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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of Columbia Gas)
of Ohio, Inc. for Approval of Tariffs to Recover)
Through an Automatic Adjustment Clause Costs)
Associated with the Establishment of an)
Infrastructure Replacement Program and for)
Approval of Certain Accounting Treatment)

Case No. 07-478-GA-UNC

**POST-HEARING BRIEF OF
COLUMBIA GAS OF OHIO, INC.**

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I. INTRODUCTION

The issues presented before the Public Utilities Commission of Ohio ("Commission") in this case involve foremost the safety of consumers and the ability of Columbia Gas of Ohio, Inc. ("Columbia") to provide safe and reliable service to its customers. The Commission, the Commission Staff ("Staff"), Columbia and all other Intervenors¹ have recognized that risers prone to failure have created an unprecedented safety hazard that must be addressed in a uniform and efficient manner. Columbia, Staff, The Office of the Ohio Consumers' Counsel ("OCC") and Ohio Partners for Affordable Energy ("OPAE"), by filing an Amended Stipulation and Recommendation ("Stipulation"), have also recognized that customer ownership of service lines is not in the public interest because such ownership hinders Columbia's ability to provide natural

¹ Ohio Partners for Affordable Energy, Industrial Energy Users-Ohio, The Office of the Ohio Consumers' Counsel, Utility Service Partners, Inc., ABC Gas Repair, and Interstate Gas Supply, Inc.

gas service to consumers in the safest manner and imposes significant financial burdens upon customers.²

While no party to this proceeding has objected to the need for Columbia to replace risers prone to failure, some have objected to Columbia assuming financial responsibility of customer-owned service lines. The Commission should focus on the underlying reason for these objections. Such objections are based primarily upon economics and not customer safety. The Intervenor who voice these objections have ignored customer concerns, and have latched on to any and all potential arguments in an effort to retain their financial stakes in an unregulated business.

Columbia and Staff have been and continue to be resolute in proceeding toward a uniform system that will enhance Columbia's ability to provide safe and reliable service to its customers. The public interest requires Commission approval of Columbia's Application in this docket or, in the alternative, the Stipulation, in order to deliver natural gas in the safest and most affordable manner.

II. HISTORY OF THE CASE

On April 13, 2005, the Commission initiated an investigation into the types of risers being installed in Ohio, the conditions of installation and their overall performance.³ The Commission ordered Columbia, among other local distribution companies, to identify a sample number of installed risers and remove a portion of those risers for submission to a testing laboratory. On November 24, 2006, Staff filed a report in Case No. 05-463-GA-COI ("Staff Report") finding that certain risers are more prone to failure than others and that failure

² Transcript Vol. I at 19 (hereinafter "Tr."); Tr. Vol. IV at 254.

³ *In the Matter of the Investigation of the Installation, Use, and Performance of Natural Gas Service Risers Throughout the State of Ohio and Related Matters*, Case No. 05-463-GA-COI.

investigation procedures should cover customer-owned service line failures.⁴ On January 2, 2007, Chairman Schriber also requested that local distribution companies (“LDCs”) address the issue of whether those companies should assume responsibility for customer-owned service lines.⁵

On April 25, 2007, Columbia filed an application in the present docket for: (a) approval, under Section 4929.11, Ohio Revised Code, of tariffs designed to recover, through an automatic adjustment mechanism, costs associated with the riser inventory that was ordered in the COI case, the replacement of customer-owned risers that Columbia believes are prone to failure and customer-owned service lines that are constructed or installed by Columbia as risers or service lines are replaced; and, (b) accounting authority to permit capitalization of Columbia’s investment in customer-owned service lines and risers through assumption of financial responsibility for these facilities and to permit deferral of related costs for subsequent recovery through the automatic adjustment mechanism.

On July 11, 2007, the Commission issued an entry granting the application in part, deferring in part, and ordering Columbia to file modified tariffs for Commission approval. On September 12, 2007, in an entry on rehearing, the Commission noted that it would undertake to complete the resolution of this proceeding as efficiently as possible. Direct Testimony of Larry W. Martin, Thomas J. Brown, Jr. and Michael Ramsey was filed on behalf of Columbia on October 15, 2007. Direct Testimony of Bruce M. Hayes, on behalf of the OCC, Timothy Morbitzer, on behalf of ABC Gas Repair, Inc (“ABC”), and Philip E. Riley, Jr., Carter T. Funk and Timothy W. Phipps, on behalf of Utility Service Partners, Inc. (“USP”), was filed on

⁴ Tr. Vol. IV at 254.

⁵ *Id.*, Case No. 05-463-GA-COI (Jan. 2, 2007 Correspondence).

October 23, 2007. Direct Testimony of David R. Hodgden and Edward M. Steele was filed on behalf of Staff on October 24, 2007.

On October 26, 2007, Columbia and Staff filed a joint Stipulation and Recommendation. On October 29, 2007, the hearing on Columbia's Application commenced. Rebuttal Testimony and Testimony in Support of the Stipulation of Larry W. Martin, Thomas J. Brown, Jr. and Michael Ramsey was filed on November 19, 2007. Testimony in Support of the Stipulation of David R. Hodgden and Edward M. Steele was filed on November 19, 2007. Surrebuttal Testimony of Philip E. Riley, Jr., Carter T. Funk and Timothy W. Phipps and Testimony in Opposition to Stipulation and Recommendation of Philip E. Riley was filed on November 28, 2007. Direct Testimony of Jill A. Henry was filed on behalf of Staff on December 3, 2007. On December 3, 2007, there was a hearing on Rebuttal Testimony and Testimony in Support of the Stipulation. On December 20, 2007, OPAE filed a letter notifying the Commission that it agreed to the Stipulation as a signatory party. On December 28, 2007, Columbia, Staff, the OCC and OPAE filed an Amended Stipulation and Recommendation ("Stipulation"). Briefs and Reply Briefs must be filed by December 31, 2007 and January 14, 2008, respectively.

