

NC
Ohio

**Public Utilities
Commission**

CLIN 061610 E 4⁵

Case Number

FILE

10-2539-PL-55 Public Utilities Commission of Ohio
Attn: Docketing
180 East Broad St.
Columbus, OH 43215

Formal Complaint Form

CHENG-TE LIN

Customer Name (Please Print)

1617 LEIST AVE

Customer Address

Lima

OH 45805

City

State Zip

Against

(DOMINION EAST OHIO

3441801209258)

Account Number

1287 E State Rd

Customer Service Address (if different from above)

Northwestern Ohio Pipeline Constr.

Utility Company Name

Lima

City

OH 45801

State Zip

419-641-6905

Jacob Law Office, LLC

Please describe your complaint. (Attach additional sheets if necessary)

558 West Spring St.
Lima OH 45801

419-229-9800

See attached

Cheng-Te Lin

Signature

419 222 9975

Customer Telephone Number

RECEIVED-DOCKETING DIV

2010 NOV -8 PM 2:45

PUCO

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician AMJ Date Processed 11/8/10

----- clin76@woh.rr.com wrote:

> On July 21 2009 Dominion East Ohio (Gas company) sent Northwestern Ohio pipeline construction, inc (NOPC) to install new gas pipe line in my yard. During the construction they hit and damaged the underground power cable located in the so called public right of way area, connecting the electric meter to my house. (Refer to attached diagram). American Electric Power (AEP) supervisor came in and asked me to call private electric company (S.E., Sidney Electric) to repair and change the damaged power cable. He stated that the power cable after the meter belonged to house that I had to call S.E.

> Gas company was initially agreeable to pay the cost (5298.00 dollars) according to S.E. (I also called customer service of Gas company to confirm it.), but later Gas company shifted their responsibility to NOPC (contractor digging the ground to install new gas pipe) although the gas company initiated the installation of pipeline.

> Then, NOPC (Northwestern Ohio Pipeline construction) refused to pay by blaming AEP that they did not properly mark the underground power line nearby the pole on which the meter was attached, located in public right of way area. (See attached diagram.)

> However, AEP also denied their liability because Ohio Utility Protection Service (OUPS) was only responsible to put marks on public area, such as between road and meter and they don't mark the cable after the meter connecting house. Furthermore, according to investigator, NOPC should use hand-digging instead of using machinery nearby the meter-pole locating in the public right of way area, and being professional NOPC should know these facts.

> Better Business Bureau and Ohio Consumer Council were contacted and recommended to file formal complaints to Public Utility Commission of Ohio. After all each company is avoiding the responsibility by using different interpretation of the rules. I am the victim of those irresponsible companies since I have nothing to do this kind of mess to begin with.

1. Dominion East Ohio should be responsible to solve this problem since they started this project.

② Northwestern Ohio pipeline construction inc. should be responsible to solve this mess since they hit and damaged the underground power cable.

3. American Electric Power Should be responsible to solve the argument between AEP and Northwestern Ohio pipeline construction regarding the marking of power cable.

④ Please pay the charge.

