldn't say what the capacity would be on
13 that.

14 Q Do you know what the capacity of a four-inch
15 pipeline is?

16 A No, I honestly couldn't say.

17 Q Do you know whether or not this well that is going
18 into production would put that pipeline up to full capacity?

19 A No, I don't believe that it would.

20 Q It would not? I am sorry, was that your testimony
21 that it would not?

22 A Right.

23 Q I didn't ask the question right, I guess. Now,
24 that pipeline extends east on Yellow Creek Road from the
25 Hemphill property down to Sand Run, is that correct?

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24

- 1 A. Uh-huh, Revere South.
- 2 Q. Do you know where Ray Cook lives?
- 3 A. Not exactly, no.
- 4 Q. Do you know whether or not the pipeline goes past
- 5 his property?
- 6 A. No, I can't say for sure.
- 7 Q. Do you know whether the pipeline goes past
- 8 Mrs. Martin's property?
- 9 A. No, I don't know where Mrs. Martin lives right
- 10 offhand.
- 11 Q. Now, let's go to the pipeline on Sourek Trail.
- 12 A. Right.
- 13 Q. Do you know whether that goes past the Dr. Allen
- 14 property?
- 15 A. Yes, it does.
- 16 Q. Do you know when that was put in?
- 17 A. I can't honestly say, no, this was prior, you
- 18 know, to my starting with the company. I don't know what
- 19 year that was installed.
- 20 Q. What well or wells was the Sourek Trail pipeline
- 21 put in for, do you know?
- 22 A. Yes, there was the Lebo, Beckett well, the two
- 23 Lord wells and the Pine Top No. 1, the first one they
- 24 drilled.
- 25 Q. When were these wells drilled?

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1 A I am going to say a year -- well, the first one,
2 the Pine Top one, was drilled in '79, as I understand. In
3 1979 was the first well they drilled, other ones mentioned
4 would have been last year sometime.

5 Q When was the Hemphill well put in, the first one?

6 A I couldn't honestly say the dates on that.

7 Q The purpose of this line then is to gather the gas
8 that comes up from the well or wells?

9 A Correct.

10 Q And to take it to the East Ohio --

11 A Exactly.

12 Q -- transmission line, is that correct?

13 MR. GIBSON: Let him ask the questions, Joe,
14 before you answer, please.

15 THE WITNESS: All right.

16 Q Is that correct?

17 A Yes, that is correct.

18 Q Has the pipeline involved -- has the pipeline that
19 forms the assets, or the series of pipelines that forms the
20 assets of Pine Top Estates Pipeline Company No. I, ever been
21 used by any other producer of oil and gas?

22 A No, not to my knowledge.

23 Q Have others asked?

24 A Pardon?

25 Q Have others asked?

1 A. Pardon?

2 Q. Have others asked?

3 A. Yes.

4 Q. And have they been turned down?

5 A. They have because we aren't a public utility.

6 MR. PRITT: I will ask the last part of that be
7 stricken.

8 Q. But the answer was, they have been turned down?

9 A. Correct.

10 MR. GIBSON: There is no reason for it.

11 EXAMINER GOODEN: The motion to strike is denied.

12 MR. GIBSON: Pardon.

13 EXAMINER GOODEN: The motion to strike that is
14 denied.

15 MR. GIBSON: Thank you.

16 Q. Now, are these the same pipelines that purportedly
17 constitute the assets of the Pine Top Estates partnership?

18 A. Correct.

19 Q. Are there any lines that Pine Top Estates
20 partnership owned or owns that have not been transferred to
21 Pine Top Estates Pipeline Company No. 1?

22 A. To my knowledge, no.

23 Q. Do you know why they were transferred to Pine Top
24 Estates partnership No. 1?

25 MR. GIBSON: Partnership No. 1?

1 Q Pine Top Corporation No. I, Pipeline Company No. IP

2 MR. GIBSON: May I suggest we say partnership for
3 the one corporation and --

4 MR. PRITT: There is a Corporation II also.

5 MR. GIBSON: Fine.

6 MR. PRITT: I will try to huddle through.

7 THE WITNESS: No, I don't know the reason for that.

8 Q Other than persons who may have rights to oil --
9 excuse me -- rights to gas at wellhead prices that are part
10 of the drilling unit, do you provide -- excuse me, does the
11 pipeline provide gas service to persons in general directly?

12 A You say, do they?

13 Q Yes.

14 MR. GIBSON: Object, unless -- I don't know what
15 he is talking about. Is he talking about the transshipment
16 of the self-help contracts?

17 MR. PRITT: Directly was my question, it is very
18 simple.

19 THE WITNESS: I don't understand the question,
20 would you repeat it, please.

21 Q Well, I will give it a try. Let's take an
22 example. Let's say somebody along Yellow Creek Road would
23 like to have gas service off your line. Do you provide
24 that for anyone?

25 A We can't at this time, no.

1 Q You do not, is that correct?

2 A No.

3 Q The gas service that is provided, that I think you
4 indicated winds up over in Bath to residential customers in
5 Bath, is, in fact, all through East Ohio Gas, is it not?

6 A Yes. I got that information from East Ohio, some
7 of their personnel. I asked them where this gas was
8 transported to and they told me it was city line and it fed
9 the community of Bath.

10 Q It could go anywhere else just like any other gas
11 that East Ohio has?

12 A It follows the least path of resistance.

13 Q East Ohio, we can agree, is a public utility?

14 A Right.

15 Q Or do you know?

16 A Yes, it is.

17 Q Are you aware of litigation between the residents
18 of Yellow Creek Road and Sourek Trail and Pine Top Estates
19 partnership concerning the pipelines in front of the
20 residents' houses?

21 MR. GIBSON: Object.

22 THE WITNESS: Yes.

23 MR. GIBSON: The litigation has nothing to do
24 with this application, may it please the Examiner.

25 EXAMINER GOODEN: I am going to overrule the

1 objection.

2 MR. PRITT: It has everything to do with it.

3 Thank you.

4 Q Do you know what the determination was by the
5 Common Pleas Court concerning the legality of the pipelines
6 as it -- excuse me -- as it pertains to trespass, this
7 pipeline in front of the homes of Cooks and Englebecks and
8 Martins and the other Interveners?

9 A I could not say.

10 Q Well, in fact, they are under an order?

11 MR. GIBSON: Object. He said he could not say at
12 this moment.

13 EXAMINER GOFFEN: Objection sustained.

14 Q Are you saying you don't know what the status of
15 the pipeline is as it applies or as the Common Pleas Court
16 has made a determination?