III. FACTUAL BACKGROUND

Natural gas risers are the vertical portion of the service line that connects the distribution system to the customer's meter. Risers were the focus of Case No. 00-681-GA-GPS⁶ and Staff's recommendation to open a statewide investigation because of a series of natural gas incidents reported to Staff by the LDCs. The Commission opened Case No. 05-463-GA-COI⁷ to examine riser types, installation and performance because of the potential risk posed by risers as a link

⁶ *In the Matter of the Investigation of The Cincinnati Gas and Electric Company relative to its Compliance with the Natural Gas Pipeline Safety Standards and Related Matters*, Case No. 00-681-GA-GPS.

⁷ *In the Matter of the Investigation of the Installation, use and Performance of Natural Gas Service Risers Throughout the State of Ohio and Related Matters*, Case No. 05-463-GA-COI.

between the gas distribution service line and the meter, located near or within a customer's premises.⁸ The Commission ordered The Cincinnati Gas and Electric Company, Columbia Gas of Ohio, Inc., The East Ohio Gas Company and Vectren Energy Delivery of Ohio, Inc. to conduct a statistically valid sampling study of inventory risers to determine the manufacturer of each gas service riser and collect associated data.⁹ This step was determined to be necessary by the Commission because in Ohio risers and service lines are identified in Columbia tariffs as customer-owned and consequently it has been the customer's responsibility to install, repair or replace them.¹⁰ As a result, Columbia did not know the exact types of risers which had been installed by its customers throughout its service territory. In 2003, Columbia removed Normac (Design-A) risers from its approved materials list and hired Battelle Laboratories to try to determine why the riser failures were occurring. The Commission also employed consultants through the University of Akron, departments of Polymer and Mechanical Engineering and hired the Akron Rubber and Development Laboratory, Inc. ("ARDL") to develop investigative procedures, testing methods, conclusions and recommendations.¹¹

The Consultants' findings identified the compression stress retained ("CSR") on gaskets to be noteworthy; leak flow rates increased in cold temperature with increased load and reduced CSR values; cracks in the riser gaskets and deformed retainer rings were observed; and risers with missing components and/or incorrect assembly were found only in Design-A risers, those requiring field assembly.¹² Subsequently, Staff filed the Staff Report, which made a series of recommendations to the Commission, including: 1) Design-A risers when subjected to severe in-

⁸ *Id.* (A Report by the Staff of the Public Utilities Commission of Ohio at 1).

⁹ *Id.*, Case No. 05-463-GA-COI.

¹⁰ *Id.* at 2.

¹¹ *Id.* (A Report by the Staff of the Public Utilities Commission of Ohio at 1).

¹² *Id.* at 7.

service conditions are prone to leakage; and, 2) it is impossible to predetermine whether a Design-A riser will perform adequately.¹³

In January 2007, Columbia began a program to identify all risers in its system and also accelerated the inspection on each riser during the identification process.¹⁴ As a result of Columbia's riser survey, Columbia estimates it will identify 318,000 risers prone to failure and 17,900 leaks on customer service lines, risers and meter settings.¹⁵ While Columbia is not legally responsible for the repair or replacement of customer-owned service lines, it recognizes that Ohio's natural gas consumers face an unusual and burdensome situation of bifurcated operator/customer responsibility for repair or replacement of these natural gas facilities. With the Commission's approval, Columbia has assumed responsibility for replacing leaking risers prone to failure and associated service lines where an associated service line is determined by Columbia to have a hazardous leak.¹⁶ Upon Commission approval of Columbia's Application, or in the alternative the Stipulation, Columbia will assume responsibility to maintain, repair and replace service lines, including all risers prone to failure.

IV. ARGUMENT

The Commission has recognized "the tremendous public safety issues related to potential riser failures and serious leaks in service lines."¹⁷ What stands before the Commission in this

¹³ *Id.* (A Report by the Staff of the Public Utilities Commission of Ohio).

¹⁴ The normal inspection cycle for leakage survey and atmospheric corrosion on service lines is at least once every three years for each inspection. 49 C.F.R. §192

¹⁵ As of December 14, 2007, Columbia has completed 96.6% of its riser survey and has identified 297,469 risers prone to failure and 16,476 leaks on customer service lines, risers and meter settings.

¹⁶ *In the Matter of the Application of Columbia Gas of Ohio Inc., for Approval of Tariffs to Recover, Through an Automatic Adjustment Clause, Costs Associated with the Establishment of an Infrastructure Replacement Program and for Approval of Certain Accounting Treatment*, Case No. 07-478-GA-UNC, Entry (July 11, 2007 at 8), Entry on Rehearing, (September 12 2007) at 5.

¹⁷ *In the Matter of the Application of Columbia Gas of Ohio Inc., for Approval of Tariffs to Recover, Through an Automatic Adjustment Clause, Costs Associated with the Establishment of an Infrastructure Replacement Program and for Approval of Certain Accounting Treatment*, Case No. 07-478-GA-UNC, Entry (July 11, 2007) at 8.

proceeding is an unprecedented opportunity to alleviate consumer and utility concerns, progress the fundamental principle of customer safety and enable Columbia to provide natural gas services to its customers in the safest manner possible. Columbia believes the safety concerns identified in the July 11, 2007 Commission Entry and Staff Report, as well as those developed throughout the history of this proceeding, can best be addressed through a uniform and systematic management of all repairs and replacements of risers prone to failure and hazardous customer service lines. A program that will correctly address all safety concerns of this magnitude will cost an estimated \$160,000,000 just for the replacement of prone to failure risers.

