

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**Application Not for an Increase in Rates
Pursuant to Section 4909.18, Revised Code.**

In the Matter of the Application of Waterville)
Gas & Oil Company to Revise its Tariff to) Case No. 15-1551-GA-ATA
Comply with Ohio Administrative Code Rule)
4901:1-13-02(J))

**APPLICATION OF THE
WATERVILLE GAS AND OIL COMPANY**

1. APPLICANT RESPECTFULLY PROPOSES: (Check applicable proposals):

☐ New Service ☐ Change in Rule or Regulation
☐ New Classification ☐ Reduction Rates
☐ Change in Classification ☐ Correction of Error

☒ Other, not involving increase in rates:

☐ Various related and unrelated textual revision, without change in intent

2. DESCRIPTION OF PROPOSAL:

Waterville Gas and Oil Company proposes to revise its tariff to comply with recent changes in Ohio

Administrative Code Rule 4901:1-13-02(J), which became effective as of April 9, 2015, which states:

No tariff of a gas or natural gas company shall incorporate exculpatory clauses that purport to limit or eliminate liability on the part of the gas or natural gas company to its customers or others as a result of its own negligence when providing a regulated service. No gas or natural gas company tariff shall incorporate provisions which purport to establish liability on the part of the gas or natural gas company's customers for acts or failures to act involving a gas or natural gas company's facilities, which are beyond the control of the customer. Any contrary provisions in a gas or natural gas company's tariff now on file with the commission shall be eliminated.

3. TARIFF SHEET(S) AFFECTED: P.U.C.O. Number 12, Section 1 – Service, Original Sheet No. 2; and Section 5 – General Information, Original Sheet No. 19.

4. PROPOSED CHANGES ARE PRESENTED IN THE FOLLOWING ATTACHMENTS:

- Exhibit A – Proposed schedule sheets (redlined to show changes) X Exhibit B - proposed schedule sheets.
- Exhibit B – Proposed schedule sheets with all changes accepted.

5. NO INCREASE IN RATES: This Application will not result in an increase in any rate, joint rate, toll, classification, charge or rental.

6. COMMISSION APPROVAL: Waterville Gas and Oil Company respectfully requests that the Commission expeditiously approve the proposed tariff changes presented in this Application.

Respectfully submitted on this 2nd day of September, 2015.

/s/ Christopher J. Allwein

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Counsel for Waterville Gas & Oil Company

P.U.C.O. No. 12
(Cancels P.U.C.O. No. 11)

Waterville Gas & Oil Company

Original~~Revised~~ Sheet No. 2
Replaces Original Sheet No. 2

**RULES AND REGULATIONS GOVERNING THE DISTRIBUTION AND SALE OF NATURAL GAS IN
 THE STATE OF OHIO**

the Ohio Revised Code. These variations are beyond the control of the Company, which can only dispatch the gases received.

7. **Service Shall Not Be Disturbed.** No customer shall attach or use any appliance which may result in the injection of air, water, or other foreign matter into the Company's lines; and without **prior** approval from the Company, no customer shall attach or use any appliance which will increase or decrease the pressure in the Company's lines intermittently to such extent as to interfere with continuous service to other customers.
8. **No Customer Shall Sell to Another.** The Customer shall not supply or sell gas for use in any location other than that specified in the application or for the use of any other person.
9. **Access to Premises.** The Company and its authorized employees shall have free access at all reasonable times to all of the premises in which gas supplied by the Company is used or is to be used. Customer has the right to request, and the Company's authorized employee must provide upon such request, appropriate identification.
10. **Customer's Responsibility.** Customer assumes all responsibility for property owned by the customer on customer's side of the point of delivery, which is generally the outlet side of the curb stop/curb cock. If there is no curb stop/curb cock, the point of delivery shall be the property or lot line. In addition, Customer is responsible for the ~~service and supply of natural gas taken, as well as for the~~ installation and use of appliances used in connection with the property owned by customer therewith, and will save the Company harmless from and against all claims for injury or damage to persons or property occasioned by or in any way resulting from ~~such service or the the customer's~~ use of such appliances or customer property within the customer's control thereof on customer's side of the point of delivery.
11. **Right of Way.** Customer, without reimbursement, will make or procure conveyance to Company of right-of-way satisfactory to it across the property owned or controlled by customer for Company's distribution mains, extensions thereof, or appurtenances necessary or incidental to the supplying of service to customer.
12. **Charges and Payment for Temporary Service.** In addition to regular payments for gas used, the customer shall pay the cost for all material, labor, and all other necessary expense incurred by the Company in supplying gas service to the customer at customer's request for any temporary purpose or use.
13. **Customer Indebted to Company.** Subject to the requirements of Chapters 4901:1-13, 4901:1-17 and 4901:1-18 of the Ohio Administrative Code, and any subsequent amendments thereto, service will not be supplied to any premises if at the time of application for service the applicant is indebted to Company for any service previously supplied at the same or other premises, until payment of such indebtedness or other arrangement satisfactory to the Company shall have been made.

