

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review of)
Chapter 4901:1-13 of the Ohio Administrative)
Code.) Case No. 09-326-GA-ORD

**REPLY COMMENTS OF COLUMBIA GAS OF OHIO, INC.,
TO THE INITIAL COMMENTS OF THE
OFFICE OF THE OHIO CONSUMERS' COUNSEL AND
OHIO STATE LEGAL SERVICES ASSOCIATION,
OHIO HOME BUILDERS ASSOCIATION, INC., AND OHIO GAS COMPANY.**

I. INTRODUCTION

By entry dated April 22, 2009, the Public Utilities Commission of Ohio ("Commission") proposed amendments to Chapter 4901:1-13, Ohio Admin. Code, pursuant to Section 119.032, Ohio Revised Code. The Commission's Entry allowed for any interested person or entity to file comments, in writing, by May 22, 2009 and reply comments by June 8, 2009. On May 22, 2009, Columbia Gas of Ohio, Inc. ("Columbia"), Ohio Home Builders Association, Inc. ("OHBA"), Ohio Gas Company ("OGC"), East Ohio Gas Company d/b/a Dominion East Ohio and Vectren Energy Delivery of Ohio, Inc. ("DEO"), and the Office of the Ohio Consumers' Counsel and Ohio State Legal Services Association ("OCC") filed initial comments pursuant to the Commission's Entry.

Columbia hereby offers and respectfully submits to the Commission its reply comments to the comments filed by all other interested parties to this proceeding.

II. REPLY COMMENTS

A. Ohio Home Builders Association, Inc.

Rule 4901:1-13-05(A)(2)

The OHBA requests that the Commission establish parameters around main line extensions, including that the company provides the applicant with an itemized cost estimate and written explanation if a line extension is not cost justified at the company's expense. Further, the OHBA requests that the Commission require utilities to complete main line extensions within thirty business days after the company has received an estimate and notification that the service location is ready for service.

The OHBA admits that Rule 4901:1-13-05(A)(2)(b), Ohio Admin. Code, specifically states that it does not apply to main line extensions. Rather this Rule provides for adequate and reasonable parameters for residential and small commercial customers placing requests for new service that require installation of main line extensions. Here, the company shall contact the customer within thirty days with an estimate of the cost of the main line extension and amount of deposit, if any, and shall provide an estimated date to complete the main line extension. The OHBA states that the Commission should establish reasonable parameters around main line extensions, but fails to address how the current language of Rule 4901:1-13-05(A)(2)(b), Ohio Admin. Code, is unreasonable. The OHBA does not cite to particular scenarios that warrant its proposals; it has merely stated that local distribution companies are given discretion to determine the costs of their business.

Moreover, an itemized cost estimate is competitively sensitive and proprietary information belonging to Columbia that constitutes a trade secret pursuant to § 1333.61, Ohio Rev.

Code.¹ Requiring Columbia to release itemized cost information would provide competitors, which are not subject to Chapter 4901:1-13 of the Ohio Admin. Code, such as natural gas cooperatives, with an unfair advantage. Under this scenario, natural gas cooperatives would have access to proprietary company information that details its itemized costs yet the natural gas cooperatives would be exempt from the same requirement. Accordingly, Columbia believes the enactment of the OHBA's proposal would then require the Commission to exert jurisdiction over such non-regulated entities like natural gas cooperatives to create non-discriminatory competition.

Columbia, therefore, respectfully requests that the Commission reject the proposals set forth by the OHBA.

B. Ohio Gas Company

Rule 4901:1-13-12(D)(4): Customer-Specific Information Request by Commission or Staff

Columbia Gas supports the comments filed by the Ohio Gas Company regarding this rule and reiterates that the Commission should exclude the proposed subsection (D)(4) as the language is unnecessary and redundant. Subsection (D)(4) states that nothing in this rule prohibits the Commission and its staff to access customer specific information. However, this provision is unnecessary as written – the Commission can simply call a company and request information or access to customer specific information whenever necessary. Because there is no reason to reiterate this fact in subsection (D)(4), Columbia asks the Commission to reject the inclusion of this unnecessary clause.

¹ See Rules 4901-1-27(B)(7)(e) and 4901-1-24(A)(7), Ohio Admin. Code.

C. Office of the Ohio Consumers' Counsel & Ohio State Legal Services Association

1. 4901:1-13-04(D) Meter Testing

- a. Testing customer meters every three years without charge adds a greater expense to the customer's bill and is typically unnecessary because meters run accurately.**

Columbia prides itself for providing quality customer service and meters for its customers. Columbia recognizes the need to ensure customers are billed accurately for their utility use. However, Columbia does not agree with the OCC's proposed complimentary testing meters at the request of a customer on a three year basis, without the test's cost attributable to the customer.² Such a requirement would create an unnecessary and burdensome expense, including providing additional personnel and testing equipment for the meters. This expense would be borne by the customers through an increase in the cost of gas service. Such increases should not be hastily implemented without a showing of need to implement them.

OCC does not provide any evidence to suggest a majority of customer's gas meters do not run accurately or have fallen outside the Commission's allowed range of error. To date, Columbia tested 47,938 meters removed from customer property in 2008. Of those removed meters, only 1.07% ran faster than permitted by the range of error of +/- 3% permitted by Columbia's tariff.³ Moreover, 97.7% of the tested meters ran within the Commission approved range and 1.26% ran slower than Columbia's tariff defined range. As the statistics show, an overwhelming majority of Columbia's meters run accurately. OCC's proposed complimentary testing of meters at a customer's request is not warranted. Therefore, Columbia respectfully requests that the Commission deny OCC's changes to O.A.C. 4901:1-13-04(D).

² *In the Matter of the Commission's Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers' Counsel and Ohio State Legal Services Association (May 22, 2009) at 7-9.

³ *Rules and Regulations of Columbia Gas of Ohio, Inc.*, P.U.C.O. No. 2, Third Revised Sheet No. 5, Section II (1).

b. Charging 1.5% interest upon customer overcharges is permissible if the reverse is also permitted.