17 A No, I don't.

18 Q Under oath are you saying you don't have any idea
19 what the determination is?

20 A Exactly, yes, I do not.

21 Q What is your job with Pine Top Estates?

22 A General Manager.

23 Q As General Manager what are your duties? ... as do
24 you do?

25 A Set up the drilling programs, supervise the

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1 drilling programs, the pipe laying, basically the whole
2 operation, other than I don't get into a lot of the
3 legalities or the paperwork necessarily. Primarily field
4 work. Coordinate, you might say, the whole operation.

5 Q I assume you draw a salary for that?

6 A Yes.

7 Q And your salary then is paid by Pine Top Estates
8 partnership?

9 A Correct.

10 Q What, if any, salary do you derive from Pine Top
11 Estates Pipe Line Company No. 1?

12 A No, that is -- I get one salary, that is it.

13 Q Do you know if Pine Top Estates Pipeline Company
14 No. 1 is listed in the telephone book, the local Akron
15 telephone book?

16 A To my knowledge I -- no, I don't know.

17 Q If I were to call that company how would I reach
18 that company?

19 A Pine Top Estates partnership or the pipeline,
20 which way? Are you talking about the pipeline?

21 Q Well, if I wanted to call someone with regard to
22 a problem on the pipeline who would I call?

23 A Call the office of Pine Top Estates.

24 Q How would I know to call the office of Pine Top
25 Estates?

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1 MR. GIBSON: Object. The relevancy of any
2 telephone directory seems clearly remote of any issues
3 before this Commission.

4 EXAMINER GOODEN: The objection is overruled.

5 THE WITNESS: Pardon?

6 Q Who would I call?

7 A Call Pine Top's office number which is 929-4292
8 in Akron.

9 Q That is the Pine Top Estates partnership?

10 A Correct.

11 Q How would I know where to call?

12 A The Pine Top Estates number is in the phon
13 directory.

14 Q Well, let's say that I am a neighboring property
15 owner and there is a problem with this pipeline. Now, I
16 know if it's East Ohio Gas I can call East Ohio Gas and
17 somebody would be out there to take care of it.

18 A Right. We also --

19 Q How do you know to call for that public utility
20 that you are talking about?

21 A Well, on the pipeline right-of-way there is
22 pipeline markers with telephone numbers on it. It is in the
23 book, the phone directory. The whole line itself is marked
24 as a gas line with phone numbers, emergency phone numbers,
25 even my home phone number is on it.

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Q If I made that call I would be reaching Pine Top
Estates partnership, would I not?

A Right.

Q How do I call this public utility that you are
talking about that we are here about today?

A You would reach that with the same number.

Q One thing I just didn't understand here. There
was apparently a typo. In the application it talked about
seven lines of pipeline, I guess Mr. Gibson said it was
seven miles of pipeline. Is it all one pipeline?

A Yes.

Q It appears to be all interconnected, is that
correct?

A Yes, that is correct.

Q So, we are talking about one pipeline being the
asset of the Pine Top Pipeline Company No. 1?

A Right. We recently added to that line this spring,
which there is seven miles roughly and an additional 10,000
feet that we have added on the east leg.

Q Who caused these pipelines to be installed?

A Pardon?

Q Was it the Pine Top Estates partnership that
caused these pipelines to be installed?

A Yes.

Q Did you take part in the installation of any

1 pipelines?

2 A. Only this summer the last 10,000 feet we laid,
3 that is the only part that I had any involvement with.

4 Q. This was done by Pine Top Estates or by Pine Top
5 Estates Pipeline Corporation?

6 A. The pipeline corporation.

7 Q. Did you obtain permission of the adjoining
8 property owners?

9 A. Yes, we did, that is not going along roadways.
10 We crossed the river, bought some sewer line at the Cuyahoga
11 River. I got permits from Buffalo, New York, the
12 Department of -- Corps of Engineers, met with the City
13 Planning Commission and got clearance, and I met with
14 people from Summit County and got permission to bore under
15 their county road, met with the railroad and got permits
16 from the railroad to bore under it, so, the rest of it then
17 would be cross-country and not along the roadway.

18 Q. As to the earlier pipelines that were put in, do
19 you know whether those were put in over the property owners'
20 objections?

21 A. That I don't know. I can't answer that for sure.
22 It would only be hearsay.

23 MR. PRIEST: I have nothing further.

24 MR. GIBSON: At this time, if it please the
25 Examiner, I would like to introduce the exhibits that we have

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1 in this particular case. No. 1 is the application that
2 the Examiner already has. 2 is the -- excuse me, 2 is the
3 East Ohio Gas Company PUCO filings with the Commission.
4 3 is the pipeline map. 4 is the copies of the agreements,
5 cover letters and so forth, sample agreements with East Ohio
6 Gas Company and others.

7 EXAMINER GOODEN: Very well. Are there any
8 objections to any of these exhibits?

9 MR. PRITT: No objection.

10 MR. GIBSON: I don't believe we have any more
11 besides the four.

12 EXAMINER GOODEN: No, just the four. Very well,
13 Applicant's Exhibits 1 through 4 will be admitted into the
14 record at this time.

15 ---
16 Thereupon, exhibits last above offered were
17 admitted in evidence on behalf of the Applicant and are
18 herewith submitted marked as Applicant's Exhibits Nos. 1
19 through 4, inclusive.

20 ---
21 EXAMINER GOODEN: At this time I still have a
22 few questions for the witness, if he will remain on the
23 stand.

24 MR. GIBSON: I am sorry, Mr. Reeves, please come
25 back.

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1 EXAMINER GOODEN: Mr. Reeves, you mentioned the
2 fact that either Pine Top as the partnership or the pipeline
3 company itself has in the past refused the services of the
4 pipeline?

5 THE WITNESS: Yes.

6 EXAMINER GOODEN: Who did you refuse that service
7 to?

8 THE WITNESS: I can't mention any names at this
9 time, there has been several people that has asked about
10 tapping in the pipeline.

11 EXAMINER GOODEN: Are you talking about producers?

12 THE WITNESS: Yes, the companies.

13 EXAMINER GOODEN: Other companies who drill, or
14 at least plan to drill for oil?

15 THE WITNESS: Right, in that immediate area.

16 EXAMINER GOODEN: Was that before Pine Top's
17 corporation was formed or after?

18 THE WITNESS: That was before, I believe.

19 EXAMINER GOODEN: Is the pipeline corporation's
20 intent to now serve those people through your tariff if the
21 Commission grants approval of your tariff?