Filed pursuant to PUCO Entry dated **November-20** _____, **200715** In Case No. **0715-0194** _____ -
GA-AIRATA

ISSUED: November-21 _____, **200715** **EFFECTIVE: November-21** _____, **200715**

Issued By
Robert S. Black
President, Waterville Gas & Oil Company

**P.U.C.O. No. 12
(Cancels P.U.C.O. No. 11)**

Waterville Gas & Oil Company

~~Original~~**Revised** Sheet No. 19
Replaces Original Sheet No. 19

**RULES AND REGULATIONS GOVERNING THE DISTRIBUTION AND SALE OF NATURAL GAS IN
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SECTION 5 — GENERAL INFORMATION

43. **Subject to Commission Rules and Regulations.** These Rules, Regulations and Rates Governing the Distribution and Sale of Natural Gas are subject to and include as part thereof all orders, rules, and regulations applicable to the Company as issued or established from time to time by the Public Utilities Commission of Ohio under its emergency powers.
44. **Gas Supply Shortage and Curtailment.** The following classifications set forth the rules of the Company governing the curtailment of gas service to various classes of customers in the event of a gas shortage. The Company may curtail or discontinue gas service in accordance with this classification without incurring liability for any subsequent loss or damages that its customers may sustain through such curtailment or discontinuation.
- (a) **Class A Customers** shall include any service account where the use of natural gas is for space heating of a permanent residence or for use by a governmental agency or public service organization that provides emergency or life support services. Human needs customers shall include permanent residences, hospitals, nursing homes, residential correctional institutions, and motels and hotels. In the event of a shortage of gas, Class A customers shall have preference over Class B and Class C customers.
- (b). **Class B Customers** shall include any service account where the use is in schools, churches, and similar institutions, federal, state, county, municipal and public buildings, theaters, stores, restaurants, bakeries, and all types of commercial establishments. In the event of a shortage of gas, Class B customers shall have preference over Class C customers.
- ~~€(c).~~ **Class C Customers** shall include service accounts using gas in industrial or manufacturing facilities, including gas used for space heating by such customers, and customers using gas for the generation of power. Gas service to customers under this classification shall be subject to discontinuance or curtailment at any time, temporarily or permanently, in whole or in part, to protect or conserve the supply of gas for Class A and Class B customers.
45. ~~**Effect of Commission Approval.** Approval of the above tariff language by the Public Utilities Commission of Ohio does not constitute a determination by the Commission that the limitation of liability imposed by the Company should be upheld in a court of law. Approval by the Commission merely recognizes that since it is a court's responsibility to adjudicate negligence and consequent damage claims, it is also the court's responsibility to determine the validity of the exculpatory clause.~~

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AIRTA

ISSUED: ~~November 21~~_____, 2007**15** EFFECTIVE: ~~November 21~~_____, 2007**15**

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- (b). **Class B Customers** shall include any service account where the use is in schools, churches, and similar institutions, federal, state, county, municipal and public buildings, theaters, stores, restaurants, bakeries, and all types of commercial establishments. In the event of a shortage of gas, Class B customers shall have preference over Class C customers.
- (c). **Class C Customers** shall include service accounts using gas in industrial or manufacturing facilities, including gas used for space heating by such customers, and customers using gas for the generation of power. Gas service to customers under this classification shall be subject to discontinuance or curtailment at any time, temporarily or permanently, in whole or in part, to protect or conserve the supply of gas for Class A and Class B customers.

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ISSUED: _____, 2015

EFFECTIVE: _____, 2015

Issued By
Robert S. Black
President, Waterville Gas & Oil Company

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Case No(s). 15-1551-GA-ATA

Summary: Application of Waterville Gas and Oil Company to Revise its Tariff to Comply with Ohio Administrative Code 4901:1-13-02(J) (Not for an increase in rates) electronically filed by Mr. Christopher J. Allwein on behalf of Waterville Gas & Oil Company