OCC recommends, though it was not included in OCC's mark up language of Rule 4901:1-13-04(D), Ohio Admin. Code, for the Commission to require utilities to pay 1.5% interest upon customers' overcharged amounts.⁴ OCC justifies the required payment of 1.5% interest because the utility receives the benefits from the additional revenue but does not have a duty to pay customers for the use of their money.⁵ OCC's rationale, however, fails to acknowledge the customer's choice to apply the money towards the customer's next utility bill. If the customer chooses to apply the amount to their account, the customer is, in essence, paying forward on his/her account, and the utility is no longer receiving the benefit of a the use of revenues from a customer. Moreover, if the Commission accepts the OCC's recommendation, the Commission should also permit utilities to collect a 1.5% interest on undercharged amounts for customer bills, because the utility would similarly be providing funds to customers who were receiving the benefit of utility service without paying for those services. Therefore, Columbia respectfully requests that the Commission reject OCC's recommendation to require utilities to pay interest upon overcharges.

2. 4901:1-13-04(G) Meter Reading

a. Automatic Meter Reading Device requirements should be addressed in individual tariff proceedings.

OCC recommends that each utility installing automatic meter reading devices ("AMR") should be required to develop implementation plans to establish when monthly meter reading

⁴ *In the Matter of the Commission's Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers' Counsel and Ohio State Legal Services Association (May 22, 2009) at 8.

⁵ *Id.*

should be begin.⁶ OCC further suggests that monthly meter readings should begin when AMR installation reaches a significant percentage within a specific geographic location.⁷ Initially, Columbia is currently installing AMRs within its service area, in accordance with the Commission-approved Joint Stipulation and Recommendation in Case No. 08-0072-GA-AIR.⁸ According to the Joint Stipulation, Columbia agreed to install, over a five-year period, AMRs on all residential and commercial meters served by Columbia.⁹ The funding for the AMR program was included in Columbia's Infrastructure Replacement Program Rider,¹⁰ Approved by Commission Order dated December 3, 2008.¹¹ Columbia believes that utility tariff proceedings are the appropriate forum to address specific AMR program requirements, including the development of implementation plans. Moreover, as an intervenor in Case No. 08-0072-GA-AIR, OCC was provided and took advantage of the opportunity to address its concerns with AMR implementation.¹² Therefore, Columbia respectfully requests that the Commission reject OCC's recommendation to require utilities in this proceeding to develop an AMR implementation plan.

b. Meter reading plans should be reviewed and approved solely by the Commission which possesses statutory authority to regulate utilities.

Currently, utilities are required to submit to the Director of the Commission's Service Monitoring and Enforcement Department meter reading plans to read customer meters at least once every twelve months.¹³ OCC recommends that these plans instead be publicly filed with the

⁶ *Id.* at 10-11, 13.

⁷ *Id.*

⁸ *In the Matter of the Application of Columbia Gas of Ohio, Inc. for Authority to Amend Filed Tariffs to Increase the Rates and Charges for Gas Distribution Service*, PUC Case No. 08-0072-GA-AIR, Joint Stipulation and Recommendation (October 24, 2008) at 8-11.

⁹ *Id.* at 8.

¹⁰ *Id.*

¹¹ *In the Matter of the Application of Columbia Gas of Ohio, Inc. for Authority to Amend Filed Tariffs to Increase the Rates and Charges for Gas Distribution Service*, PUC Case No. 08-0072-GA-AIR, Opinion and Order (December 3, 2008) at 8, 14.

¹² *In the Matter of the Application of Columbia Gas of Ohio, Inc. for Authority to Amend Filed Tariffs to Increase the Rates and Charges for Gas Distribution Service*, PUC Case No. 08-0072-GA-AIR, Entry (August 28, 2008).

¹³ Ohio Admin. Code 4901:1-13-04(G)(1)(a).

Commission and subject to public comment.¹⁴ OCC states that the current rules “deny the public necessary information and opportunities for sharing input in ways the plans can be improved.”¹⁵

Contrary to OCC’s concern, the public may request the plans from the Commission by submitting a request for information to the Service Monitoring and Enforcement Department. Moreover, the public and OCC, are not the regulators of utility meter reading plans. The Commission and the Commission’s Service Monitoring and Enforcement Department, regulate and ensure public utilities’ meter reading plans meet the requirements of pertinent regulations. Finally, if OCC and the public have additional comments for improvement, they may submit their suggestions to the Commission’s Service Monitoring and Enforcement Department to be considered by the Director when he/she reviews each utility’s meter reading plan. Therefore, Columbia respectfully requests that Commission reject OCC’s recommendation requiring utilities to docket their meter reading plans.

c. Meter reading plans should not include specific provisions providing for additional readings on nights and weekends which would increase customer gas service costs.

OCC recommends utilities expressly provide for night and weekend meter reading services in their meter reading plans filed with the Director of the Service Monitoring and Enforcement Department.¹⁶ OCC believes its proposed change is rational because customers may be more accessible during evenings and weekends.¹⁷ However, OCC fails to recognize that such increased customer services are costly to the ratepayer and unnecessary. Ratepayers would be required to compensate for the more costly overtime wages for utility workers. Ratepayers would also be required to compensate utilities to increase staffing to cover the additional hours to pro-

¹⁴ *In the Matter of the Commission’s Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers’ Counsel and Ohio State Legal Services Association (May 22, 2009) at 11.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

vide meter reading services. Therefore, Columbia respectfully requests that Commission reject OCC's recommendation for meter reading plans to include language providing for meter reads during evenings and weekends.

- d. Utility adherence to Commission-approved meter reading plans, in compliance with Rule 4901:1-13-04, Ohio Admin. Code, should create a rebuttable presumption in complaint proceedings alleging a utility failure to read a meter within a twelve-month period.**

Commission Staff recommended in the current rule revisions, the creation of a rebuttable presumption that if the utility adheres to its approved meter reading plan, the failure of utility to read the meter was outside of the utility's control.¹⁸ OCC recommends the deletion of both the rebuttable presumption recommended by Staff, and the current rule language providing that if a utility adheres to its Commission approved meter reading plan, the utility will be considered compliant with the requirement to read meters at least once every twelve months.¹⁹

The Director of the Service Monitoring and Enforcement Department ("Director") reviews each utility's meter reading plans for their compliance with the Rule 4901:1-13-04(G)(a), Ohio Admin. Code, which requires that each meter be read at least once every twelve months.²⁰ Moreover, the rebuttable presumption arises only in a complaint proceeding alleging the utility failed to read the customer's meter at least once in a twelve-month period.²¹ Therefore, if a utility is compliant with its approved meter reading plan, it is complying with the annual meter reading requirement, and therefore a rebuttable presumption should arise. OCC is attempting to devalue

¹⁸ *In the Matter of the Commission's Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Entry (April 22, 2009) at 8.