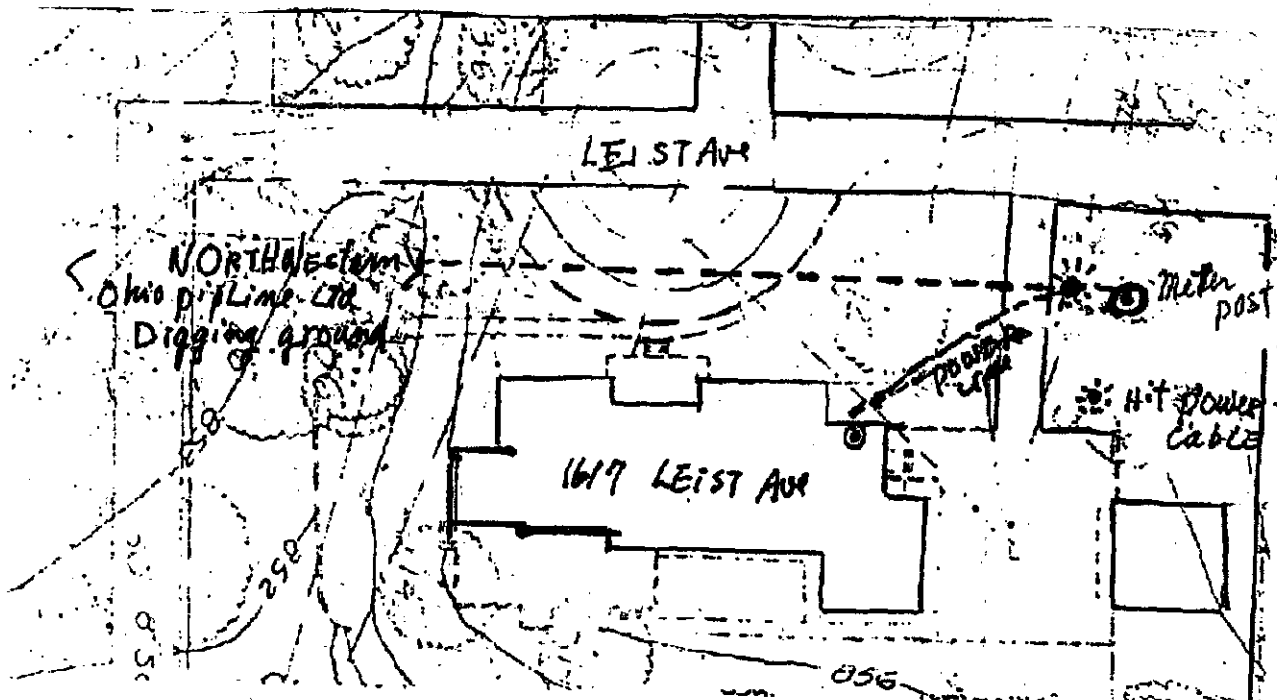
> Many many thanks in advance for future help.

> clin67@woh.rr.com)

> 45805

Cheng-te lin (E-mail:

1617 Leist Av. Lima OH



SIDNEY
ELECTRIC
Electrical Contractors

840 S. Vandemark Rd.
Sidney, Ohio 45365
937.498.2357 • 800.589.2357
Fax 937.498.1178

Invoice No.	23344
Page	1

B I L L T O	DOMINION EAST OHIO GAS A/P, OJRP-4, RE: TAMARA4 PO BOX 25459 RICHMOND VA 23260-5459	J O B O N O	DR. C T LIN 1617 LEIST AVE. LIMA OH
----------------------------------------	----------------------------------------------------------------------------------------------	----------------------------------------	-------------------------------------------

Invoice Date	Invoice No.	Customer No.	Payment Terms	Contract No.
07/29/09	23344	SDOM25	Net 30 Days	
Quantity	Description	Unit Price	Extended Price	
W/O # - A90721002				
REPAIR CABLE CUT BY JA-CO EXCAVATING.				
A90721002	23.00 HR LABOR	65.00	1,485.00	
	14.00 HR OT LABOR	97.50	1,365.00	
	1 EA MATERIALS	2438.00	2,438.00	

SIDNEY
ELECTRIC
Electrical Contractors

Sidney, Ohio 45365
937.498.2357 • 800.589.2357
Fax 937.498.1178

Invoice No.	23845
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B I L L T O	NORTHWESTERN OHIO PIPELINE CON 1287 E SEATE RD. LIMA OH 45801-1204	J O B O N O	DR. C T LIN 1617 LEIST AVE. LIMA OH
----------------------------------------	--------------------------------------------------------------------------	----------------------------------------	-------------------------------------------

Invoice Date	Invoice No.	Customer No.	Payment Terms	Contract No.
09/03/09	23845	ENCOR80	Net 30 Days	
Quantity	Description	Unit Price	Extended Price	
W/O # - A90721002				
REPAIR CABLE CUT BY JA-CO EXCAVATING.				
A90721002	23.00 HR LABOR	65.00	1,485.00	
	14.00 HR OT LABOR	97.50	1,365.00	
	1 EA MATERIALS	2438.00	2,438.00	
Gross		Tax	Net Amount	
5,288.00		.00	5,288.00	

Recap of conversations with Dominion East Ohio Gas - contact Diana Caven (419) 226-4872 e mail diana09@dom.com.