22 THE WITNESS: Yes, definitely.

23 EXAMINER GOODEN: These seven miles of pipeline
24 now owned by the corporation, does this pipeline serve
25 consumers under any kind of contract along the way, such as

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1 right-of-way contracts or anything like that?

2 THE WITNESS: Yes. Like I say, there is probably
3 20 people that are the tract or the landowners that we do
4 serve.

5 EXAMINER GOODEN: Are these from the pipeline or
6 are these from the gathering lines from the production wells?

7 THE WITNESS: Both.

8 EXAMINER GOODEN: Both?

9 THE WITNESS: Both.

10 EXAMINER GOODEN: With regards to the self-help
11 arrangements that you had mentioned earlier, now, would
12 these self-help arrangements be between the Pine Top
13 partnership and the ultimate consumers or who are the
14 parties to these self-help agreements?

15 THE WITNESS: Yes, that would be between the
16 partners, Pine Top partners, and, like I mentioned before,
17 General Hospital, Cuyahoga Steel & Wire, such as these, we
18 do have self-help programs just in case there is another
19 gas shortage such as Columbia had.

20 EXAMINER GOODEN: And you would use the pipeline
21 of Pine Top Estates Corporation to transport that gas from
22 the partnership to ultimate consumers?

23 THE WITNESS: Right.

24 EXAMINER GOODEN: Would that also involve East
25 Ohio Gas as a purchaser of gas from the partnership, would

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1 the corporation be used as a transportation pipeline compa.y
2 with respect to those self-help agreements?

3 THE WITNESS: Yes, that would be in correlation
4 with East Ohio.

5 EXAMINER GOODEN: Do you know at this time of any --
6 well, steel producers or other utility companies that could
7 use the services of Pine Top Corporation's pipeline other
8 than the partnership?

9 THE WITNESS: Yes, there are several that has
10 approached us asking, you know, to transport gas through
11 our system, and at this present time we can't do it legally.

12 EXAMINER GOODEN: Do you have any estimate of the
13 number of people you are talking about or corporations?

14 THE WITNESS: I am thinking five or six offhand.

15 MR. GIBSON: You can name them, can't you?

16 THE WITNESS: Yes. Well, there is one Provident
17 Oil and Gas. There was a company in Wooster a couple of
18 days ago approach me, he has a well up there near KST's
19 production. There was Seibert that I was approached about.

20 EXAMINER GOODEN: What is Seibert?

21 THE WITNESS: Del Seibert is another oil company,
22 or oil and gas company. I am trying to think of any other
23 ones. There was some talk of the City going into it, they
24 were drilling wells in that immediate area, the City of
25 Akron, on the Hardy Road area. So, there has been -- yes,

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1 there has been several people that was interested in it.

2 EXAMINER GOODEN: Then Pine Top Estate Corporation,
3 along with the filing of this application, is it their
4 intention to comply with the other statutory requirements
5 required in Chapter 49 with regards to being a public
6 utility, such as filing annual reports, and excise taxes,
7 and things like that?

8 THE WITNESS: Yes.

9 EXAMINER GOODEN: Does the corporation also
10 realize that if it is found to be a public utility it is
11 required to file any contracts for transportation agreements
12 entered into with the Commission for their approval?

13 THE WITNESS: I am sorry, I didn't hear that.

14 EXAMINER GOODEN: Does the company understand that
15 any contracts that Pine Top Estates Corporation may enter
16 into with regard to transportation agreements must be filed
17 and approved by the Commission?

18 THE WITNESS: Yes.

19 EXAMINER GOODEN: Will you tell me, as far as the
20 partnership's fuel-producing activities, what is the
21 principal use of the land that they are leasing? Is it for
22 gas and oil production or is there another principal purpose
23 for which the land is used?

24 THE WITNESS: No, that would be the primary
25 purpose for the land for oil and gas exploration.

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1 EXAMINER GOODEN: Have no further questions.
2 Does counsel have any further questions?

3 MR. PRITT: If I may, Your Honor, based on your
4 questions I would like to ask a few more questions.

5 Q (By Mr. Pritt) I guess I am not sure I understood
6 your testimony. Are you saying that the principal use of
7 Dr. Hemphill's land is for oil and gas production?

8 MR. GIBSON: Again that question is -- the
9 Examiner asked for the leases or leasehold purposes, if I
10 understand the question.

11 MR. PRITT: I will rephrase the question.

12 EXAMINER GOODEN: Very well.

13 Q You have three wells on Dr. Hemphill's property,
14 is that correct?

15 A That is correct.

16 Q And Dr. Hemphill's property is under lease?

17 A Right.

18 Q That property is also his residence, is it not?

19 A Correct.

20 Q As are all the producer properties involved in
21 your oil and gas drilling?

22 A Not necessarily. Some of them aren't. They don't
23 have buildings on them.

24 Q By and large they are residences?

25 A Yes.

1 Q And Bath Township and Northhampton Township are
2 suburban residential areas, is that correct?

3 A Correct, yes.

4 Q Does the pipeline provide any residential gas
5 service to any residents on Yellow Creek Road?

6 A Yes.

7 Q Who?

8 A I would have to look at the list to know exactly
9 which ones are users of it. There again it would be only
10 the ones that are in the lease.

11 Q If Pine Top had previously stipulated that it does
12 not, would that be in error?

13 MR. GIBSON: Object. Object totally. That
14 stipulation isn't for the purposes of this in any respect.

15 MR. PRITT: I understand Mr. Gibson is not wanting
16 the stipulations by Pine Top Estates to become a part of
17 his hearing because they are extremely damaging to his
18 position.

19 MR. GIBSON: I object. They are not damaging.

20 MR. PRITT: May I please finish? The point is,
21 this man is testifying to things that are inconsistent with
22 stipulations that Pine Top Estates has previously made and
23 filed in a court of law, and for this Court to ignore them
24 and for Mr. Reeves to testify otherwise is an abomination.
25 Now, we are here. This is a hearing and we are here to

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1 determine just what the nature of this beast is. The nature
2 of this beast is that this pipeline is the same pipeline
3 as the Pine Top Estates pipeline. Mr. Gibson is trying very
4 hard to keep a gap between the two. There is, in fact, no
5 gap, it is a sham, and that is extremely important in this
6 respect.

7 MR. GIBSON: If Mr. Pritt is going to testify
8 let's put in the statement but not have him make statements
9 that are not actually correct in my mind.

