Before

The Public Utilities Commission of Ohio

Christopher L. Smith and )

Maggi S. Smith, )

)

Complainants, )

)

v. ) Case No. 17-1962-GA-CSS

)

Ohio Gas Company, )

)

Respondent. )

**Answer of Ohio Gas Company**

Frank P. Darr (Reg. No. 0025469)

Counsel of Record

Matthew R. Pritchard (Reg. No. 0088070)

McNees Wallace & Nurick LLC

Fifth Third Center

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

(willing to accept service by e-mail)

mpritchard@mwncmh.com

(willing to accept service by e-mail)

September 27, 2017 Attorneys for Ohio Gas Company

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For its Answer and Defenses,[[1]](#footnote-1) Ohio Gas Company states as follows:

1. Admits paragraph 1 to the extent that Ohio Gas Company has a mailing address of P.O. Box 528, Bryan, Ohio 43506.
2. Denies paragraph 2 because Ohio Gas Company issued an invoice dated June 7, 2017 in the amount of $4,018.00 and an offsetting credit of $250.00.
3. Denies paragraph 3 because Ohio Gas Company is without knowledge or information sufficient to form a belief as to the truth of the averment.
4. Admits Chris Smith was on the premises to show Ohio Gas Company the preferred path for the installation of the service line and denies the remainder of paragraph 4.
5. Admits that the cost to install the service line requested by the Complainants was $4,018.00 and denies the remainder of paragraph 5.
6. Denies the allegation that Ohio Gas Company should not have proceeded until it provided Complainants with the cost of the service line extension and should have given the Complainants an opportunity to “shop around” in paragraph 6, and denies the remainder of paragraph 6 because Ohio Gas Company is without knowledge or information sufficient to form a belief as to the truth of the averment.
7. Denies any allegation not specifically admitted.

**First Defense**

1. Ohio Gas Company restates paragraphs 1-7 as if fully stated herein.
2. Under its approved tariff, Ohio Gas Company is authorized to charge its costs for the installment of a service line. This tariff has been on file since 2001 with the Public Utilities Commission of Ohio. Ohio Gas Company, PUCO No. 1, Third Revised Sheet No. 10, Page 3 of 3 (Oct. 1, 2001) (viewed at [http://www.puco.ohio.gov/emplibrary/files/docketing/tariffs/  
   Natural%20Gas/Ohio%20Gas%20Company/PUCO%201.pdf](http://www.puco.ohio.gov/emplibrary/files/docketing/tariffs/Natural%20Gas/Ohio%20Gas%20Company/PUCO%201.pdf)).
3. In 2008, Ohio Gas Company determined and established its cost to install service line extensions was $7/foot for plastic service line.
4. On or about April 26, 2017, Complainant Christopher Smith applied for a service line extension to 7433 Coder Road, Maumee, Ohio. A copy of the application signed by Mr. Smith is attached as Exhibit B to this Answer.
5. In response to the application for a service line, a representative for Ohio Gas Company met with Mr. Smith who showed the representative the preferred path for the service line on or about May 22, 2017. On or about May 23, 2017, Ohio Gas Company installed the service line. The installed service line is 614 feet long. From the property line to the position of the proposed meter, Ohio Gas Company installed 574 feet of service line. Following Company practice, Ohio Gas Company charged the customer for an extension of 574 feet. Based on the previously established cost of $7/foot, the cost of the service line extension is $4,018.00.
6. The cost of $4,018.00 that could be charged to the Complainants fully complies with the terms and conditions of tariff provisions of Ohio Gas Company for the installation of a service line extension.
7. The Complaint fails to state a claim upon which relief may be granted.

**Second Defense**

1. Ohio Gas Company restates paragraphs 1-14 as if fully stated herein.
2. On or about April 26, 2017, Complainant Christopher Smith applied for a service line extension to 7433 Coder Road, Maumee, Ohio. A copy of the application signed by Mr. Smith is attached as Exhibit B to this Answer.
3. In response to the application for a service line, Ohio Gas Company installed the line on or about May 23, 2017 at a cost of $4,018.00.
4. On or about May 26, 2017, Mr. Smith disputed the bill for the installation of the service line.
5. In response to Mr. Smith’s complaint, Ohio Gas Company offered to reduce the invoiced amount for the service line extension by $250 on or about June 1, 2017. The Smiths accepted this offer and paid the remaining balance on or about June 28, 2017. Exhibits C and D.
6. To extent that the amount of the line extension was in dispute, the dispute has been resolved by settlement.

**Third Defense**

1. Ohio Gas Company restates paragraphs 1-20 as if fully stated herein.
2. The Complaint fails to set forth reasonable grounds for complaint as required by R.C. 4905.26.

**Fourth Defense**

1. Ohio Gas Company restates paragraphs 1-22 as if fully stated herein.
2. Ohio Gas Company complied with the requirements of Ohio law, the applicable rules of the Public Utilities Commission of Ohio, and the tariffs of Ohio Gas Company.

**Fifth Defense**

1. Ohio Gas Company restates paragraphs 1-24 as if fully stated herein.
2. The Complaint is barred in whole by the doctrines of laches, waiver, and/or estoppel.

**Sixth Defense**

1. Ohio Gas Company restates paragraphs 1-26 as if fully stated herein.
2. Ohio Gas Company reserves the right to raise other defenses as warranted by discovery in this matter.

Wherefore, Ohio Gas Company requests that the Complaint by dismissed.

*/s/ Frank P. Darr*

Frank P. Darr (Reg. No. 0025469)

Counsel of Record

Matthew R. Pritchard (Reg. No. 0088070)

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mpritchard@mwncmh.com

**Attorneys for Ohio Gas Company**

**Certificate of Service**

I hereby certify that a copy of the foregoing *Answer of Ohio Gas Company* was served upon Christopher L. Smith and Maggi S. Smith at the following address via U.S. Mail, postage prepaid on this 27th day of September, 2017.

Christopher L. Smith

Maggi S. Smith

7433 Coder Road

Maumee, OH 43537

*/s/ Frank P. Darr*

Frank P. Darr

1. The letter filed on behalf of the Complainants contained unnumbered paragraphs. A copy of the letter is attached as Exhibit A to the Answer. Ohio Gas Company has inserted paragraph numbers. References to paragraph numbers in this Answer are to those contained in Exhibit A. [↑](#footnote-ref-1)