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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

MARK SVINKIN,

Complainant,

v. **Case No. 09-272-GA-CSS**

THE DOMINION EAST OHIO COMPANY d/b/a DOMINION EAST OHIO,

Respondent.

COMPLAINTANT RESPONSE TO THE DEO's ANSWER

ANSWER

1. Mark Svinkin ("Complainant"), for his Response to the Answer of Respondent Dominion East Ohio ("DEO").

FIRST DEFFENSE

2. *Admit that Complainant filed a complaint against DEO in Case No. 08-639-GA-CSS. DEO further avers that the parties settled their claims in that litigation and that the case was dismissed with prejudice by entry dated November 5, 2008.*
Response. Before filing the second complaint, Complainant called the Legal Department of The Public Utilities Commission of Ohio ("PUCO") and explained that DEO failed to prove the accuracy of gas meters in the limits approved by PUCO. Complainant was suggested to file a new complaint.

3. *Denies it was "absolutely necessary" to test Complainant's meter ("Meter One") based on Complainant's December 2008 gas bill.*
Response. There is no basis for this denial. Complainant received a bill from DEO in amount of $312.92 for heating of two bedroom apartment in December 2008. Complainant has never received such an outrageous monthly gas bill. Obviously, anybody who received similar senseless gas bill would require testing the meter. Beside, according to the DEO rules, any DEO customer has the right to ask DEO to perform meter testing.

4. *Admit that DEO performed a test of Meter One on February 6, 2009. DEO further avers that Charles Resnik coordinated the testing of this meter on behalf of DEO, and that Complainant was present for this test.*
Response. It is true.

5. *Denies Complainant's interpretation of the results of the Meter One test. DEO further avers that the 0.8, 0.6 and 0.6 readings reflect the percent variation of this meter as compared to the baseline amount measured by the SNAP Sonic Nozzle testing device, not the actual CF measured through the meter. DEO further avers that for this meter test, a base line*

of 0.5 CF was established using the SNAP Sonic Nozzle. Therefore, the 0.8, 0.6, and 0.6 readings reflect that the Meter One measurement varied from the baseline by 0.004 CF (0.8% from 0.5 CF), 0.003 CF (0.6% from 0.5 CF) and 0.003 CF (0.6% from 0.5 CF), respectively. DEO further avers that the 0.8% and 0.6% variability is well within the 3% variability standard established in R.C. 4933.09. DEO further avers that even though Meter One tested within these standards, Complaint was not required to pay a $40 testing fee.

Response. Because DEO failed to prove the accuracy of gas meters in limits approved by PUCO, Complainant addressed the questions and discussed the problems of gas meter testing with the following people from Elster American Meter or American Meter Company (AMC is another name of the same company): Mr. Bruce Barnet, Vice-President; Mr. Russ Schrey, Sales for DEO; Ms. Linda Thompson, Customer Service Department; Mr. Gregory A. Germ, SNAP and Metrology Manager; and Mr. Scott Lohmann, Application Engineer.

Complainant has learned the following.

First.

The following standard is used for gas meter testing: **ANSI B109.1** – '92 Diaphragm-Type Gas Displacement Meters (under 500 cubic ft. per hr.).

Second.

The accuracy of a gas meter is computed using the Ideal Gas Laws:

$(P * V) / T = (P * V) / T$

In the case of testing a gas meter across a SNAP sonic nozzle prover, the following equation is used:

$\%\ \text{accuracy meter} = (Vm / Vn) * (Pm / Pn) * (Tn / Tm) * (Tm / Tbase)$

NOTE - the last calculation is used only for temperature-compensated gas meters (the meter used for a Complainant apartment is probably a temperature-compensated meter). For TC gas meters, the last calculation is used to correct and standardize the meter accuracy results to a base condition of 60 deg F - a common compensation correction factor used by gas utilities, since the meter operates under a wide range of temperatures in northern climates (0 to 100 deg F).

Vm = meter volume, gated by the SNAP Prover using the magnetic sensor or an optic index sensor (see the Technical Bulletin I sent to you a couple of months ago)

$Vn = \text{nozzle volume} = (t / Ts) * Fg * Fc * Fa * Fre * Fz$

where,

t = test time, seconds

Ts = nozzle calibration constant (sec / cft)

Fg = specific gravity factor, function of Relative Humidity, temperature, pressure

Fc = critical flow factor (specific heat ratios)

Fa = area expansion factor, function of temperature

Fre = discharge coefficient factor, function of Reynolds Number

Fz = compressibility factor, function of pressure and temperature

Pm = meter pressure (absolute)

Pn = nozzle pressure (absolute)

Tn = nozzle temperature (absolute)

Tm = meter temperature (absolute)

Third.

The SNAP Prover is the device used to test gas meters - there are over 500 SNAP Provers in service at gas utilities across North America and Europe.