While Columbia is not legally responsible for the repair or replacement of customer-owned service lines, it recognizes that Ohio's natural gas consumers face an unusual and burdensome situation of an anomalous system of bifurcated operator/customer responsibility for repair or replacement of natural gas pipeline facilities. Further, costs to remediate safety concerns with risers prone to failure and hazardous customer service lines are often substantial with average prices from \$500 to \$1000 for riser and service line replacement respectively.

Staff and Columbia believe it is in the public interest to allow Columbia to assume financial responsibility for: (1) the future maintenance, repair and replacement of customer-owned service lines; and, (2) the orderly and systematic replacement, over a period of approximately three years, of all risers identified as prone to leakage.

A. COLUMBIA'S ASSUMPTION OF MAINTENANCE, REPAIR AND REPLACEMENT OF RISERS HAS BEEN SUPPORTED OR NOT OPPOSED BY ALL PARTIES OF RECORD.

The Commission stated in its July 11, 2007 Entry that the failure of risers "is a system-wide issue and is best handled by transferring the responsibility to Columbia on a system-wide basis."¹⁸ The Staff Report concluded that failures of natural gas risers present a significant

¹⁸ *Id.* at 7.

public safety hazard and, because these future failures cannot be predicted all risers identified as prone to failure should be replaced. Moreover, there have been four incidents since 2000 related to natural gas riser failures. These incidents occurred in Willowville, Ohio in April 2000; Medina, Ohio in December 2000; Princeton, Ohio in October 2002; and Avon, Ohio in May 2003. An "incident" is defined under Rule 4901:1-16-01(I), Ohio Administrative Code ("OAC"), as:

[A]n event that involves a release of gas from an intrastate gas pipeline facility and results in any of the following:

- (1) A death;
- (2) Personal injury requiring in patient hospitalization; or
- (3) Estimated property damage of fifty thousand dollars or more.

A number of "non-incident" riser failures have also been reported to Staff. It is without dispute that the number of incidents should be minimized by the use of all reasonable and economic means. Such incidents require that the Commission and local distribution companies take swift corrective action to enhance public safety.

No Party in this proceeding has opposed Columbia's proposal to assume financial responsibility of risers prone to failure. In fact, most Parties of record support Columbia's Application to this extent. Columbia, Staff, the OCC and OPAE have signed the Stipulation, which gives Columbia the authority to replace risers prone to failure. Counsel for USP, stated in his opening statement that:

[T]he Commission authority when it comes to the Design-A risers rests on a very solid predicate. The Commission has the authority under [Ohio] Revised Code Section 4905.93 – 96 to enforce the Federal Pipeline Safety Act ... if there is a hazardous condition, the operator, regardless of ownership, the operator has the authority to – in fact, has the obligation to inspect for hazardous conditions and repair them. On that the USP does not object. It

does not object to the order that was issued in this case on rehearing. Columbia can go ahead and repair the class A risers.¹⁹

Counsel for ABC, concurs with Counsel for USP: "There is the issue of the catastrophic failure of type A field installed risers on the one hand. [ABC is] not arguing that the Commission should not adopt the entry that was previously put in place with reference to those risers. [ABC is] not challenging that part of the [Infrastructure Replacement Program ("IRP")]."²⁰ Parties that have not voiced support for Columbia assuming responsibility for risers have also not opposed this portion of Columbia's Application.

Columbia has responded in an expeditious and prudent manner to the numerous requests from Commission and Staff to address the safety hazards presented by risers prone to failure. The Commission should continue to do what it can to address this safety issue, and approve Columbia's Application.

B. COLUMBIA'S ASSUMPTION OF MAINTENANCE, REPAIR AND REPLACEMENT OF CUSTOMER-OWNED SERVICE LINES IS PRUDENT AND NECESSARY.

Chairman Schriber requested that LDCs discuss assumption of customer-owned service lines as "The current system leaves responsibility with the homeowner. I am interested in your thoughts about the prudence of that regulatory framework."²¹ Through extensive research, investigations, discussions and litigation, Columbia, Staff, the OCC and OPAE believe Chairman Schriber's inquiry leads to only one plausible solution - granting Columbia the responsibility to maintain, repair and replace service lines. The "prudence of that regulatory framework" encompasses serious safety concerns and has been appropriately addressed within this proceeding.

¹⁹ Tr. Vol. I at 10.

²⁰ Tr. Vol. I at 13-18.

²¹ *In the Matter of the Investigation of the Installation, Use, and Performance of Natural Gas Service Risers Throughout the State of Ohio and Related Matters*, Case No. 05-463-GA-COI (January 2 Correspondence).

a. CUSTOMER SAFETY AND COLUMBIA'S ABILITY TO PROVIDE NATURAL GAS SERVICE IN THE SAFEST MANNER OUTWEIGH PRIVATE ECONOMIC INTERESTS.

USP and ABC have objected to the portion of Columbia's Application that requests assumption of financial responsibility for customer-owned service lines. Both Parties contend that approval of the IRP will cause customer confusion, remove necessary inspections and offer little benefit to the customers. Although Columbia believes all of these issues are important and has addressed those issues below, these arguments are nothing more than a smoke screen employed to divert the Commission's attention from the sole reason for USP's and ABC's intervention in this proceeding. USP's and ABC's interest in this case does not relate to safety, nor does it relate to customer benefits. It is purely economic, based on profits to the owners of these companies. A quantified example provides a realistic appreciation for USP's intervention: Mr. Riley, President and CEO of USP, stated USP's annual gross profit margins are at least \$2,500,000 in Columbia's service territory in Ohio alone.²² USP's intervention is based on protecting this profit from an unregulated service, not on improving customer safety.