¹⁹ *In the Matter of the Commission's Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers' Counsel and Ohio State Legal Services Association (May 22, 2009) at 11, 14.

²⁰ *In the Matter of the Commission's Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Entry (April 22, 2009) at 7.

²¹ *Id* at 8.

and disregard the Commission's delegated authority to the Director to review and certify meter reading plans as compliant with Rule 4901:1-13-04(G)(1), Ohio Admin. Code.

Therefore, Columbia respectfully requests that the Commission deny OCC's proposed deletion of Rule 4901:1-13-04(G)(1)(c), Ohio Admin. Code.

e. The current Commission regulations regarding Customers' requests for actual meter readings should remain unchanged.

Current Rule 4901:1-13-04(G)(4), Ohio Admin. Code, allows a customer to request two actual meter readings, without charge, per calendar year and if the customer's usage has been estimated for more than two immediately preceding billing cycles or if the customer has reasonable grounds to believe that the meter is malfunctioning. OCC requests that the limitations on customer requests for actual meter readings should be removed from the rule, since customers should be able to request meter reads to confirm that a previous read was performed correctly.²² OCC neither addresses nor cites any current problems with meters reading inaccurately.²³ Moreover, OCC fails to consider the current implementation of AMRs by some utilities, including Columbia. Because the automatic meter reading system will diminish the need for actual meter readings by utility personnel and because of the lack of evidence supporting OCC's proposal, there is no need to change the current rule. Therefore, Columbia respectfully requests that Commission reject OCC's deletion of second sentence of Rule 4901:1-13-04(G)(4), Ohio Admin. Code.

f. The current requirement for utilities to provide actual meter readings before initiating or terminating service, if the meter has not been read in seventy days, should remain.

Currently, Rule 4901:1-13-04(G)(5), Ohio Admin. Code, requires a utility to actually read customer meters when initiating or terminating service when the meter has not been read for

²² *Id.* at 12.

²³ *See infra* Columbia's comments 4901:1-13-04(D).

the preceding seventy days. The seventy day requirement originated from the most recent amendment to the Minimum Gas Service standards in Case No. 05-602-GA-ORD. In that case, Columbia proposed that the Commission extend the rule's sixty day limit to seventy days to accommodate for Columbia's billing cycles which vary in length from twenty-eight to thirty-five days.²⁴ The Commission, agreeing with Columbia, held that the seventy days was a reasonable amount of time, and increased the amount of time between meter readings to seventy days within the adopted Chapter 4901:1-13, Ohio Admin. Code.²⁵

OCC recommends that the seventy day requirement should be lowered to seven days.²⁶ OCC fails to provide a rationale behind the recommended seven days, as opposed to another arbitrary number. Moreover, requiring an actual meter reading if one has not been performed in the preceding seven days would significantly increase costs, which would be borne by customers. Finally, the number selected by OCC fails to recognize the history of the Commission's finding that the seventy day limit reasonable. Therefore, Columbia respectfully requests that the Commission reject OCC's request to decrease the seventy day threshold for actual meter readings to seven days.

²⁴ *In the Matter of the Amendment to Chapter 4901:1-13, Ohio Administrative Code to Establish Minimum Gas Service Standards*, PUC Case No. 05-602-GA-ORD, Application for Rehearing of Columbia Gas of Ohio, Inc. (February 17, 2006) at 17.

²⁵ *In the Matter of the Amendment to Chapter 4901:1-13, Ohio Administrative Code to Establish Minimum Gas Service Standards*, PUC Case No. 05-602-GA-ORD, Entry on Rehearing (May 16, 2006) at ¶27; *In the Matter of the Amendment to Chapter 4901:1-13, Ohio Administrative Code to Establish Minimum Gas Service Standards*, PUC Case No. 05-602-GA-ORD, Fourth Entry on Rehearing (August 23, 2006) at 3.

²⁶ *In the Matter of the Commission's Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers' Counsel and Ohio State Legal Services Association (May 22, 2009) at 12-13.

- g. Utilities cannot require noncustomer landlords to bear costs incurred to obtain reasonable access to a tenant customer's meter.**

OCC recommends adding language to 4901:1-13-04(G)(8) that would require utilities to assess to landlords the costs incurred to obtain reasonable access to a meter on rental property.²⁷ OCC fails to recognize that utilities cannot demand and enforce payment of costs from a landlord with which it does not have a contractual relationship. Because no legal relationship exists between a noncustomer landlord, the utility has no ground to enforce payment of an obligation. Moreover, in many instances a utility does not know the identity of a customer's landlord for billing purposes. Therefore, Columbia respectfully requests that the Commission reject OCC's amended language requiring landlords to be billed for costs incurred to obtain reasonable access to their rental property meters.

3. 4901:1-13-05(A) Minimum Customer Service Levels

- a. Changes to the time frames for new customer installations under Rule 4901:1-13-05(A), Ohio Admin. Code, would result in the Commission encouraging customers to seasonally reconnect under Rule 4901:1-18-07, Ohio Admin. Code.**

The current Rule 4901:1-13-05(A), Ohio Admin. Code, allows new requests for service to be completed within five business days after the company has been notified. OCC requests to shorten the timeframe for service initiation from five days to two from November 1 through March 31.²⁸ OCC rationalizes its proposed change based on customers' dependency "upon natural gas for health, welfare and safety."²⁹ Aside from the winter months, OCC believes that all service requests should be completed within five business days, unless problems are outside the utility's control.³⁰

²⁷ *Id.* at 13.

²⁸ *Id.* at 17.