10 MR. PRITT: Mr. Gibson, did you not sign the
11 stipulation?

12 MR. GIBSON: Do you want to take the stand?

13 MR. PRITT: I will put you on the stand and --

14 EXAMINER GOODEN: Gentlemen, please. The
15 objection is overruled.

16 MR. PRITT: Thank you.

17 MR. GIBSON: What was the question? I don't even
18 remember the question.

19 EXAMINER GOODEN: Would the court reporter please
20 read back the last question.

21 MR. PRITT: That is okay, I will rephrase it if
22 that will help us out a little bit.

23 EXAMINER GOODEN: All right.

24 Q In the event that the Pine Top Estate partnership
25 may have stipulated, I quote No. 37, "That said pipeline

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1 does not provide gas service to any residents of Yellow
2 Creek Road," is it your testimony that that is incorrect?

3 A It supplies gas only to the people that is in the
4 drilling unit itself, not an outsider.

5 Q And if it would have stipulated that Pine Top does
6 not sell natural gas to any residential custom
7 be incorrect?

8 A There again it would be only to t
9 property owners.

10 Q And that said pipeline does not serve to transport
11 natural gas from any wells in which Pine Top does not have a
12 complete or partial ownership?

13 A At the present time, no.

14 Q That the pipelines in question are used for the
15 purpose of gathering gas produced at wells in which Pine Top
16 has an interest in transporting same to the transmission
17 lines owned by the East Ohio Gas Company?

18 A Right.

19 Q To your knowledge, has there been any change in
20 policy in the use of this line at any time since you have
21 been a member of this company?

22 A Not to my knowledge.

23 Q Whether it would have been under Pine Top Estates
24 partnership or Pine Top Estates Pipeline Company No. 1?

25 A No.

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1 Q In other words, you are doing business the same
2 as they always did business, to your knowledge, is that
3 right?

4 A Correct, I haven't seen any change.

5 MR. PRITT: Thank you, I have nothing further.

6 EXAMINER GOODEN: Do you have anything further?

7 MR. GIBSON: I am not going to get into that
8 argument. Nothing further. Oh, just one question.

9 - - -
10 REDIRECT EXAMINATION

11 By Mr. Gibson:

12 Q Did you ever see or were you a party to drawing
13 any stipulation of any kind for any court proceedings?

14 A No.

15 MR. GIBSON: Thank you.

16 EXAMINER GOODEN: Very well, you may step down.
17 Thank you for your testimony. Is there anything further?

18 MR. GIBSON: No, the Applicant rests at this time,
19 if it please the Court.

20 EXAMINER GOODEN: Very well. Are there any
21 intervenors that have any witnesses to put on?

22 MR. PRITT: Yes, your Honor, I will call Mr. Ray
23 Cook.

RAYMOND F. COOK

called as a witness on behalf of the Intervenor, being
first duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Pritt:

Q Mr. Cook, would you please state your full name
and residence address to the court reporter.

A Yes, my name is Ray F. Cook. I live at
3023 Yellow Creek Road, 44303.

Q What is your --

A 313, excuse me.

Q What is your current occupation?

A I am President of R.F. Cook Manufacturing Company
in Stow, Ohio.

Q How long have you been engaged in that occupation?

A Forty-one years.

Q Your residence address is on Yellow Creek Road.

Are you familiar with a pipeline -- you have been here for
the testimony, the earlier testimony -- are you familiar
with the pipeline that we are discussing on Yellow Creek
Road?

A Yes, very well.

Q And how did you become aware of it?

A Well, how did I become aware of it?

Q Yes.

1 A. Came home from Florida on February 1, 1983, and
2 found a pipeline all over my property, that is when I
3 started to become aware of it.

4 Q. And where was it on your property?

5 A. Down along the road.

6 Q. What did you do about it?

7 A. I called my attorney.

8 Q. What happened from that point?

9 A. Well, we got an injunction and stopped the people
10 that had the contract to lay the pipe, they were actually
11 digging at that point.

12 Q. Were they digging on your property?

13 A. Yes.

14 Q. What happened after that as far as the course of
15 the pipeline goes? Was the pipeline put in?

16 A. Pardon?

17 Q. Was the pipeline later put in?

18 A. Yes, the pipeline was later put in, I am going to
19 say in probably around June, maybe May.

20 Q. And this was under the court's supervision, was it
21 not?

22 A. Right, the court gave them permission to put it
23 in on the basis that after the court proceedings was heard,
24 why, they would have to abide by the results of the court
25 proceeding.

1 Q Did anyone seek your permission to put the pipeline
2 in?

3 A No.

4 Q Did anybody obtain an easement from you or right-
5 of-way or type of work agreement?

6 A No.

7 Q Did the pipeline go along the original route that
8 had been originally planned?

9 A No.

10 Q How did it wind up, do you know?

11 A Well, when they put the pipeline in they got up as
12 far as the next property to me and they crossed the road and
13 went across the property on the south side of Yellow Creek
14 instead of crossing me, so, at this moment the pipeline is
15 actually not on my property.

16 Q Is it across the street from your property?

17 A Yes.

18 Q Going back to my previous question, did anyone
19 ever seek to take your property by eminent domain or
20 institute any type of eminent domain proceedings under the
21 Ohio laws?

22 A No.

23 Q Has anyone to this date ever sought to do that?

24 A Pardon?

25 Q Has anyone up to today ever sought to take your

1 property through eminent domain laws?

2 A. No.

3 Q. Or otherwise obtain your permission to establish
4 pipelines in your property? Has anyone from Pine Top
5 Estates or Pine Top Estates Pipeline?

6 A. No, not from Pine Top, no.

7 Q. Nobody has instituted any eminent domain
8 proceedings, is that correct?

9 A. That is right.

10 Q. Did you object to the establishment of the
11 pipeline at the time that the trenching was going on on
12 your property?

13 A. Yes.

14 Q. What are your objections to the establishment of
15 the pipeline?

16 MR. GIBSON: Object, Your Honor. These are self-
17 serving statements, mental conditions that obviously have no
18 factual basis.

19 EXAMINER GOODEN: Objection overruled. You may
20 answer the question.

21 THE WITNESS: Want me to answer that?

22 Q. Yes, what were your objections to the pipeline?

23 A. Well, my objection is that you have got a company
24 that is in business for private profit just literally
25 invading your property. They decide they are going to run

1 seven miles of pipeline in Northampton and in Bath and
2 didn't ask a single soul whether they could do so, and it
3 come to the point where I didn't like the way some of their
4 actions had been in the past, and I knew it was going to be
5 that same type of handling of the situation and I took the
6 only recourse that I thought I could take.