Another example of this economically-based objection is evidenced by USP's and ABC's aforementioned support that Columbia assume financial responsibility for risers prone to failure. It is easy to mask that kind support behind overwhelming safety concerns. However, risers are part of the customer-owned service lines²³ and are, therefore, covered under ABC's and USP's warranties.²⁴ Replacing a riser can cost upwards of \$500 and nearly 25% of risers need to be replaced. To say nothing of ABC's expected costs, these numbers add up quickly if multiplied

²² Tr. Vol. II at 156-163.

²³ A "service line" is defined as "a distribution line that transports gas from a common source of supply to ... an individual customer ... A service line ends at the outlet of the customer meter or at the connection to the customer piping, whichever is farther downstream ...". 49 C.F.R. §192.3.

²⁴ Tr. Vol. II at 177-178.

over the percentage of USP customers with risers prone to failure. It would cost USP approximately \$12,500,000 to replace its customers' risers prone to failure. Such expenditures would certainly dampen USP's \$2,500,000 profits from existing warranties in Columbia's service territory. An easy solution to avoid such enormous repair bills is to support Columbia in assuming financial responsibility for the riser portion of these service lines. And nothing on the record suggests warranty customers will receive a refund for that portion of their monthly payments that guard against the risk risers might fail. Still, USP and ABC argue that their intervention in this case was predicated primarily on customer safety.

Counsel for USP stated in his opening statement that "My client ... has 100,000 contracts ... businesses like my client would deserve compensation, and that's not in this application."²⁵ Counsel for ABC, stated: "The system that exists right now works. It is safe. It is economically just. It employs an entire industry in our economy." Although USP and ABC have failed to lay the appropriate foundation for such assertions, they have argued that approval of the IRP will put them out of business.²⁶ Their intervention is clearly motivated by their own economic self-interest, which must yield to customer safety.

In fact, there is no evidence in the record that suggests ABC or USP have even contemplated customer concerns. Mr. Riley admitted he did not know customers' concerns and had "never really thought of it in that term" when asked whether he was able to speak on behalf of his customers.²⁷ Perhaps even more disconcerting is that USP and ABC have a customer base of less than 10% of Columbia's customers.²⁸ Their ability to speak to customer safety, concerns, confusion, benefits or otherwise is overstated throughout this proceeding.

²⁵ Tr. Vol. I at 12.

²⁶ Tr. Vol. II at 119-124; Tr. Vol. III at 14-16.

²⁷ Tr. Vol. IV at 122.

²⁸ Tr. Vol. IV at 123-124; ABC Gas Exhibit 3 at 4.

b. APPROVAL OF THE IRP WILL INCREASE COLUMBIA'S ABILITY TO IMPLEMENT THE NATURAL GAS PIPELINE SAFETY ACT REGULATIONS.

The federal pipeline safety laws explicitly recognize that natural gas service lines may be owned by the customer, in which case the responsibility for inspection and maintenance may fall upon the customer, rather than the operator.²⁹ In Ohio, where an operator does not maintain customer-owned service lines the operator's principal obligation under the federal pipeline safety laws is to advise the customers of their obligations in that regard, including, among other things, "the requirements for maintaining those lines" and "the potential hazards" of failing to do so.³⁰ To the extent applicable, that notice must also inform customers that buried service lines, if not maintained, may be subject to potential hazards of corrosion and leakage; that buried piping should be periodically inspected for leaks (and for corrosion if the pipe is metallic); and that such piping should be repaired if any unsafe condition is found.³¹ Columbia has provided the required notice advising its customers of their obligations with respect to customer-owned service lines.³²

As a pipeline operator, Columbia has the responsibility under the federal pipeline safety laws to conduct inspections and testing of service lines. These inspections include conducting a leakage and atmospheric corrosion survey on service lines once every three years and conducting a visual inspection and pressure test on all service lines.³³ However, Columbia is in a predicament when it conducts inspections that reveal hazardous leaks. Columbia cannot repair or replace customer-owned service lines; the most it can do is to terminate service until the customer makes the repairs necessary to eliminate the unsafe situation. At best, this results in inconvenience to the customer; at worst, it leaves the customer without heat during cold winter

²⁹ 49 U.S.C. § 60113.

³⁰ 49 U.S.C. § 60113.

³¹ 49 C.F.R. § 192.16.

³² Since Columbia conducts the leakage surveys and corrosion monitoring mandated by 49 C.F.R. §§ 192.723 and 192.465, rather than requiring the customers to do so, its notice advises the customers of that fact.

³³ 49 C.F.R. § 192

weather. Of course, this does not even consider whether the customer can afford an immediate and unexpected repair that could easily cost upwards of \$1,000 that must be made prior to restoring gas service.

Another example of the problematic consequences of customer-owned service lines is demonstrated by Columbia's inability to test service lines that have failed.³⁴ Columbia hired Battelle Laboratories to try to determine why riser failures were occurring. However, Columbia was unable to remove failed risers for examination because that property is owned by the customer³⁵. Because Columbia does not own customer service lines, it has no detailed customer service line records. This lack of detailed customer-owned service line records contributed to Battelle Laboratories inability to determine the specific cause for leaking risers.

Should the Commission grant Columbia the right to assume responsibility for future maintenance, repair and replacement of hazardous customer-owned service lines the aforementioned problems will cease to exist on a going forward basis. Such a grant will facilitate Columbia's ability to carry out and enforce its responsibilities under the federal pipeline safety regulations. Not only will Columbia continue to have complete responsibility for all pipelines regulated by the federal pipeline safety regulations, but under the IRP Columbia will be able to uniformly correct all safety issues as required by the pipeline safety regulations.

Columbia agrees with USP's Counsel's statement that:

The Commission has the authority under Revised Code Section 4905.93 – 96 to enforce the Federal Pipeline Safety Act ... in fact, there is a whole Section 4901:1-16 in which [the Commission has] ... codified the federal rules. So on that basis the Commission [S]taff and the Commission need to be enforcing the federal law.”³⁶

³⁴ Tr. Vol. II at 99.