²⁹ *Id.*

³⁰ *Id.*

Not only is this another OCC proposal made without consideration of the significant costs it would impose, but OCC's requested change also would provide a way for customers to circumvent the Commission's newly adopted termination and reconnection of service rules in Case No. 08-723-AU-ORD. In Case No. 08-723-AU-ORD, the Commission chose to bifurcate customer reconnection treatment, dependent upon the length of time the customer's service had been disconnected.³¹ The Commission, in an effort to discourage seasonal reconnection and prevent a disadvantage to new applicants for service, believed it was "appropriate to maintain the distinction between customers that have had their utility service disconnected for a period more than 10 business days and those who have had their service disconnected for less than 10 business days."³² Under the newly adopted rules, customers, who had been disconnected from service for less than ten business days, would have service restored the next business day.³³ Customers, who had been disconnected from service more than ten business days, would be treated as a new customer and their service would be connected consistent with the timeframe prescribed by Rule 4901:1-13-05(A), Ohio Admin. Code, five days.³⁴

Therefore, by lessening the timeframe under Rule 4901:1-13-05(A), Ohio Admin. Code, specifically around the winter months, the Commission would be encouraging seasonal reconnection by delinquent customers. Moreover, if the Commission adopted the OCC's recommendation, it would be effectively undoing its newly adopted rules to differentiate the treatment between customers with disconnected service more than and less than ten days. Because Columbia

³¹ *In the Matter of the Commission's Review of Chapters 4901:1-17 and 4901:1-18, and Rules 4901:1-5-07, 4901:1-10-22, 4901:1-13-11, 4901:1-15-17, 4901:1-21-14, and 4901:1-29-12 of the Ohio Administrative Code*, PUC Case No. 08-723-AU-ORD, Entry on Rehearing (April 1, 2009) at 13-16.

³² *In the Matter of the Commission's Review of Chapters 4901:1-17 and 4901:1-18, and Rules 4901:1-5-07, 4901:1-10-22, 4901:1-13-11, 4901:1-15-17, 4901:1-21-14, and 4901:1-29-12 of the Ohio Administrative Code*, PUC Case No. 08-723-AU-ORD, Finding and Order (December 17, 2009) at 45.

³³ *In the Matter of the Commission's Review of Chapters 4901:1-17 and 4901:1-18, and Rules 4901:1-5-07, 4901:1-10-22, 4901:1-13-11, 4901:1-15-17, 4901:1-21-14, and 4901:1-29-12 of the Ohio Administrative Code*, PUC Case No. 08-723-AU-ORD, Entry on Rehearing (April 1, 2009) at Attachment Rule 4901:1-18-07, Ohio Admin. Code.

³⁴ *Id.*

supports the Commission's Rule 4901:1-18-07, Ohio Admin. Code, rationale in Case No. 08-723-AU-ORD, it respectfully requests that the Commission reject OCC's recommendation to lessen the days for reconnection from five to two during the winter months.

b. The service request rules do not need to specify types of notification which are permissible.

OCC, in its mark-up of Rule 4901:1-13-05(A)(4), Ohio Admin. Code, adds language requiring the natural gas company to notify the customer of a delay because of pipeline problems either in person or via telephone.³⁵ OCC neither provides comments concerning the proposed change, nor provides any evidence demonstrating problems with customer notification under the current rules. Currently, Columbia notifies customers when there is a service request delay by leaving a tag on the customer's doorknob. This procedure has provided adequate notice to its customers in the past. Moreover, requiring a utility to call a customer creates an undue burden and expense if the customer does not answer, and the utility must continue to call until the customer receives notification. Therefore, Columbia respectfully requests that the Commission reject OCC's requested change in notification procedures.

4. 4901:1-13-05(C) Scheduled Appointments with Customers

a. The proposed language permitting utilities to cancel appointments if a customer does not answer a customer requested telephonic notification of the utility's imminent arrival, should not be deleted.

The Commission Staff proposed the addition of new language permitting a natural gas company to cancel scheduled appointments with customers if the customer does not answer the utility's telephone call to confirm an imminent arrival. OCC recommends deleting that proposal and, in the alternative, requiring the natural gas company to dial two telephone numbers for ac-

³⁵ *In the Matter of the Commission's Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers' Counsel and Ohio State Legal Services Association (May 22, 2009) at 17.

cessing customers, or dial the one number twice, and offer a method by which the customer can return the company's call. Columbia currently dials one number at least twice in an effort to reach the customer prior to the scheduled service appointment. Columbia believes this effort is superior to dialing two numbers once as the field technician is more likely to reach the customer on one number if it calls twice. Columbia is also not able to provide a method by which the customer can return the company's call because this would require Columbia to give customers the cellular telephone numbers of its field technicians. Not only is this against the general policy of the company, but cellular phones are not always reliable since technicians commonly do not carry these devices into a gaseous environment for safety reasons. Accordingly, Columbia respectfully requests that the Commission reject the proposed OCC language.

b. Residential customers should not receive credit for a monthly service charge for a utility failing to meet a scheduled appointment.

OCC recommends adding language to Rule 4901:1-13-05(C)(4), Ohio Admin. Code, which would require utilities to credit customers their monthly service charge for a month in which the utility failed to meet for a scheduled appointment.³⁶ OCC justifies the credit upon the rationale that customers may incur financial losses to meet a scheduled appointment.³⁷ Columbia would support the implementation of this credit if the Commission adopted a rule permitting utilities to collect an additional monthly service fee for customer-missed scheduled appointments.

Moreover, OCC argued to insert similar language in their comments in Case No. 05-602-GA-ORD.³⁸ Columbia replied to OCC's suggested credit by arguing it would "undoubtedly lead

³⁶ *Id.* at 18-19.

³⁷ *Id.* at 18.

³⁸ *In the Matter of the Amendment of Chapter 4901:1-13, Ohio Administrative Code to Establish Minimum Gas Service Standards*, PUC Case No. 05-602-GA-ORD, Initial Comments by the Office of the Ohio Consumers' Counsel (July 27, 2005) at 11-12.

to some customer taking advantage of the system in an effort to gain the gas bill credits. Customers could claim the service technician never came or could refuse to grant access.”³⁹ Also, Columbia argued that the proposed rule did not consider the times when gas service personnel receive emergency calls which it must respond to, in lieu of a scheduled appointment.⁴⁰ To be penalized utilities for attending to emergencies, Columbia argued, would be excessively unreasonable.⁴¹ The Commission, in its Order, chose not to adopt OCC’s proposed credit.⁴² The Commission believed the proposed Rule 4901:1-13-05(C), Ohio Admin. Code, struck the proper balance between utilities’ interests and interests of residential customers.⁴³ The Commission then stated, “if experience with the minimum standards demonstrates a widespread failure by utilities to meet the minimum standards, the Commission may consider automatic crediting provisions during future rule reviews.”⁴⁴

In the current proceeding, OCC has not provided any evidence of widespread failure of utilities to meet the minimum standards promulgated by the Commission in Chapter 4901:1-13, Ohio Admin. Code. Instead, OCC believes the minimum gas service standards did not have any adverse affect on the industry, and therefore, the customer credit provides a more equitable remedy.⁴⁵

OCC, both in Case No. 05-602-GA-ORD and in the current rule review proceeding, failed to provide an adequate rationale to require utilities to credit customers accounts for missed

³⁹ *In the Matter of the Amendment of Chapter 4901:1-13, Ohio Administrative Code to Establish Minimum Gas Service Standards*, PUC Case No. 05-602-GA-ORD, Reply Comments of Columbia Gas of Ohio, Inc. (August 26, 2005) at 9.