7 The big objection I have is you are not only
8 dealing with people that own Pine Top but historically these
9 people sell out and I may be dealing with somebody that is
10 down in Oklahoma, Texas, or Alaska. For all you know these
11 four doctors could decide to get out of that business any
12 time they decided to fight with each other, or whatever, you
13 know, so, you are deal with something that you have no
14 ownership or any longevity. East Ohio I expect to be
15 around a while. If East Ohio puts a pipeline in I can be
16 served, I can get gas. This line is no different than there
17 must be at least 17 or 18 companies in Bath right now running
18 gas wells and oil wells there, and I see no difference
19 between Pine Top's operation as far as their intent than it
20 is anybody else, and I am sure that most of those people,
21 or maybe all of them, had to get leases for their right-of-
22 ways, easements, or whatever you call them, to get the
23 pipelines through, and at least with some kind of an easement
24 you do have control, you got stipulations you can lay down.

25 It is just a simple case that, hell, you got

1 somebody coming on your property and putting pipelines in.
2 Whether they are going to do a good job or not you don't
3 know, and you don't know what the hell is going to happen
4 after it gets in operation. You don't have responsible
5 people. Four doctors that have no -- actually no place of
6 business. I don't think they own a truck.

7 Q Do you have any concerns about any potential
8 hazards to the property that may occur as a result of the
9 pipeline being in the vicinity?

10 A Oh, I don't know that the pipeline could be -- it
11 is possible that it could be hazardous, yes. I have got
12 tank batteries right within a stone's throw of me, and the
13 pipeline, as I said, just across the street, and depending
14 on the quality of the work and the materials, and so on, yes,
15 there is a hazard there, but I don't know that it is any
16 more than if East Ohio would have it, other than the fact
17 that I think I could call somebody at 2:00 in the morning
18 at East Ohio, I doubt if I could get a doctor.

19 Q Do you know who you would call or where you would
20 call for a problem on this particular pipeline?

21 A No. Mr. Reeves said that they had the pipelines
22 well marked, and so on. I don't see any identification
23 near my property where who owns the pipeline and a phone
24 number. I would have to get in my car and probably start
25 down the pipeline somewhere. I wouldn't deny the fact that

1 he has probably got addresses or phone numbers somewhere,
2 but I wouldn't know where they are, and I would have to go
3 chase the pipeline to find them.

4 Q Do you know when you instituted litigation on the
5 pipeline, the original date?

6 A Yes, February 1, 1983.

7 MR. PRITT: I have nothing further.

8 EXAMINER GOODEN: Mr. Gibson.

9 MR. GIBSON: I have a few questions for Mr. Cook.

10 THE WITNESS: Yes.

11

12 CROSS EXAMINATION

13 By Mr. Gibson:

14 Q Mr. Cook, have you ever entered into negotiation
15 with Pine Top relative to an easement?

16 A Nope.

17 Q No representative of Pine Top at all that you
18 negotiated with for an easement across your property?

19 A No, not across my property. I had a fellow by the
20 name of Bob Wright come to me and ask me for an easement to
21 put an entrance station into the East Ohio, TPL-3, that goes
22 up through my property.

23 Q Oh, there is a pipeline on your property now?

24 A Oh, you bet there is.

25 Q What size of pipeline?

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1 A About 20 or 22 inches.

2 Q Do you know what the size of the pipeline is that
3 Pine Top put across the street?

4 A Four inch.

5 Q The one across the street is dangerous in your
6 mind?

7 A I think I explained it is dangerous to this
8 extent, the TFL-3 is dangerous if you have a problem. The
9 big difference is East Ohio is a very responsible company
10 and they do an excellent job of taking care of their
11 equipment and their stuff, and the knowledge that they have.
12 Four doctors don't have any knowledge in the gas exploration
13 business, none whatsoever. They are gaining it but they
14 don't know.

15 Q Do you know whether or not they are required to
16 put it into East Ohio Gas standards, and that they were
17 supervise at the time by Summit County?

18 A Yes, I know that.

19 Q And they were bonded with Summit County for the
20 proper installation?

21 A I understand that.

22 Q Now, let's go back to the question of Bob Wright.
23 You knew Mr. Wright was the General Manager at that time for
24 Pine Top, did you not?

25 A No, I didn't know he was General Manager.

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1 Q He was an employee of Pine Top?

2 A He is an employee of Pine Top but I had no idea in
3 what status.

4 Q Isn't it a fact that you didn't object to the
5 easement but you wanted five cents per thousand cubic feet
6 of gas going across your property?

7 A That is not true.

8 MR. PRITT: I will object.

9 THE WITNESS: That is not true.

10 MR. PRITT: Mr. Cook, I will object. This is some
11 type of -- apparently, he is asking something about
12 negotiations. The fact is that there was no agreement.

13 MR. GIBSON: He is testifying again, this is my
14 witness.

15 MR. PRITT: He has already testified.

16 EXAMINER GOODEN: The objection is overruled.

17 MR. PRITT: Any negotiation or anything concerning
18 settlement is just not an issue.

19 Q There wasn't any lawsuit pending at that time at
20 all, was there, Mr. Cook?

21 MR. PRITT: Wait, I am interested in what the
22 ruling was.

23 MR. GIBSON: He overruled.

24 EXAMINER GOODEN: Overruled.

25 MR. PRITT: Thank you.

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1 Q There wasn't any negotiation for settlement of a
2 lawsuit at that time, was there, Mr. Cook?

3 A No, there wasn't, but there was never any time
4 that I put a price on what I wanted for that entrance station.

5 Q Did you tell Mr. Wright that you wanted so much,
6 a dollar amount, or a figure for --

7 A I did not.

8 Q -- for a thousand cubic feet?

9 A I did not.

10 MR. PRITT: Have a continuing objection.

11 THE WITNESS: I only stipulated the conditions
12 under which they would ever put an entrance station on my
13 property, and I never even said that I would allow it. I
14 just started to tell them that there is only one way --

15 Q What was that?

16 A -- that I would even consider it.

17 Q What was that way?

18 A My way was at that time that if I did make up my
19 mind that I wanted the entrance station that would bring
20 their pipeline to my property I would own the pipeline that
21 goes from the street up to the entrance station and I would
22 control it.

23 Q And you would charge them for transshipment?

24 A I didn't say I would charge them. I didn't ask
25 them that, I just simply said I would own it and I would

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1 know who the hell puts as in there, that is what I said.

2 Q At the present time Pine Top Estates, a
3 partnership, or Pine Top, the corporation, has no part of
4 any property that they own touching any property that you
5 own, is that correct, sir?