While a meter is under test, the **SNAP Prover screen displays the following**: open rate, open rate result **(in % proof, accuracy, or error)**, check rate, check rate result **(in % proof, accuracy or error)**, meter type under test, TC or non-TC mode, meter temperature, and nozzle inlet temperature. In addition two graphs appear after the open and check rate tests -

wave form of the SNAP Prover magnetic sensor voltage and the meter differential pressure. At the request of the customer, information displayed on the monitor during a meter test can be altered.

The SNAP Prover screens are as follows:

- Employee number - log in screen
- Default parameters - meter input screen
- Select Meter Type file - test meter file information
- Proof (test) screen
- Repair code selection screen
- Supervisor only - Special Functions screens, including data download, sensor calibration, local diagnostics, and configuration file settings / change screens.

Forth.

"Open rate" is defined as the gas meter's maximum capacity flow rate, or the flow rate at which the gas meter has a 1/2 inch WC differential pressure across in (from inlet to outlet). Normal residential gas meters have open rates between 200 - 250 cfh (cubic feet per hour) natural gas.

"Check rate" is defined as a normal, or average, operating flow rate of the meter (normal use, that is). The check rate test requirements vary from state to state (usually defined by state public service commissions) - but are normally 20% - 30% of the gas meter's "open rate". For example, a residential gas meter with a badged rated capacity (open rate) of 250 cfh would be tested at a check rate anywhere between 50 - 75 cfh.

Fifth.

A base line of 0.5 CF is not appropriate volume for gas meter testing using the SNAP Sonic Nozzle.

Sixth.

For a meter under test, the SNAP Prover provides check rate result in % proof, accuracy or error depending on the company requirements. DEO requires the check rate result in % error.

All required information about meter testing is available on the SNAP Prover screen. There is no necessity of additional calculations. Therefore, calculations submitted by DEO have no sense. DEO knows that for sure. For example, AMC tested Meter Two using the SNAP Prover, and DEO did not suggest any additional calculations.

Sixth.

The DEO problem is that the DEO team, which provides gas meter testing, has insufficient knowledge and experience of working with the SNAP Prover.

Complainant expects to receive addition data which will be brought to your attention at the Settlement Conference on May 14, 2009. However, it is necessary to underline that DEO makes obstacles to obtain information from AMC. It seems that such DEO actions are illegal.

Complainant is thankful to be not required to pay a $40 testing fee. However, such fees are not required when meter testing failed.

6. *Denies that Mr. Resnik agreed with Complainant's interpretation of the Meter One test or with "obtained outcomes" according to Complainant.*

Response. It is untrue. Mr. Resnik and Complainant had the same opinion regarding the results of meter testing at the time of testing on February 6, 2009 and in their phone conversation on February 9, 2009. See Attachments 1 and 2 to the complaint. Complainant can imagine what influence was exerted to force Mr. Resnik to change his opinion.

7. Denies that the letter received by Complainant from DEO dated February 7, 2009 was prepared in advance of the meter testing that occurred on February 6, 2009. DEO further denies that this letter is "fraudulent."

Response. Respondent could not refute the Complainant's arguments and made the untrue statement.

8. *Admits that Complainant and Mr. Resnik had a phone conversation on February 9, 2009.*

Response. It is true.

9. *Denies that the calculations performed by Mr. Resnik, which are reflected in his February 10, 2009 email, were "inconsistent and groundless." DEO further avers that all attachments to Complainant's Complaint speak for themselves, and DEO denies all characterizations of those attachments by Complainant.*

Response. Complainant wrote in his complaint, "The meter readings are the basis for DEO to charge customers for the gas expenditure. DEO failed to prove the accuracy of gas meters in the limits approved by PUCO. Therefore, DEO has to submit information about the source of its calculations and prove the connection of its calculations with SNAP TechData". DEO failed to support Mr. Resnik calculations because these calculations have nothing to do with SNAP Prover testing which provides complete results in % proof, accuracy or error (see Response to item 5).

10. *Admit the importance of accurate meter reading and testing. DEO further states that Meter One is accurate within the 3% variability standard established in R.C. 4933.09.*

Response. Nothing was done by Respondent to prove this statement. It is strange that Respondent does not know that DEO requires from AMC the result in % error, not in % accuracy. It is a shame.

11. *Denies that DEO "failed to test" Meter One and that DEO "could not prove the accuracy of this meter.*

Response. These are only words without any proof.

12. *Denies that Complainant's "comparative analysis" of meter measurements from December 2008 through January 2009 and January 2009 through February 2009 is valid for purpose of determining the percent variability of Meter One. DEO further avers that Complainant's analysis, if anything, shows only that his average daily usage declined by 12% during those time periods. This calculation says nothing about the variability of Meter One, which as described above is within 3% variability standard established in R.C. 4933.09.*

Response. This is a wrong statement because the average daily usage did not decline by 12% during those time periods. This is convenient for DEO but contradictory to the facts.