⁴⁰ *In the Matter of the Amendment of Chapter 4901:1-13, Ohio Administrative Code to Establish Minimum Gas Service Standards*, PUC Case No. 05-602-GA-ORD, Reply Comments of Columbia Gas of Ohio, Inc. (August 26, 2005) at 8.

⁴¹ *Id.*

⁴² *In the Matter of the Amendment of Chapter 4901:1-13, Ohio Administrative Code to Establish Minimum Gas Service Standards*, PUC Case No. 05-602-GA-ORD, Opinion and Order (January 18, 2006) at 13.

⁴³ *Id.* at 13.

⁴⁴ *Id.*

⁴⁵ *Id.* at 19 n.11.

service appointments for any reason, including gas leak emergencies. Therefore, Columbia requests that the Commission reject OCC's recommendation, or in the alternative, permit utilities to collect an additional monthly service fee against customer-missed scheduled appointments.

5. 4901:1-13-05(D) Completing Service-Line Repairs

Proposed Rule 4901:01-13-05(D), Ohio Admin. Code, requires a utility to complete service-line repairs by the end of the day after gas service has been shut off. OCC proposes to shorten the repair time by requiring these repairs to be completed on the same day service has been shut off.⁴⁶ OCC claims the change is necessary to protect property damage in cold winter months.⁴⁷ Unfortunately, OCC's proposed language does not reflect its rationale, but instead requires the abbreviated repair schedule year round. Moreover, OCC's requested language prohibits utilities from using the Ohio Utilities Protection Service ("OUPS"). Under Ohio Rev. Code § 3781.28(F), utilities should notify OUPS of its intent to make a repair of its own underground utility system, including emergency repairs. For non-emergency repairs, such as when the gas is already shut off to a home, notice from the other utility companies regarding their lines can take between forty-eight hours to ten days.⁴⁸ OCC's proposed one day repair requirement would jeopardize the safety of Columbia's workers by not permitting them to be notified regarding other utility lines in the customer's property. Again, the OCC appears to be oblivious to the increased costs its proposals would entail -- costs which would ultimately be borne by the customers it is supposed to represent.

The Staff proposed rule also corresponds with Columbia's tariff provisions regarding service line repairs. The tariff provides that Columbia will complete service repairs to lines requiring disconnection of gas service by the end of the first full day after service is discontinued

⁴⁶ *Id.* at 20.

⁴⁷ *Id.*

⁴⁸ Ohio Rev. Code § 3781.28(A).

unless the customer agrees to an extension of time in which the repair shall be completed and service re-established.⁴⁹ This tariff provision resulted from the Commission's order in Case No. 07-478-GA-UNC.⁵⁰ In that proceeding, the Commission required Columbia "to set forth reasonable restrictions on the time to be taken by Columbia for repairing such (service) lines."⁵¹ Columbia filed its revised tariff sheets, including the newly added language defining the time periods in which Columbia would replace customer service lines.⁵² OCC, as an intervenor, failed to file comments in opposition of Columbia's proposed time allocation to complete customer service line repairs by the next day after service was shut off. The Commission subsequently approved Columbia's proposed tariffs on June 25, 2008.⁵³ Therefore, because the OCC failed to address their concerns in an earlier proceeding, the Commission should not heed their comments regarding the Staff proposed rule.

Finally, to require 95% of all repairs to be completed the same day as gas service is shut off would result in an exponential increase in costs. Columbia reiterates that the provision outlined in subsection (D) is arbitrary and potentially impractical, and requests that the Commission set forth its analyses used in determining the 95% completion standard for service-line leaks requiring shutoff. Columbia is concerned that various factors could easily arise and make the 95% completion standard highly unachievable. In many situations, the customer may choose to extend

⁴⁹ *Rules and Regulations of Columbia Gas of Ohio, Inc.*, P.U.C.O. No. 2, First Revised Sheet No. 6b, Section III (1)(g).

⁵⁰ *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*, PUC Case No. 07478-GA-UNC, Opinion and Order (April 9, 2008).

⁵¹ *Id.* at 30.

⁵² *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*, PUC Case No. 07478-GA-UNC, Letter and Revised Tariff Pages (June 6, 2008) at Original Sheet 6a.

⁵³ *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*, PUC Case No. 07478-GA-UNC, Entry (June 25, 2008) at ¶ 6.

the time for repair, which is already contemplated in Columbia's tariffs. For example, the customer wishes to be present when repairs are undertaken, and has to adjust their schedule, resulting in time delays. Also, situations with severe weather can easily delay repairs of service line leaks for one or more days, especially during winter months. Such occurrences that extend the timeline for repair further complicate a company's ability to accurately track compliance with the 95% completion rate. Likewise, it is unknown whether the completion standard would apply to all service line leaks or only to those classified as hazardous.

Currently, tracking customer service line completion is a very labor intensive process. Repair orders have to be individually screened to determine if they meet the criteria for same or next day completion. Requiring ongoing monitoring of these repairs would require new tracking methods to be put in place so companies could have this data on-hand at any time. Such system changes would be costly, but more importantly Columbia is uncertain whether those changes are even possible.

Without knowing the factors that the Commission would require in calculating the 95% compliance with completing repairs for service-line leaks by the end of the next day after service has been shut off, it is difficult to determine the reasonableness of this requirement. Therefore Columbia respectfully requests that the Commission disclose its analyses used in determining this standard so Columbia may determine whether compliance could be a feasible and reasonable requirement.