³⁵ Columbia was able to remove failed risers if customers gave permission to do so. This also required the customer to agree to use a plumber designated by Columbia in which Columbia would provide a partial reimbursement.

³⁶ Tr. Vol. I at 10.

Columbia's assumption of financial responsibility of service lines will give it necessary means to enhance customer safety and fulfill its responsibilities under state and federal laws.

c. SERVICE LINES DO PRESENT SAFETY HAZARDS AND ARE, THEREFORE, BEST MAINTAINED, REPAIRED AND REPLACED BY COLUMBIA.

No debate exists over the principle that it is in the public interest to deliver natural gas in the safest and most affordable manner.³⁷ Natural gas is defined as a *combustible* mixture of gaseous hydrocarbons.³⁸ As indicated by Counsel for USP, it is impossible to determine whether a riser prone to failure or a metal service line is more dangerous.³⁹ Natural gas is combustible and any leak of great enough volume, whether it be in a service line or riser, presents a safety hazard.

The record is full of testimony that service lines can present serious safety hazards. Mr. Timothy Morbitzer, Vice President of ABC, admits excavation or a dig-in of a service line can cause a safety hazard.⁴⁰ Mr. Carter T. Funk, President of CKF Enterprises, an energy consulting firm, testified on behalf of USP and admitted leaking bare steel service lines can present a safety hazard.⁴¹ Mr. Ramsey testified that leaking service lines can cause catastrophic events that present a danger to not only the customer who owns the service line, but also neighbors.⁴²

Although Columbia does not have detailed records regarding service line leaks because service lines are the customers' property, it is possible to make an analogy to company service lines that are comprised of bare steel and were installed at similar periods. In 2006, Columbia had 1,652 corrosion leaks on bare steel service lines of which 149 or approximately 9% were

³⁷ Tr. Vol. I at 19.

³⁸ *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. <http://dictionary.reference.com/browse/naturalgas> (accessed December 28, 2007).

³⁹ Tr. Vol. I at 25.

⁴⁰ Tr. Vol. III at 26.

⁴¹ Tr. Vol. IV at 93.

⁴² Tr. Vol. I at 107.

Grade 1 hazardous leaks.⁴³ This does not even account for hazardous leaks that are the result of material failures or third party damages. Service lines can present a safety hazard and ownership of these lines is best addressed through uniform management where the operator, Columbia, is responsible for the maintenance, repair and replacement of hazardous leaks.

d. COLUMBIA WILL INSPECT ALL REPAIRS AND REPLACEMENTS IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS.

Columbia currently inspects each repair or replacement of a riser or service line conducted by an independent third party, such as a warranty company or independent plumber. However, under the IRP field supervisors will make daily field visits to inspect and observe employees' work. A second layer of inspections calls for Columbia service technicians to perform periodic quality assurance checks on contractor employees' work and a construction coordinator will monitor all contractors' work on a daily basis for service line repairs and replacements.⁴⁴ Lastly, Columbia will conduct a formal audit program to inspect work performed by its employees and contractors. This audit program will cover one-third of the operating locations in Ohio on an annual basis, including field inspection of employees' work.

USP and ABC assert that approval of the IRP will remove a level of safety because Columbia will not inspect every repair.⁴⁵ However, it is the current system of independent third party plumbers and warranty programs that effectuate repairs or replacements to service lines and risers that mandates Columbia inspect all work performed by those individuals. Mr. Phipps, Owner, Operator and President of Utility Solutions of Ohio, Inc., effectuates repairs and replacements of service lines for USP. Mr. Phipps testified that independent plumbers have a

⁴³ Columbia Exhibit 5 at 2.

⁴⁴ *Id.*

⁴⁵ USP Exhibit 5 at 2.

lack of motivation to do a quality and thorough job.⁴⁶ Approximately one-third of all independent plumbers take shortcuts.⁴⁷ More specifically, Mr. Phipps testified that

Columbia Gas pulls up and they test and check everything very thoroughly is what they do and so it's **immaterial** whether [the independent plumber] took a shortcut or not because [Columbia] checks everything that they do. I have been on both ends of that, and [Columbia is] very thorough about their checks. Their people are trained. (Vol. IV, page 106)

Some independent plumbers and warranty companies clearly believe that Columbia is responsible for ensuring that repairs or replacements are done in a safe and proper manner even if they, or another third party, performed the work.⁴⁸ Columbia bears this responsibility. This dichotomy leads Columbia to believe it has to inspect each and every job that is done by independent plumbers and warranty companies.⁴⁹

Uniformity through central management will allow Columbia to have better oversight, control and structure over the quality of work being performed on service line repairs and replacements. Managerial control under the IRP will enable Columbia to ensure repairs and replacements are performed at a standard of quality that exceeds that which exists today for the work done by private, unregulated entities. Currently, Columbia does not have managerial or contractual control over plumbers who are doing the repair or replacement work. Columbia is, therefore, not able to maintain heightened oversight, structure or control over these repairs and replacements even though Columbia is responsible for the safe operation and maintenance of service lines under the federal pipeline safety regulations.⁵⁰

⁴⁶ Tr. Vol. IV at 117.

⁴⁷ Tr. Vol. IV at 104.

⁴⁸ Tr. Vol. III at 9.

⁴⁹ Tr. Vol. IV at 58.

⁵⁰ Tr. Vol. I at 173.