6 A No, they don't. No, I don't think there is any.

7 Q And there is no part of their pipelines that then
8 go across your property?

9 A There is none going across, no, not now.

10 Q And are you interested in going into their lines
11 in any manner?

12 A Am I interested in going into their lines?

13 Q Pine Top's lines.

14 A I might be interested in buying gas if I could get
15 but I doubt it, but I might be.

16 Q Is your property under lease, the mineral rights?

17 A No.

18 Q Are you presently giving an easement to another
19 company across the front of your property?

20 A I have an easement -- I have an application for an
21 easement from KFF's oil and gas to come and put a pipeline
22 from the west down to my property, but I have not signed the
23 easement.

24 Q Have you agreed on the price with them?

25 A No.

1 MR. PRITT: I will object.

2 THE WITNESS: I did not agree on the price.

3 EXAMINER GOODEN: The objection is overruled.

4 THE WITNESS: Absolutely not, and I don't even
5 know whether I will or not.

6 Q So, as I understand your objection -- you gave us
7 four objections -- one that there was a profit, is that
8 correct?

9 A Yes.

10 Q And as for that profit, East Ohio Gas is a
11 nonprofit corporation?

12 A No, I have no objection to the profit part.

13 Q And second that they might sell out? Is that your
14 second objection?

15 A That is one of my objections, yes.

16 Q Have you heard any word of any kind about them
17 selling out to anybody?

18 A No, I haven't heard, but I know that under the
19 proper circumstances. Let's face it, Warren, four doctors
20 and their wives.

21 Q Couldn't East Ohio Gas Company sell out?

22 A I don't know. I would suspect that they can.
23 They are a business like anybody else. They could be taken
24 over, raided, whatever you want to call it. I suspect that
25 is right, and I have no objection to the profit part. That

1 isn't the objection.

2 I am going through the four objections that I
3 marked down that you gave this Court.

4 A Okay.

5 Q The third was that they weren't responsible
6 people. Do you know what the experience of Mr. Wright was
7 and Mr. Reeves was?

8 A I did not know and I don't know.

9 Q Do you happen to know, or do you know that it was
10 part of the legal negotiations or legal documents that they
11 have a \$15,000,000 liability policy?

12 A No, I don't know that.

13 Q Now, you are talking about hazards. You got a
14 22-inch line on your property from East Ohio Gas Company?

15 A Yes.

16 Q And a four-inch line across the street from you?

17 A Yes.

18 Q You consider --

19 A I have no choice on the East Ohio line -- I had
20 no choice.

21 Q What was that put in?

22 A It was put in prior to my ownership. It was there
23 when I bought it.

24 Q Oh, you bought it knowing that East Ohio Gas had a
25 22-inch TFL line?

1 A That's right. The line has been replaced and
2 renewed since I bought it, but I was aware the pipeline was
3 there and I was aware who owned it.

4 Q Did you read the findings of the Court when the
5 decision came out in the lawsuit that you brought against
6 Pine Top?

7 A I sure did.

8 Q Do you remember the statement in that finding?
9 "Pine Top Estates is not a public utility, although they
10 could easily become a pipeline company by following the
11 statutory proceedings of incorporating as such and offering
12 to the public generally the opportunity to transport gas
13 through Pine Top Estate's pipelines without discrimination.
14 In other words, Pine Top Estates, Inc., would have to be
15 formed for the purpose of either transporting natural or
16 artificial gas on behalf of the public generally without
17 discrimination, or, for distributing natural gas to customers
18 without discrimination." Do you know whether that was part
19 of the findings of the court?

20 A Warren, before I would answer that question I
21 would have to read all of that and make up my own mind
22 whether it is or not. I am not going to sit here and agree
23 with anything until I sit down and read it. I have got the
24 copy of it and I have read it, but you read that awful fast
25 and I am not going to agree to any damn thing that --

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Q Well --

A -- that you read to me that fast.

MR. GIBSON: Do you want to stipulate that that
is --

MR. PRITT: We will stipulate to the entire
finding, Mr. Gibson; as a matter of fact, I have a certified
copy here.

MR. GIBSON: No, I have not --

MR. PRITT: If you want to stipulate to a portion
of it let's stipulate to all of it.

MR. GIBSON: Just a minute, please. I am trying
to keep away from the two, and the only reason I am cross-
examining --

MR. PRITT: I know you are.

MR. GIBSON: -- is on the basis of the allegations
that were made. I am not willing to intermix the two. This
was solely for the purposes of the cross-examination of these
witnesses.

MR. PRITT: For purposes of cross-examination of
the witnesses, let's give the Court the entire finding.

MR. GIBSON: I don't believe it is relevant.

MR. PRITT: You don't want them to peak at a little
bit of it and not peak at all of it?

MR. GIBSON: I have not offered that as an exhibit.
I don't want to mix the two of them together. I am only

1 questioning on it because you brought up the stipulations
2 which were admitted by the Court.

3 Q Are you familiar with the stipulations that were
4 entered into as part of the --

5 A Warren, stipulations, as far as I know, it would
6 mean that you as a lawyer for Pine Top and Bob Wright and
7 our lawyer agreed on certain things that you entered into
8 the Court without the Court's testimony, am I correct? Is
9 that what you are talking about?

10 Q am talking about the stipulations which you
11 reviewed and approved through your counsel.

12 A Well, I think, yeah, I think I could say that.

13 Q Do you remember that one of the stipulations was,
14 "That for the purposes of this litigation, this Court shall
15 not consider any filings with the Public Utilities Commission
16 of Ohio by Pine Top subsequent to the filing of the Complaint
17 by the Plaintiffs for its determination in this matter."
18 Do you remember that?

19 A No, as I recall -- I don't know what -- Warren,
20 there again I guess I would have to read it.

21 Q You remember the fact that even at the start of
22 this case there was talk of developing a PUCO case?

23 A No -- before this case was started?

24 Q Right.

25 A There wasn't any case until I started the dump

1 thing on February 1, so how would I know what went on in
2 Pine Top?

3 Q At the first conferences that were had on this
4 particular matter where you were present or involved, was
5 there not talk of a PUCO company at that time, pipeline
6 company?

7 A I don't know. Which conference was I in?

8 Q I will withdraw the question.

9 A Yes, I don't know of any conference I was even in
10 with you.

11 EXAMINER GOODEN: Any further questions on
12 redirect?

13 MF. PRITT: Nothing further -- or, yes, sir, I do
14 have one.

15 REDIRECT EXAMINATION

16 By Mr. Pritt:

17 Q Mr. Cook, where is the TPL-3 meeting station on
18 your property?

19 A I don't have one on my property.

20 Q I am sorry, where is the entrance to the TPL-3
21 line I believe you discussed?

22 A You mean Pine Top's entrance?

23 Q No, I believe you stated that there was an East
24 Ohio gas line near your property.

25 A Yes, there is TPL-3 crosses it.

1 Q TPL-32

2 A Right. It's a transmission line from way, way
3 south to Cleveland.

4 Q Is there any station on your property, any
5 entrance station?

6 A No.

7 Q Does East Ohio employees come on your property?

8 A They come on my property to mow, they come on my
9 property to service the pipeline, that is all. I never see
10 them from one time to another.