6. 4901:1-13-05(E) Notification

Currently, utilities must notify the Director of Service Monitoring and Enforcement when the utility did not meet the average monthly minimum service levels as set forth in Rule 4901:1-13-05, Ohio Admin. Code. OCC requests that these notifications be publicly filed "so that other

interested stakeholders are aware of the service issues.”⁵⁴ OCC, however, does have access to this information. Upon submitting a request for information with the Commission, OCC can receive the notifications filed with the Director of Service Monitoring and Enforcement. Moreover, contrary to OCC’s rationale, the Commission’s Staff can easily retrieve and be aware of submitted notifications by utilities. Therefore, Columbia respectfully requests the Commission to reject OCC’s request for public filings of notices under Rule 4901:1-13-05(E), Ohio Admin. Code.

7. 4901:1-13-06 Employee Identification

Columbia’s employees currently carry identification on their person when seeking access to customer premises in accordance with Rule 4901:1-13-06, Ohio Admin. Code. The Commission Staff did not propose any changes to this rule. OCC, however, believes employees should be required to wear photo identification and advise the customer why they need access to the premises, without customer inquiry.⁵⁵ OCC does not cite any problems with the current system of customers prompting utility employee identification by request. Moreover, Columbia provides its employees in the field with vehicles conspicuously displaying Columbia’s logo. Therefore, because Columbia’s employees are readily identifiable, Columbia respectfully requests the Commission to reject the OCC’s changes.

8. 4901:1-13-09(A) Shutting Off Customer’s Gas for Fraudulent Tampering or Theft of Gas

Under the current rules, each utility must establish and maintain an antitheft and antitampering plan.⁵⁶ The Staff did not propose any changes to this rule. OCC contends, that the antitheft and antitampering plans should provide customers who are accused of tampering or stealing

⁵⁴ *In the Matter of the Commission’s Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers’ Counsel and Ohio State Legal Services Association (May 22, 2009) at 20.

⁵⁵ *Id.* at 23.

⁵⁶ Ohio Admin. Code 4901:1-13-09(A).

gas service “an opportunity to respond to the gas or natural gas company’s accusations prior to termination of service, unless such tampering or theft of service has created an unsafe condition.”⁵⁷ Contrary to the OCC’s contention, every theft or tampering of gas line creates an unsafe condition for customers. Columbia’s tariff reserves the right of Columbia to discontinue service for fraudulent representation or practice, or whenever Columbia deems necessary for safety reasons.⁵⁸ The current Rule 4901:1-13-09, Ohio Admin. Code, and Columbia’s tariff provisions are consistent with the Commission’s termination provisions in Rule 4901:1-18-02(G), Ohio Admin. Code, which allows utilities to disconnect residential service to customers when the customer “resorts to any fraudulent practice to obtain electric or gas service...”⁵⁹ Chapter 4901:1-18, Ohio Admin. Code, does not require a utility to wait to disconnect service in an unsafe condition until the consumer is permitted to address a utility’s allegations. By adopting the OCC’s proposed changes, the Commission would be authorizing consumer exposure to unsafe conditions and ruling against any utility’s first priority of safety of its customers.

Moreover, OCC was provided with an opportunity to address its proposed comment in the Commission’s recent review of Chapter 4901:1-18, Ohio Admin. Code, in Case No. 08-723-AU-ORD. Because OCC did not utilize the appropriate forum to address its concerns, it cannot backdoor policy changes through the tangential connection to utility drafted antitheft and anti-tampering plans.

⁵⁷ *In the Matter of the Commission’s Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers’ Counsel and Ohio State Legal Services Association (May 22, 2009) at 24.

⁵⁸ *Rules and Regulations of Columbia Gas of Ohio, Inc.*, P.U.C.O. No. 2, Third Revised Sheet No. 4, Section I (15)(B)(3)-(4).

⁵⁹ Ohio Admin. Code 4901:1-18-02(G)(3).

OCC also recommends that the utility's antitheft and antitampering plans be provided to the OCC and the Ohio State Legal Services Association for comment.⁶⁰ OCC does not provide any rationale as to its proposed requirement of comment. Moreover, if OCC desires to provide comments regarding a utility's antitheft and antitampering plans, it can request those plans from the Commission. Finally, OCC fails to recognize that it does not have the statutory authority to manage Ohio utilities. Therefore, the Commission should reject OCC's addition to Rule 4901:1-13-09, Ohio Admin. Code.

9. 4901:1-13-09(C) Disconnection of Service for Fraudulent Practices

OCC recommends that customers, who being investigated for alleged fraudulent practice to obtain utility service, should not be given general call center contact information on their notice of disconnection.⁶¹ Instead, OCC believes the customers should be given the contact information of the department handling the fraud investigation.⁶² OCC believes the change is appropriate, "because of the potentially sensitive nature of the allegations that are made against the consumer."⁶³ OCC fails to identify a problem or concern raised with the current system of providing general call center information on disconnection notices. Moreover, Columbia's general service line representatives are trained to direct consumer calls to the appropriate personnel. Finally, OCC's proposed language to the Rule is overly broad. Therefore, Columbia respectfully requests the Commission to reject OCC's recommendation.

10. 4901:1-13-10 Complaint and Complaint-Handling Procedures

Rule 4901:1-13-10, Ohio Admin. Code, details the process by which a utility responds to customer and consumer complaints to resolve a point of contention. OCC wants to ambiguously

⁶⁰ *In the Matter of the Commission's Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers' Counsel and Ohio State Legal Services Association (May 22, 2009) at 24.

⁶¹ *Id.* at 25.

⁶² *Id.*

⁶³ *Id.*

amend the language of Rule 4901:1-13-10, Ohio Admin. Code, to include OCC in the complaint handling process, whether or not OCC is representing a consumer in his/her particular complaint against a utility. Initially, OCC does not cite statutory authority which permits it to participate in the complaint process when it is not representing a consumer. Moreover, centralizing the complaint referrals within the Commission staff is consistent with the Commission's statutory authority to handle and address consumer complaints. Therefore, Columbia respectfully requests the Commission to reject OCC's amendments to Rule 4901:1-13-10, Ohio Admin. Code.