Central management through Columbia for the repair and replacement of service lines is warranted as Columbia must comply with state and federal pipeline safety laws, as well as regulations issued by the United States Department of Transportation and the Commission. Such regulations and enforcement mechanisms provide customers with safety assurances, a guaranteed level of service and general protection for disputes, concerns and the like. However, warranty companies are not regulated by any state, municipal or county agency or commission, or the Ohio Department of Insurance.⁵¹ Warranty companies do not submit warranties to any regulatory authority, nor do they seek prior approval before taking any remedial action.⁵² Rather, Columbia enforces *its* responsibilities upon plumbers and warranty companies through policing efforts mandating that Columbia inspect repairs effectuated by these groups.⁵³ Ohio is one of the only states with predominantly customer-owned service lines and risers.⁵⁴ The conundrum becomes obvious when customers own service lines and unregulated and independent plumbers effectuate the repairs, but Columbia bears the responsibility for all safety concerns and adherence to federal and state regulations.

This is also the reason risers have become a tremendous state-wide safety concern – because some independent plumbers in some instances failed to apply the correct amount of torque to risers during installation.⁵⁵ This resulted in imperfect installations although the incorrect installations cannot be identified through inspection.⁵⁶ Management control of those individuals who perform repairs and replacements on Columbia's distribution system will

⁵¹ Tr. Vol. II at 165.

⁵² Tr. Vol. III at 29-30.

⁵³ Tr. Vol. III at 42.

⁵⁴ *In the Matter of the Investigation of the Installation, use and Performance of Natural Gas Service Risers Throughout the State of Ohio and Related Matters*, Case No. 05-463-GA-COI (A Report by the Staff of the Public Utilities Commission of Ohio at 13).

⁵⁵ *In the Matter of the Investigation of the Installation, use and Performance of Natural Gas Service Risers Throughout the State of Ohio and Related Matters*, Case No. 05-463-GA-COI (A Report by the Staff of the Public Utilities Commission of Ohio at 10 – 12).

⁵⁶ *Id.* (A Report by the Staff of the Public Utilities Commission of Ohio).

enhance its oversight, structure and control.⁵⁷ Even Mr. Phipps and Mr. Riley agree with this philosophy. Mr. Phipps testified that the ability to manage would serve as a deterrent to employees and contractors and would provide incentive to strive for quality work.⁵⁸ Mr. Riley also admitted central management of contracted plumbers and employees would ensure a uniform approach to the repair or replacement of service lines.⁵⁹

Columbia will not need to independently inspect each repair or replacement because of managerial control, but also because Columbia's employees are specifically trained and perform this work every day, often under more extenuating circumstances. Columbia employees currently perform repairs and replacements of company gas service lines without a mandatory subsequent independent inspection and without terminating gas flow. Columbia will use the same process it has always used in repairing and replacing company service lines as it will under the IRP to perform repairs and replacements for customer service lines, with the exception that gas will always be terminated for customer service lines during the repair or replacement. Importantly, all of Columbia's work is subject to the review and regulation of the Commission.

As Mr. Phipps noted, no reason exists to believe Columbia would not be thorough in performing its duties under the IRP.⁶⁰ Columbia will continue to conduct pressure tests and will continue to maintain a list of approved materials. Columbia will implement the audit program and conduct inspections of repairs and replacements. Columbia will grade all leaks in accordance with Rule 4901:1-16-04, Ohio Administrative Code, and Columbia's policies and procedures.⁶¹ Columbia will monitor non-hazardous leaks, or Grade 3 leaks, until they are repaired or there is no longer any indication of leakage. And, Columbia will continue to adhere

⁵⁷ Tr. Vol. I at 173.

⁵⁸ Tr. Vol. IV at 99.

⁵⁹ Tr. Vol. IV at 317.

⁶⁰ Tr. Vol. IV at 107.

⁶¹ Columbia Exhibit 5 at 1.

to the gas distribution industry standard, as prescribed the American Gas Association, for inspection of work performed by Columbia's employees and contractors.

e. THE CURRENT SYSTEM OF INSPECTIONS BY COLUMBIA OF INDEPENDENT PLUMBER REPAIRS AND REPLACEMENTS DOES NOT PROVIDE THE HIGHEST DEGREE OF CUSTOMER SAFETY.

To say nothing of the aforementioned cause of riser failures, Columbia inspections of independent plumber repairs and replacements does not promote the highest degree of customer safety. Typically when Columbia performs these inspections the independent plumber who performed the work is no longer present.⁶² The independent plumber must then leave documentation on the meter to demonstrate he or she is DOT OQ qualified. However, there have been numerous instances where a service line was repaired or replaced by a non-OQ qualified plumber who attempted to use another plumber's OQ qualified card.⁶³ This situation obviously raises serious safety concerns as to the quality of work performed. However, other not so obvious implications also exist.

If Columbia is able to discover that work was performed by a non-OQ qualified plumber, then Columbia has the obligation under federal and state law to reject the entire service line.⁶⁴ This situation results in the homeowner losing the money spent on the former repairs, not to mention the added expense of hiring a new plumber to redo the work *already performed*.⁶⁵ Under the IRP, Columbia will have the necessary managerial control over the plumbers who effectuate these repairs to ensure that they are DOT OQ qualified, thereby promoting a higher degree of customer safety.

⁶² Tr. Vol. II at 45.

⁶³ Tr. Vol. II at 101.

⁶⁴ Tr. Vol. II at 44.

⁶⁵ Tr. Vol. II at 93.

Another problem exists with relying on Columbia to inspect independent plumber repairs or replacements when the work is performed on a buried line. Repair methodologies allow for replacements to be performed by inserting a plastic pipe inside metal service lines, which does not require the plumber dig a trench.⁶⁶ Another possibility is if the plumber digs a ditch to effectuate a repair, it is not always open upon Columbia's inspection.⁶⁷ These examples demonstrate that the current system of inspections by Columbia of independent plumber repairs and replacements does not do everything possible to promote customer safety.