8/10/09 Diana called and requested we credit Dominion for invoice 23344 dated 7/29/09 and invoice their subcontractor that they had on-site directly. Contractor is Northwestern Ohio Pipeline (NWOP) 1287 East State Road, Lima, OH 45801.

We re-billed for the work to NWOP invoice 23545 dated 9/03/09.

On 9/23/09 we received a fax from NWOP's attorney disclaiming liability.

10/06/09- spoke with Diana Caven with Dominion regarding their NWOP attorney notice. She stated they had a contract with NWOP and they know they are liable for any and all damages. She is standing by her statement made on 8/10/09 that the bill belongs to NWOP and is unsure as to why they are disclaiming liability. She stated she would review with her supervisor and that they were having lunch with Ron from NWOP on Thursday to discuss another instance were this has happened and she will then call me Thursday afternoon.

10/09/09- Spoke with Diana after their meeting, she stated we will get payment in one form or another, either directly from NWOP or Dominion will pay for the work and then they will back charge NWOP. Payment will be within 2 weeks or so. I e mailed her the invoice and attorney notice relating to NWOP per her request.

11-06-09 sent Diana an email regarding payment, I received no response.

11/30/09 e mailed and called Diana again, she stated she thought it had been taken care of. Waiting to hear back from her.

1/28/10 called to talk to Diana Caven, she was out until the end of February. I discussed with Brian Holden he was aware of the situation and stated he would check with Diana and get back with me.

2/01/10-received a call from Diana Caven referring me to Dominions legal department Senior Claims Agent sharyn.l.peterson@dom.com. Diana apologized for giving me incorrect information previously. She stated that Dominion's contract with NWOP reads that the subcontractor is liable for damages they inflict. She recommended we reply to NWOP's attorney notice.

Diana,

Per our phone conversation, attached is the invoice that was requested by Dominion to be directly billed to Northwestern Ohio Pipeline (NWOP) along with the attorney notice we received for NWOP disclaiming liability. Thank you for your assistance in clearing up this invoice and we will look forward to payment within 1 to 2 weeks from either Dominion or NWOP.

If you need any additional information, please do not hesitate to contact us.

Thank you

Amy J. McCune
Sidney Electric Company
amccune@sidneyelectric.com
840 South Vandemark Road
Sidney, OH 45365
Phone: (937) 498-2357 ext: 206
Toll Free: (800) 589-2357
Fax: (937) 498-1178

September 20, 2010

Dr C T Lin
1617 Leist Ave
Lima, Ohio 45805

RE: Utility damage at 1617 Leist Ave

Dr. Lin,

We do not feel that we are responsible for the damages to the American Electric Power line at your address. Ohio Utilities Protection Service was contacted before any digging was started. However, the line was located in the public right of way and was not marked by American Electric Power.

Northwestern Ohio Pipeline should not be liable for the damages. This matter needs to be addressed with the homeowner and AEP. I have attached a copy of the ticket for our locate request with OUPS as well as a drawing of the area. Any further questions regarding this matter may be addressed with our attorney, Ann E. Jacobs, Jacobs Law Office, at 419-229-9800.

Sincerely,

Ronnie Phillips
President
Northwestern Ohio Pipeline

ATTORNEY AT LAW

558 WEST SPRING STREET
LIMA, OHIO 45801

PHONE: 419-229-9800
FAX: 419-229-1109

MEMBER OF OHIO BAR ASSOCIATION
MEMBER SOUTH CAROLINA BAR ASSOCIATION
MEMBER OF CALIFORNIA AND DISTRICT OF COLUMBIA BAR ASSOCIATION

September 22, 2009

SIDNEY ELECTRIC
840 S. VANDEMARK RD.
SIDNEY OH 45365

VIA FACSIMILE - 1-937-498-1178

RE: JOB AT DR. C.T. LIN
INVOICE # 23344 TO DOMION EAST OHIO GAS

TO WHOM IT MAY CONCERN:

Please be advised that I represent Northwestern Ohio Pipeline Construction, Inc., with regard to the above reference invoice.

Ohio Utilities Protection was called and they sent an employee to mark all utilities. The power cable which was located in the public right of way was not marked or designated by American Electric Power.

Therefore, Northwestern has no liability regarding this repair. If you have any further questions, please contact the undersigned.

Sincerely,

Ann E. Jacobs