11. 4901:1-13-11 Customer Billing and Payments

- a. The appropriate forum to address customer billing and payment for the PIPP Program was Case No. 08-723-GA-ORD.**

OCC recommends the inclusion of the following additional information PIPP information to be provided on customer bills: annual PIPP re-verification date, number of payments made by the due date in the last 12 months, any missed PIPP payments since the last re-verification, arrearage credits provided for the last month, arrearage credits provided during that last 24 months, usage data compared with average residential usage, tips for conservation, and available weatherization assistance.⁶⁴ OCC, though acknowledging it made a similar recommendation in Case No. 08-723-AU-ORD, believes that the current proceeding is an appropriate forum to implement bill data not contained in the proposed rules issued by the Commission in Case No. 08-723-AU-ORD.⁶⁵ However, the Commission initially considered OCC's recommended bill language to be already available either on the monthly natural gas bill or in the information provided to PIPP

⁶⁴ *Id.* at 28.

⁶⁵ *Id.* at 27.

customers at enrollment or reverification.⁶⁶ On rehearing, the Commission held it would leave the issue of billing open for further consideration.⁶⁷

The Commission should not address PIPP billing issues in the current proceeding. The Commission correctly held on rehearing it would leave the issue open to address in the ongoing PIPP proceeding, Case No. 08-723-AU-ORD, the appropriate forum to address PIPP customer billing and related issues. The Commission's decision not to include OCC's bill recommendations in Case No. 08-723-AU-ORD April 2009 Order should not give OCC carte blanche to continue reasserting the same recommendations in unrelated proceedings. Therefore, Columbia respectfully requests that the Commission deny OCC's recommended PIPP bill language.

b. Including consumption information in a utility customer's bill should be an optional service provided by utilities.

OCC recommends for all natural gas companies to include consumption data within their customer bills.⁶⁸ Columbia, in compliance with the current Rule 4901:1-13-11(B)(25), Ohio Admin. Code, already includes this consumption data within its customer bills. Further, OCC recommends that the consumption data clearly indicate whether usage was determined by an actual meter read, estimated meter read, or customer-provided meter read, and whether any adjustments to the consumption data are included.⁶⁹ Though Columbia's bill currently details the meter reading method by which Columbia calculates the customer's usage, Columbia's current informational technology system does not permit it to show adjustments to the consumption data. If the Commission chooses to adopt OCC's recommendation, then Columbia would incur signifi-

⁶⁶ *In the Matter of the Commission's Review of Chapters 4901:1-17 and 4901:1-18, and Rules 4901:1-5-07, 4901:1-10-22, 4901:1-13-11, 4901:1-15-17, 4901:1-21-14, and 4901:1-29-12 of the Ohio Administrative Code*, PUC Case No. 08-723-AU-ORD, Entry on Rehearing (April 1, 2009) at 36.

⁶⁷ *Id.*

⁶⁸ *In the Matter of the Commission's Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers' Counsel and Ohio State Legal Services Association (May 22, 2009) at 29.

⁶⁹ *Id.*

cant expenses to update its systems to accommodate for this adjustment. Therefore, Columbia respectfully requests the Commission to deny the OCC's request, or, in the alternative, to delete OCC's proposed language regarding bills to show adjustments to consumption data.

c. Including OCC's proposed billing statement additions of a monthly service charge and comparable information between the utility's monthly charges and the Choice program suppliers is unduly burdensome and unwarranted.

OCC recommends the addition of two new sections to Rule 4901:1-13-11(B), Ohio Admin. Code. First, OCC requests that the Commission amend the Rule to require that utilities add a fixed monthly customer charge as a separate component of the customer's bill statement.⁷⁰ OCC justifies its newly proposed subsection because it would provide customers with the approximate cost of having natural gas service without consideration of the usage-related charges.⁷¹ However, OCC neither provides any evidence of a defect in the current utility consumer bills, nor suggests any complaints from consumers regarding the need for an additional itemized bill section. To implement OCC's additional itemized line in Columbia's billing program would require information technology changes. Such increases in the cost to issue an unnecessarily more detailed customer bill would be borne by the consumers.

OCC also recommends the inclusion of choice program comparison information in between the natural gas company and the choice marketer.⁷² OCC, however, fails to address the options already available to consumers to compare and understand the difference between utility companies and choice marker rates. The Commission provides an "Apples-to-Apples" comparison on its Web site to assist consumers to understand their choice options. Columbia also allows customers to call Columbia's customer service representatives and acquire this information.

⁷⁰ *Id.* at 29-30.

⁷¹ *Id.* at 30.

⁷² *Id.*

OCC also provides a “Comparing Your Energy Choices” page for consumers which “was created specifically to meet the needs of residential consumers and includes a comparison of supplier rates, contract terms, and other criteria that is of interest by residential consumers considering their competitive options.”⁷³ Moreover, OCC recommends for the Commission to include its “Comparing Your Energy Choices” Web site into Rule 4901:1-13-11(B)(26), Ohio Admin. Code, to be included on natural gas company bills, which provides consumers with another information source for choice information. Yet to justify the new choice program comparison in customer bills, OCC believes that the “rules do not provide any information to help potential choice customers determine the rate that is provided by the natural gas company for commodity service that could be compared with supplier rates to determine the viability of different competitive options.”⁷⁴ OCC’s rationale clearly disregards the Rule 4901:1-13-11(B)(26)’s inclusion of the Commission sponsored Web site “Apples-to-Apples.”

Aside from the multiple avenues for consumers to receive information regarding their competitive retail natural gas choices, Columbia would be financially burdened if required to implement OCC’s proposed substantial change to its monthly bills. Columbia and its CHOICE® marketers bill customers differently, with Columbia incorporating its gross receipts tax within customer rates, and, thus a simple apples to apples comparison is not accurately reflecting a disparity between gas service rates. Moreover, Columbia provides a GCR rate for its sales customers, separate and distinct from the CHOICE® marketers, which vary their rate dependent upon offers or specials to consumers. Finally, to update Columbia’s billing system would result in a significant cost and would require extensive changes to the current software. Therefore, because OCC has failed to provide sound rationale for its proposed billing statement sections, Columbia

⁷³ *Id.* at 29.

⁷⁴ *Id.* at 30.

respectfully requests that the Commission reject OCC's recommendations.

d. Statutorily imposed fees should be collectible by a utility to cover costs to offer the payment service.