13. *Admits that DEO installed a new meter at Complainant's premise ("Meter Two") on or about January 29, 2009.*

Response. It is true.

14. *Admits that "Meter Two" must be accurate within the 3% variability standard established in R.C. 4933.09.*

Response. DEO failed to submit the results of "Meter Two" testing performed by AMC.

15. *Admits that DEO and/or its representatives forwarded to Complainant documentation establishing that the variability of Meter Two is within the 3% variability standard established in R.C. 4933.09.*

Response. It is not true. Complainant has to repeat a part of his complaint regarding Meter Two.

"A new meter was installed for the gas line of our apartment on January 29, 2009. This meter has to be accompanied with the documents which have to prove the meter accuracy. In our conversations, Mrs. Edwards from DEO promised few times to send me the documents for the new meter, but I did not receive that. I informed Mr. G. Garber, and he sent me such a "document" as an attachment to his email (Attachment 5). This "document" is only a printout of the monitor screen picture of DEO software. Additionally, Mr. G. Garber notified me that the new meter was tested on August 11, 2008 by American Meter Corporation before it was shipped to DEO. However, Mr. G. Garber denied my request to send me the document issued by American Meter Corporation. Mr. Garber wrote, "Mr. Svinkin, Unless otherwise required by statute or by the Commission, we will handle this and any

further requests for documents or information through discovery in the formal complaint process (*e.g.*, requests for production, interrogatories, etc.)."

DEO failed to submit the results of "Meter Two" testing performed by AMC. It seems that DEO violated the customer rights. Complainant had to spend much effort and time to contact various people from AMC (see Response to item 5) in order to obtain a PDF file of Gas Meter Test Record (attached).

16. *Denies generally any allegation not specifically admitted or denied herein, pursuant to Rule 4901-9-01(D), Ohio Administrative Code.*

Response. When DEO cannot refute Complainant's arguments, DEO denies everything.

SECOND DEFENCE

17. *The Complaint fails to set forth reasonable grounds for complaint.*

Response. It is not true. DEO did not explain its statement.

THIRD DEFENSE

18. *DEO at all times complied with Title 49, Ohio Revised Code, specifically R.C. §4933.09; the rules, regulations, and orders of the Commission; and DEO's tariff. These statutes, rules, regulations, and tariff provisions bar Complainant's claims.*

Response. If it is true, why people complain against DEO? If utility company provides good services, people do not complain. For example, Complainant has never complained on the Illuminating Company which supplies electric power to his apartment.

It is understandable that the DEO's and Complainant's opinions could be different. Nevertheless, Complainant expected a professional response from Respondent. Unfortunately, the ANSWER contains numerous inconsistent and false statements, denies obvious facts, and repeatedly uses the same formal wording. The ANSWER could not refute the Complainant's claims and arguments.

Respectfully submitted, May 01, 2009

Mark Svinkin

AMERICAN METER COMPANY

GAS METER TEST RECORD

Date: 04/22/2009

Sold To Name: DOMINION RESOURCES SERVICES
Qty Ordered: 2,870

SOLD TO ID: 1100756
SALES ORDER NO: 2100255
SHOP ORDER NO: 2185708
PROOF TYPE: ERROR

SERIES ID:	Type:	Drive:	Remote Rdr:	Top:	Index:
AC250	TC	2FT	ENSCAN	0.75	04972G039

MFG Badge No	SOLD TO BADGE NO	REMOTE READER NO	OPEN	CHECK
	3294496502	1254722708	-0.2	-0.3
	3294496503	1254722505	0.1	0.0
	3294496504	1254722438	-0.2	0.0
	3294496505	1254718213	-0.2	0.0
	3294496506	1254718242	-0.2	-0.2
	3294496507	1254722709	0.1	0.0
	3294496508	1254722514	-0.1	0.3
	3294496509	1254718229	0.2	0.3
	3294496510	1254718019	-0.3	-0.1
	3294496511	1254722420	-0.1	-0.1
	3294496512	1254722503	0.2	-0.1
	3294496513	1254722114	0.0	-0.2
	3294496514	1254722204	0.1	0.2
	3294496515	1254722712	-0.3	-0.1
	3294496516	1254722360	0.3	0.3
	3294496517	1254722423	0.0	0.1
	3294496518	1254718214	-0.2	-0.2
	3294496519	1254722434	-0.2	0.0
	3294496520	1254722096	-0.2	0.0
	3294496521	1254721615	0.1	-0.2
	3294496522	1254722403	-0.2	0.2
	3294496523	1254722710	0.1	0.3
	3294496524	1254721622	-0.1	0.0
	3294496525	1254721100	0.2	-0.1
	3294496526	1254722362	0.3	0.2