11 Q Do you have any concerns about people coming up
12 the hill on your property?

13 A Yeah, I have a drilling site there, I could drill
14 a well, but I absolutely --

15 Q No, I mean do you have concerns concerning safety
16 and things like that?

17 A Yes, I don't want them up there.

18 Q Concerning your house on your property.

19 A I don't want them up there.

20 MR. PRITT: Nothing further.

21 MR. GIBSON: Nothing further.

22 EXAMINER GOODEN: Thank you for your testimony.

23 You may step down. Are there any further matters?

24 MR. PRITT: Yes, one more witness, Your Honor,

25 Agnes Martin.

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1 EXAMINER GOODEN: We will take a 10-minute break
2 at this time.

3 (Recess taken.)

4 EXAMINER GOODEN: Proceed.

5
6 AGNES MARTIN

7 called as a witness on behalf of the Intervenor, being
8 first duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 By Mr. Pritt:

11 Q Would you please state your full name and address
12 for the record.

13 A Agnes Martin, 2709 Yellow Creek Road, Akron, Ohio
14 44313.

15 Q How long have you lived at that address?

16 A About 35 years.

17 Q You have heard the testimony here this morning
18 concerning a pipeline on Yellow Creek Road. Was his
19 pipeline, to your knowledge, installed by Pine Top Estates?

20 A Yes.

21 Q Or at their behest?

22 MR. GIBSON: Can we stipulate anything to make it
23 easier?

24 MR. PRITT: Yes, if we may.

25 MR. GIBSON: If the Court please, in an effort to

1 speed this up we will stipulate that we have a pipeline in
2 front of Mrs. Martin's property on the road right-of-way;
3 that we did not secure her permission on it. This is part
4 of the question that is raised by the litigation that we
5 presently have. What else do you need?

6 MR. PRITT: The pipeline does cross her property?

7 MR. GIBSON: That it crosses a portion of the
8 property that is encompassed within the road right-of-way
9 of Yellow Creek Road. There is no claim at all by anyone
10 that we go outside the road right-of-way without an
11 easement.

12 MR. PRITT: That's right, but the point is the
13 pipeline as installed does cross her property.

14 MR. GIBSON: It does cross that portion of her
15 property in the legal description running from the center
16 line of Yellow Creek but it was encompassed within the right-
17 of-way.

18 Q What is the topography of your property from the
19 road to your house?

20 A It's very hilly. Geologically that was part of
21 the glacial drift, and on our property we have one or two
22 small bogs, and the hill slips. Unfortunately we don't
23 know what conditions like that might do, so, after Pine Top
24 started working on the road, when they had their pipes all
25 laid on the road, that we didn't know, you know, they were

1 just there, we had a surveyor come and survey our road. We
2 have around 700 foot frontage, I don't remember exactly, and
3 made a marking so that we could determine, particularly on
4 one or two points, if there would be road slippage after the
5 pipe was installed, and on one part of the road the County
6 did not allow them to cut the bank. They are within about
7 that far (demonstrating) of the edge of the pavement, but
8 they weren't permitted to cut the bank down any farther.

9 Q That is due to the topography of the property?

10 A Yes.

11 Q Since the pipeline has been installed has there
12 been any problems with the pipeline?

13 A We have had problems with our driveway. I had to
14 call the County because our driveway, the exit to our
15 driveway was all muddy, and we have a pump house down at the
16 bottom of the hill. We have a 500-foot water line to the
17 house, and the pump house is about seven feet deep, it's
18 under the ground possibly four or five feet, and we have had
19 a drain pipe that comes out from the well that drains in a
20 culvert on the road. Now, that has been too muddy this
21 spring you can't drive a truck down to get to it, you would
22 have to park across the road, and the water coming down to
23 the culvert is muddy. When the culvert backs up the water
24 backs into our pump house. I went down myself and cleaned
25 it out one day.

1 Q Did you attempt to call Pine Top?

2 A I didn't -- well, I don't -- I would have to get a
3 card and look at the names of the doctors because I couldn't
4 find it in the telephone book.

5 Q When is the last time you tried to find it in the
6 telephone book?

7 A I tried to find it yesterday.

8 Q As far as you are concerned does this pipeline
9 confer any benefit to your property?

10 A None whatsoever. It is making the side of the
11 hill muddy.

12 Q To your knowledge are you able to get gas for your
13 own residential use or your property?

14 A No.

15 Q From Pine Top?

16 A No.

17 Q Do you have any concerns regarding hazards of the
18 pipeline as a result of it being there, other than that that
19 you have mentioned?

20 A Well, we have a farm in Southern Ohio that has a
21 Columbus Gas line going across, that is a big transmission
22 line, and now just last month they have replaced that pipe.
23 They are replacing eight miles of pipeline in that section,
24 and about a month ago when I was down there you could walk
25 along the pipeline, it's down a hill and in a valley and up.

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1 and you can hear this gas sizzle that is coming up through
2 the water and the mud. And the pipeline that we have
3 that Pine Top has in front of our property does go through
4 three layers of pavement. We have a spring that comes out
5 on the road and the highway department has to
6 seal it. And they dug down about
7 that is in the section where this gas
8 going through.

9 Q I guess I didn't understand what you were saying
10 at first. Are you saying that your concerns are about the
11 Southern Ohio pipeline?
12

13 A No. No, I was just saying that pipelines do get
14 holes in them and they do deteriorate, and they would
15 deteriorate more in the water, of course. Now, this is --
16 I don't know what these pipelines are? Plastic?

17 MR. REEVES: It is coated.

18 MR. COOK: No, coated steel.

19 THE WITNESS: Steel covered with plastic?

20 MR. REEVES: It is steel coated with plastic.

21 THE WITNESS: But pipeline do burst.

22 Q So you are saying that your concern is because of
23 the pipeline and the topography and the problems that you
24 have had with it.

25 A What if the hill slips? I don't know how strong

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1 a pipeline is to hold it.

2 Q Mr. Gibson, I am not sure if we stipulated to this.
3 Pardon me if I ask the question. But, did you ever give
4 Pine Top Estates permission to lay a pipeline across your
5 property?