OCC recommends the expulsion of the fees for payment to a utility's authorized agent and for online payments.⁷⁵ OCC believes the separate fee for electronic payments and payments to an authorized agent are inappropriate.⁷⁶ OCC also contends that the fee increase for authorized agents up to \$2.00 has not been justified to determine if there would be an over-recovery of costs or what the impact on customers would be.⁷⁷ Contrary to OCC's assertion of possible over-recovery, Columbia's fee collection does *not* meet the cost of providing an authorized agent, even with the fee increase of up to \$2.00. Moreover, the costs associated with electronic payment are to cover the costs associated with processing the consumer's payment. As an accommodation to its customers, Columbia provides a multitude of payment options, of which many are complimentary. Recently, Columbia implemented the e-bill system which provides free automatic debiting from customer's banking accounts to pay for gas bills.

Therefore, because Columbia is not recovering the cost on fees imposed to collect gas utility service payments, it respectfully requests that the Commission deny OCC's recommended deletion of fees.

e. Payments made to a utility's authorized agents should post within a reasonable amount of time once received.

OCC recommends that payments made to any authorized agent and electronically should post immediately upon the utility's receipt of the customer's payment to his/her account.⁷⁸ OCC believes that the current rule, which allows for payments to be posted within two business days,

⁷⁵ *Id.* at 33, 36.

⁷⁶ *Id.* at 36.

⁷⁷ *Id.* at 33.

⁷⁸ *Id.* at 35, 37.

creates excessive delays that can be detrimental to the customer's ability to pay bills by the due date, avoid deposits, avoid late payment charges, obtain PIPP arrearage credits, or prevent disconnection of natural gas service.⁷⁹ Columbia believes the proposed changes are unnecessary as its authorized agents currently post payments every hour and no later than by the end of the first business day. Further, the customer has the option to call in their payment receipt information immediately if necessary.

Columbia would incur significant costs to upgrade its bill payment software and programming to immediately post customer payments. Columbia would also be required to renegotiate the agreements with its authorized agents, who are contracted employees, to insert a new payment policy and increase the fees for the new service. Therefore, Columbia respectfully requests that the Commission deny OCC's recommendation for immediate posting of payments upon receipt by the utility.

12. 4901:1-13-12(B) Staff Review of Educational, Informational or Promotional Materials

OCC recommends that it be provided with a utility's educational, promotional, and informational material for review, and be permitted to request modification prior to distribution to residential customers.⁸⁰ The OCC believes its proposed rule addition is "consistent with the statutory responsibility of OCC in representing residential consumer interests," as defined in Chapter 4911, Ohio Rev. Code.⁸¹ Contrary to OCC's contention, Chapter 4911, Ohio Rev. Code, does not include plain language providing for the broad sweep of consumer representation which OCC asserts it is granted. Instead, § 4911.02, Ohio Rev. Code, provides that OCC may, on behalf of residential customers, "institute, intervene in or otherwise participate *in proceedings* in

⁷⁹ *Id.* at 35.

⁸⁰ *Id.* at 37.

⁸¹ *Id.*

both state and federal courts and administrative agencies.”⁸² OCC may also take “appropriate action with respect to residential consumer *complaints* concerning quality of service, service charges, and the operation of the public utility commission.”⁸³ Finally, the Commission has interpreted OCC’s enumerated duties and powers under § 4911.02, Ohio Rev. Code, to “relate to OCC’s jurisdiction in proceedings before the Commission.”⁸⁴ Thus, OCC’s argument that it should administratively review educational materials of utilities is inconsistent with its statutory authority granted by the Ohio General Assembly.

OCC also does not have the statutory authority to regulate utilities, including the regulation of utilities’ educational, promotional, and informational material. The OCC does not have statutory authority to manage public utilities, despite its presumption otherwise. Columbia and other local distributions companies may only be regulated by the Commission through its grant of statutory authority.⁸⁵ Therefore, Columbia respectfully requests that the Commission reject OCC’s added language to Rule 4901:1-13-12, Ohio Admin. Code.

III. OCC’S COMMENTS REGARDING 4901:1-34

Exceeding the scope of the rule review, OCC provides eleven pages of unnecessary commentary regarding Chapter 4901:1-34, Ohio Admin. Code.⁸⁶ The Commission recently reviewed Chapter 4901:1-34, Ohio Admin. Code, in Case No. 06-423-GA-ORD.⁸⁷ In the 2006 proceeding, OCC was an active participant and, therefore, given an opportunity to address its

⁸² Ohio Rev. Code § 4911.02(B)(2)(c) (emphasis added).

⁸³ Ohio Rev. Code § 4911.02(B)(2)(b) (emphasis added).

⁸⁴ *In the Matter of the Amendment of Certain Rules of the Ohio Administrative Code to Implement Sections 4905.261 and 4911.021, Revised Code*, PUC Case No. 05-1350-AU-ORD, Opinion and Order and Entry on Rehearing (January 4, 2006) at 8.

⁸⁵ Ohio Rev. Code § 4905.04.

⁸⁶ *In the Matter of the Commission’s Review of Chapter 4901:1-13, Ohio Administrative Code*, PUC Case No. 09-326-GA-ORD, Joint Comments by the Office of the Ohio Consumers’ Counsel and Ohio State Legal Services Association (May 22, 2009) at 41-52.

⁸⁷ *In the Matter of the Commission’s Review of its Rules for Competitive Retail Natural Gas Service at Chapters 4901:1-27 Through 4901:1-34, Ohio Administrative Code*, PUC Case No. 06-423-GA-ORD, Entry on Rehearing (December 13, 2006).

concerns regarding the enforcement rules. OCC should not be given an additional forum to present its arguments and comments regarding a section of the Rules which the Commission is choosing not to review at this time. The Commission is planning to review Chapter 4901:1-34, Ohio Admin. Code, in November 2011. Until that time when OCC can properly raise its comments in the proper venue, the OCC's comments are extraneous and do not warrant comment by Columbia.

IV. CONCLUSION

Wherefore, Columbia respectfully requests the Commission to reject the comments, amendments and additions submitted by all parties for the reasons stated above.

Respectfully submitted by

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments of Columbia Gas of Ohio, Inc. was served upon all parties of record by regular U. S. mail this 8th day of June, 2009.



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