

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint)	
of United Services Automobile Association.,)	
Complainant,)	
v.)	Case No. 14-1176-GA-CSS
)	
NiSource Inc., <i>et al.</i> ,)	
Respondents.)	

**ANSWER OF RESPONDENTS
NISOURCE INC. AND COLUMBIA GAS OF OHIO, INC.**

Now come the Respondents, NiSource Inc. ("NiSource") and Columbia Gas of Ohio, Inc. ("Columbia") (collectively, "Respondents"), and file their Answer to the Complaint filed herein on July 3, 2014.

Introduction

1. Respondents deny that they in any way failed to provide reasonable, necessary, or adequate natural gas service. Respondents deny that they caused any damage to Complainant's insured's property. The remaining allegations in Paragraph 1 of the Complaint state legal conclusions to which no response is required.
2. Respondents admit that Complainant is seeking the relief identified in Paragraph 2 of the Complaint. Respondents deny the remaining allegations in Paragraph 2 of the Complaint.

General Allegations

3. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 3 of the Complaint.
4. Respondents deny that NiSource Inc. is a registered public utility. Respondents admit the remaining allegations in Paragraph 4 of the Complaint.

5. Respondents deny that Columbia is trading as “Columbia Gas Distribution Companies.” Respondents deny that NiSource is Columbia’s immediate corporate parent, but aver that NiSource is Columbia’s ultimate parent corporation. Respondents admit the remaining allegations in Paragraph 5 of the Complaint.
6. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 6 of the Complaint.
7. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 7 of the Complaint.
8. Respondents deny the allegations in Paragraph 8 of the Complaint.
9. Respondents admit that Columbia conducts business in the state of Ohio and in Delaware County, Ohio, and that Columbia distributes natural gas to both residential and commercial properties, including Complainant’s insured’s residence. Respondents deny the remaining allegations in Paragraph 9 of the Complaint.
10. Respondents admit the allegations in Paragraph 10 of the Complaint.
11. Respondents deny the allegations in Paragraph 11 of the Complaint.
12. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 12 of the Complaint.
13. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 13 of the Complaint.
14. Paragraph 14 of the Complaint states legal conclusions to which no response is required.
15. Paragraph 15 of the Complaint states legal conclusions to which no response is required.
16. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 16 of the Complaint.

Jurisdiction and Statutory Authority

17. Respondents deny the allegations in Paragraph 17 of the Complaint.

Count I
Complainant v. Respondents NiSource and Columbia Gas
Negligence

18. Respondents incorporate by reference their responses to Paragraphs 1 through 17 of the Complaint.
19. Respondents deny the allegations in Paragraph 19 of the Complaint.
20. Respondents deny the allegations in Paragraph 20 of the Complaint.
21. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 21 of the Complaint.

Count II
Complainant v. Respondents NiSource and Columbia Gas
Strict Liability for Ultra-Hazardous Activities

22. Respondents incorporate by reference their responses to Paragraphs 1 through 21 of the Complaint.
23. Respondents admit that Columbia engaged in the distribution of natural gas. Respondents deny the remaining allegations in Paragraph 23 of the Complaint.
24. Respondents deny the allegations in Paragraph 24 of the Complaint.
25. Respondents deny the allegations in Paragraph 25 of the Complaint.
26. Respondents deny the allegations in Paragraph 26 of the Complaint.
27. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 27 of the Complaint.

Count III
Complainant v. Respondents NiSource and Columbia Gas
Breach of Tariff

28. Respondents incorporate by reference their responses to Paragraphs 1 through 27 of the Complaint.
29. Respondents admit that Complainant's insureds were customers of Columbia and subject to Columbia's Commission-approved tariff. Respondents deny the remaining allegations in Paragraph 29 of the Complaint.

30. Respondents deny the allegations in Paragraph 30 of the Complaint.
31. Respondents deny the allegations in Paragraph 31 of the Complaint.
32. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 32 of the Complaint.

Count IV

Complainant v. Respondents NiSource and Columbia Gas Regulatory Violations

33. Respondents incorporate by reference their responses to Paragraphs 1 through 33 of the Complaint.
34. Respondents admit that Columbia is subject to statutory and regulatory obligations imposed by the Ohio General Assembly and the Public Utilities Commission of Ohio. Respondents deny the remaining allegations in Paragraph 34 of the Complaint.
35. Respondents deny the allegations in Paragraph 35 of the Complaint.
36. Respondents deny the allegations in Paragraph 36 of the Complaint.
37. Respondents are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 37 of the Complaint.

Any allegation not expressly admitted herein is denied.

Affirmative Defenses

1. Respondents aver that the Complainant has failed to state reasonable grounds for a complaint against Respondents as required by Ohio Revised Code § 4905.26.
2. NiSource avers that it is not a proper party to this case because it is not a “public utility,” as defined in Ohio Revised Code § 4905.02, and thus is not subject to the Commission’s jurisdiction.
3. Columbia avers that it has complied with all applicable Ohio statutes, the Commission’s rules and regulations and Columbia’s tariff.

4. Respondents aver that the Complaint does not comply with the Commission's rules requiring a "statement which clearly explains the facts which constitute the basis of the complaint." Ohio Adm. Code 4901-9-01(B).
5. Respondents aver that the Commission lacks statutory authority to award monetary damages, costs, expenses, or attorney's fees, as requested in the Complaint.
6. Respondents aver that the Commission lacks statutory authority to adjudicate Counts I and II of the Complaint, which contain tort claims.
7. Respondents aver that the Commission lacks statutory authority to adjudicate Count III of the Complaint, which contains a contract claim.
8. Respondents aver that the Commission lacks statutory authority to adjudicate Count IV of the Complaint, which merely restates complainant's tort and contract claims.
9. Respondents reserve the right to raise other defenses as warranted by discovery in this matter.

Respectfully submitted,

/s/ Christen M. Blend

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Attorneys for Respondents

NISOURCE INC. and

COLUMBIA GAS OF OHIO, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Answer of Respondents NiSource Inc. and Columbia Gas of Ohio, Inc. was served by regular mail on this 23rd day of July, 2014, upon the following:

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**Counsel for Complainant
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/s/ Christen M. Blend _____
Christen M. Blend

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Case No(s). 14-1176-GA-CSS

Summary: Answer of Respondents NiSource Inc. and Columbia Gas of Ohio, Inc. electronically filed by Ms. Christen M. Blend on behalf of NiSource Inc. and Columbia Gas of Ohio, Inc.