C. CUSTOMERS WILL BENEFIT SIGNIFICANTLY FROM THE COMMISSION APPROVING THE IRP.

All customers will realize significant benefits from the IRP as proposed by Columbia. Primarily, every customer will receive the benefit of Columbia assuming financial ownership of risers and service lines. Customers receive the benefit of having peace of mind that they will not have to incur unexpected and substantial repair bills.⁶⁸ Further, customers, who are often unfamiliar with the details of service line repair and replacement, will no longer need to make such decisions, or decisions regarding whom to hire to perform such work.

One of the greatest benefits of the IRP is the affordability for all customers, especially lower income customers who likely cannot afford the expensive repairs of risers and service lines or to participate in warranty programs. Certainly every customer (and every neighbor) deserves the ability to protect his or her family from safety hazards relating to risers and service lines. USP and ABC contend Columbia's Application socializes cost structure in which all customers contribute pro rata to the cost of maintaining service lines, but the benefit is discrete to individual

⁶⁶ Tr. Vol. II at 101-102.

⁶⁷ Tr. Vol. II at 46.

⁶⁸ Tr. Vol. II at 140.

customers while the costs are borne by all customers. As the Commission stated in its July 11

Entry:

The public at large has a vested interest in knowing that the gas system as a whole is safe – the friends' and neighbors' homes as well as their own ... members of the public need not be concerned that an individual customer has taken a risk that the rest of the public might choose not to bear.⁶⁹

The Commission wisely recognizes the vast safety impacts the IRP has on all customers equally.

It is noteworthy still that USP and ABC implement the exact same method of socialization across its customer base.⁷⁰ USP and ABC customers do not pay a different amount if they have metal service lines as compared to plastic service lines, even though metal service lines tend to leak at a much greater percentage. USP and ABC customers do not pay a different amount based on the length of customer service lines. USP and ABC customers do not pay different amounts if the service line is new or if customers experience few or more problems that require repair. And, to be sure, USP does not plan on changing this socialization structure if the IRP is not approved.⁷¹ It again becomes evident that the arguments of USP and ABC are based on their own economic interests, and not the need to protect the public safety.

If the responsibility for riser and service line repair were handled in the current system, many individuals could not afford \$500 to replace a riser prone to failure or \$1000 to repair a hazardous leaking service line. Fewer than 10% of Columbia's customers, or approximately 110,000 out of 1,400,000 customers, have warranty coverage from a company such as USP or ABC.⁷² 1,300,000 people do not participate in a warranty program and would make decisions,

⁶⁹ *In the Matter of the Application of Columbia Gas of Ohio Inc., for Approval of Tariffs to Recover, Through an Automatic Adjustment Clause, Costs Associated with the Establishment of an Infrastructure Replacement Program and for Approval of Certain Accounting Treatment*, Case No. 07-478-GA-UNC, Entry (July 11, 2007) at 6.

⁷⁰ Tr. Vol. II at 19-20; Tr. Vol. III at 129-131.

⁷¹ Tr. Vol. IV at 321.

⁷² Tr. Vol. IV at 123-124; ABC Gas Exhibit 3 at 4.

based on personal costs, about repairing or replacing a riser or service line that would impact the public at large. Worse yet, the small percentage of customers that are enrolled in a warranty program are not protected if they have a riser prone to failure that is not leaking.⁷³

The IRP presents a solution for the public at large, and does so without significant cost to customers. Central management will lead to economies of scale and will provide a ceiling to inflated repair costs due to an extraordinary demand. The IRP places a priority on customer safety for *all customers* without consideration of economic status. Warranty programs such as USP charge \$3.46 per month for coverage.⁷⁴ Under the IRP, customers will only pay \$.05 per month⁷⁵ in the first year for Columbia's financial assumption of service lines and \$0.45 per month for risers.⁷⁶

The IRP is not only more cost efficient, but it also provides for greater coverage of repairs to risers and service lines than those provided by warranty programs. Warranty programs only protect customers against normal wear and tear.⁷⁷ Warranty programs do not offer protection against dig-ins, third party damage, acts of god, insurable events, or hazardous situations where leaks do not actually exist.⁷⁸ And, as noted above, neither ABC nor USP will replace or repair a non-leaking riser even though grave safety concerns exist around all risers prone to failure.⁷⁹

Customers will also no longer need to make four phone calls to achieve the repair or replacement of a riser or service line.⁸⁰ Under the IRP, customers will experience the benefit of only having to make a single phone call to Columbia to answer any questions or concerns or to

⁷³ Tr. Vol. III at 16.

⁷⁴ Tr. Vol. II at 156.

⁷⁵ Columbia Exhibit 6 at 2.

⁷⁶ Columbia Exhibit 2 at Attachment LWM-3, Schedule 1.

⁷⁷ Tr. Vol. II at 174; Tr. Vol. III at 16.

⁷⁸ Tr. Vol. II at 173-174 and 177.

⁷⁹ Tr. Vol. II at 178; Tr. Vol. III at 16; Tr. Vol. IV at 131-132.

⁸⁰ Tr. Vol. II at 138-140.

schedule a repair or replacement of risers or service lines. A single point of contact removes unnecessary delay and results in a more efficient process to effectuate repairs or replacements.⁸¹

Commission approval of Columbia's Application will enable Columbia to provide natural gas services to its customers in the safest manner possible *and* customers will benefit significantly in terms of safety, convenience and affordability.

D. IN THE ALTERNATIVE, COLUMBIA REQUESTS APPROVAL OF THE AMENDED STIPULATION AND RECOMMENDATION.

On October 26, 2007, Columbia and Staff filed a joint Stipulation and Recommendation. On December 20, 2007, OPAE filed a letter notifying the Commission that it agreed to the Stipulation as a signatory party. On December 28, 2007, Columbia, Staff, the OCC and OPAE filed an Amended Stipulation and Recommendation ("Stipulation"). The Stipulation represents a just and reasonable resolution of all issues in this proceeding; violates no regulatory principle or precedent; and is the product of lengthy, serious bargaining among knowledgeable and capable parties in a cooperative process undertaken by the Parties to settle this case. While this Stipulation is not binding on the Commission, it is entitled to careful consideration by the Commission, where, as here, it is sponsored by Parties representing a wide range of interests, including Staff, Columbia, the OCC and OPAE.