6 A They never asked for it.

7 Q Well, my question was, did you ever give them
8 any permission?

9 A No.

10 MR. PRITT: I have nothing further, Your Honor.

11 - - -
12 CROSS EXAMINATION

13 By Mr. Gibson:

14 Q Just a few questions, Mrs. Martin. You had a
15 surveyor to go out and survey what the conditions were prior
16 to the time they put the pipeline in, and you also brought
17 that same surveyor back for a check for slippage?

18 A I haven't yet.

19 Q When was the pipeline put in?

20 A It was put in in the spring of '83 -- no, it was
21 put in --

22 Q February or March of '83, was it not?

23 A It was put in on our hillside and I would say
24 around June we came back from Southern Ohio and our whole
25 hillside was covered with trenching diggers, county trucks

1 trucks hauling gravel, you could just wind up through there
2 with one car.

3 Q Those were not on your property but on the road
4 right-of-way?

5 A Well, on half of the road.

6 Q There wasn't anything outside the road right-of-way,
7 was there?

8 A I don't know what it was like down towards the
9 springhouse, it could have been.

10 Q Well you are not claiming that anybody went
11 outside the road right-of-way with any equipment or pipeline
12 of any kind, are you, ma'am?

13 A No; we still got a piece of pipeline on our
14 property though.

15 Q And the pipeline is within this road right-of-way
16 of Yellow Creek Road?

17 A Yes, supposedly.

18 Q And you have no evidence, do you, or you haven't
19 seen anything that indicates any slippage in this over a
20 year period of time that it has been there, have you?

21 A No. We could have a surveyor come back.

22 Q But as far as anything that is visible is
23 concerned you haven't noticed anything at all?

24 A No, because --

25 Q All right.

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1 A. I mean, there is always something going down all
2 the time.

3 Q. As far as the problems of being muddy and the
4 blockage of your culvert pipe, wasn't that true prior to
5 the time that pipeline went in?

6 A. No, because that was all grass.

7 Q. And did you ever report that to the County or to
8 the contractor Jack Helbig or to Pine Top in any manner?

9 A. I understand that Mr. Helbig isn't with your
10 company.

11 Q. No, that is not my question. Mr. Helbig is with
12 the Helbig Construction Company. Did you report your
13 problems to anybody outside of your attorney?

14 A. I reported it to the County.

15 Q. Did they send somebody out to check it?

16 A. They sent a load of gravel.

17 Q. Well, they fixed whatever the problem was at that
18 time?

19 A. They haven't fixed it at the pump house, no.

20 Q. And are you aware that there was a \$50,000 bond
21 put up to make sure?

22 A. Yes.

23 MR. GIBSON: No further questions.

24 EXAMINER GOODEN: Any questions on redirect?

25 MR. PRITT: Nothing, Your Honor.

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1 EXAMINER GOODEN: Very well, I have no questions.
2 You may step down. Thank you for your testimony,
3 Mrs. Martin.

4 MR. PRITT: Your Honor, at this time I would like
5 to mark and offer into evidence -- maybe we should mark them
6 first.

7
8 Thereupon, the documents above referred to were
9 marked for the purpose of identification herein as follows:
10 Intervenor's Exhibit A, entitled "Findings, Decision and
11 Judgment Entry, Case No. CV83 2 0501"; and Intervenor's
12 Exhibit B, entitled "Stipulations."

13
14 MR. PRITT: We have marked Intervenor's Exhibit A
15 and Intervenor's Exhibit B, which are certified copies of
16 the Findings, Decision and Judgment Entry of the Summit
17 County Court of Common Pleas in Case No. CV83 2 0501, and
18 Intervenor's Exhibit B is Stipulation that were entered
19 into and filed with the Court, a certified copy of same in
20 that case. We request that they be admitted into evidence.

21 MR. GIBSON: We object total y, if it please the
22 Examiner. Fr. Gooden, we have abundant case law that we
23 can furnish to this Court, that the Public Utilities
24 Commission does not involve itself in the question of
25 ownership or in the question of trespass, those are the

1 issues that are raised by that court suit. This Public
2 Utilities Commission is for the establishment of rates and
3 control of public utilities.

4 As this Court well knows, the Revised Code sets
5 up specifically what those requirements are in 1723.01,
6 1723.05, 4905.02 and 4905.03. This Court is obviously
7 familiar with those sections, I don't have to quote those
8 to them. We have them here. But, those are the criteria,
9 not what some Common Pleas Court may have said up in Summit
10 County. That is not binding, it is not pertinent nor
11 relevant to nor within the jurisdiction of this Court to
12 determine the ownership, the trespass, the property rights
13 of individuals, and that is what that suit is about.

14 EXAMINER GOODEN: Fine, I will overrule the
15 objection and I will admit Exhibits A and B into the record.
16 They may have some possible value as to contradictions as to
17 statements made by the parties at the hearing.

18 MR. GIBSON: Mr. Reeves, as the Court knows and
19 heard, was not an employee of Pina Top's at the time that
20 those stipulations were entered into, and those stipulations
21 were entered into for specific legal purposes, and they have
22 an exclusion under Stipulation 15 that anything relative to
23 the PSCC would not be considered by the Court.

24 EXAMINER GOODEN: I am still going to admit them.
25 They will be admitted into the record at this time.

Thereupon, the exhibits last above offered were
admitted in evidence on behalf of the intervenors and are
herewith submitted marked Intervenor's Exhibits A and B,
respectively.

MR. PRITT: Thank you, Your Honor. We are prepared
to rest, but, in addition, I do have a motion for leave to
file a brief, and I have copies of a brief that I would like
to file with the Commission. Would this be the appropriate
time to do that?

EXAMINER GOODEN: Well, I usually give the parties
a certain amount of time to file briefs.

MR. GIBSON: May I have a copy of that and I will
respond to it.

EXAMINER GOODEN: We usually have simultaneous
briefs by both parties. We will give the parties 15 days
to file briefs.

MR. PRITT: Thank you, Your Honor. Fifteen days
from this date? If I may have one second.

EXAMINER GOODEN: Unless that falls on a weekend.
No, it won't fall on a weekend.

MR. PRITT: We will rest at this time, Your Honor.

EXAMINER GOODEN: Are there any other matters?

MR. GIBSON: No, that is it.

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in

Case No(s). 84-0525-PL-ATA

Summary: Application Part 1 Section D: Application for Approval and Authority to file a tariff for a new pipeline utility service (the "Application"); plus other related documents including the transcript for the hearing that was held by the PUCO; maps of the pipeline system; and a copy of the tariff approved; and opinion and order. electronically filed by Docketing Staff on behalf of Docketing.