The Signatory Parties have reached agreement on: (a) the establishment of Columbia's authority to assume responsibility for the repair or replacement of hazardous customer-owned service lines; (b) the establishment of accounting to be utilized by Columbia for investment related to the replacement of customer-owned risers and repair or replacement of hazardous customer owned service lines; and, (c) the establishment of a process to be used for recovery of IRP costs. The Stipulation includes language that addresses those instances where the effective

⁸¹ Tr. Vol. II at 176.

date of the IRP Rider is delayed by the Commission for any reason. The process identified in the Stipulation provides for establishment of an expedited hearing process in order to effectuate, to the extent practicable, the implementation of the IRP Rider by May 1 or the first billing cycle of the revenue month following the Commission's decision. Columbia believes this change to be in the best interest of all parties because it recognizes that in some cases all parties will not be able to reach agreement and that expedited hearings will be the best solution in the determination of the appropriate IRP rate.⁸²

Columbia's Application provided for the assumption of financial responsibility for the repair and replacement of all leaks on customer-owned service lines. The Stipulation, however, provides for Columbia's assumption of financial responsibility for only the repair and replacement of service lines where a leak or condition is determined by Columbia to be a "Hazardous Customer Service Line Leak" as defined in Columbia's proposed tariff Sheet No. 6a, as attached to the Stipulation.⁸³ This approach is consistent with the statement by Counsel for USP in opening statements that "[I]f there is a hazardous condition, the operator, regardless of ownership, the operator has the authority to – in fact, has the obligation to inspect for hazardous conditions and repair them".⁸⁴ Customers will have the option of contacting a DOT OQ plumber to perform work on a non-hazardous service line. However, it will not be necessary for customers to take corrective action because Columbia will monitor non-hazardous leaks until they are repaired or there is no longer any indication of leakage.⁸⁵

The Stipulation also requires Columbia to submit a Riser Material Plan ("RMP") to all Signatory Parties by February 1, 2008. The RMP will summarize the riser materials Columbia

⁸² Columbia Exhibit 10 at 3.

⁸³ Columbia Exhibit 8 at 2-3.

⁸⁴ Tr. Vol. I at 11.

⁸⁵ Columbia Exhibit 5 at 2.

will use in its riser replacement program under the IRP and its rationale for that decision. Any signatory party, or party already granted intervention by the Commission in the 07-478-GA-UNC docket, may file an objection relating to the costs or materials selected by Columbia as part of the RMP, on or before February 15, 2008.

This Stipulation is a compromise involving a balance of competing positions. It promotes foremost customer safety, but will also ensure ratepayers' costs are minimized without sacrificing material reliability and operational flexibility. Columbia urges the Commission to protect customer safety and continue to recognize that safety hazards presented by risers prone to failure and hazardous service lines are a system-wide issue best handled by transferring the responsibility to Columbia on a system-wide basis.

V. CONCLUSION

The Commission, Staff, Columbia, the OCC, OPAE, and all other Intervenors in various statements, have recognized the tremendous public safety issues related to potential riser failures and hazardous leaks in service lines. Customer ownership of service lines and risers presents an obvious predicament because customers have the responsibility under federal and state pipeline safety regulations to maintain service lines and risers; unregulated, independent plumbers effectuate the repairs; yet Columbia bears the responsibility for all safety inspection, safety issues and adherence to federal and state regulations. Ohio's natural gas consumers face an unusual and burdensome situation where customer-ownership dictates repairs and replacements for risers prone to failure and hazardous service line leaks must be borne by the customer. Under the IRP, central management will enable Columbia to provide its customers with better oversight, control and structure over repairs and replacements of service lines and repairs. The

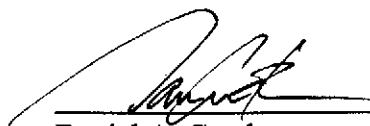
IRP will also enable Columbia to provide all customers, regardless of economic status, with a safe, uniform and affordable system for all repairs and replacements of service lines and risers.

These benefits to customers are significant and will undoubtedly provide a safer and more affordable natural gas distribution system for Columbia's customers. ABC and USP will assert differently of course, but the Commission does not have to take Columbia's word alone. It must first recognize that Staff, the OCC and OPAE, representing different viewpoints and diverse interests, have signed the Stipulation. The Commission must then consider voluntary correspondence from the Ohio Council of Urban League, the Ohio Conference of NAACP, the North Coast Building Industry Association, and Columbia Customers, Ms. Susan Barton-Nonno, Mr. Scott Chamberlin, Mr. Jason Smith. *All* of these organizations and individuals believe Columbia's Application is fair; protects communities; provides affordable repair coverage to customers who do not have the resources to repair risers and service lines; and eliminate growing confusion and concerns about ownership, responsibility, and liability for future repair costs. These concerns and contentions best represent Columbia's intent in proposing the IRP. Customers should expect its LDC to provide natural gas services in the safest and most affordable manner.

For the reasons discussed herein, Columbia's Application for Approval of Tariffs to Recover Through an Automatic Adjustment Clause Costs Associated with the Establishment of an Infrastructure Replacement Program and for Approval of Certain Accounting Treatment should be granted.

Respectfully submitted,

COLUMBIA GAS OF OHIO, INC.



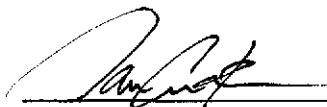
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Post-Hearing Brief of Columbia Gas of Ohio, Inc. was served upon all parties of record by electronic mail this 31st day of December 2007.



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