

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

ORWELL NATURAL GAS COMPANY,	:	
	:	
Complainant,	:	
	:	CASE NO. 14-1654-GA-CSS
v.	:	
	:	
ORWELL-TRUMBULL PIPELINE	:	
COMPANY, LLC,	:	
	:	
Respondent.	:	

ORWELL-TRUMBULL PIPELINE, LLC’S POST-HEARING BRIEF

I. INTRODUCTION

The Respondent, Orwell-Trumbull Pipeline Company, LLC (“OTPC”) requests that the Public Utilities Commission of Ohio (“Commission”) determine that Case No. 14-1654-GA-CSS be dismissed.

II. STATEMENT OF FACT

Orwell Natural Gas Company (“ONG”) filed its complaint with the Commission on September 19, 2014. ONG’s complaint initiated Case NO. 14-1654. In its complaint, ONG claims that the two invoices, sent by OTPC to ONG, were for natural gas delivery during the previous four (4) years through the Great Plains/OTP gathering lines (“Two Inch Pipelines”). ONG’s Complaint ¶ 12. The two invoices requested a total payment of \$2,670,130.73. ONG’s Complaint ¶ 13. ONG’s two counts center around its belief that the two invoices were improper pursuant to the OTPC’s tariff and the contract signed between the two parties on July 1, 2008 (“Contract”). OTPC’s tariff was approved by the Commission on March 16, 2005 in Case No.

05-0067-PL-ATT. The Contract was approved by the Commission on December 19, 2008 in Case No. 08-1244-PL-AEC.

On, October 28, 2015, OTPC issued a letter to ONG stating that the two invoices issued on September 19, 2014 were being withdrawn. OTP Exhibit 1.

An evidentiary hearing was held by the Commission in this case and Case No. 15-0637-GA-CSS on November 3, 2015 and November 4, 2015. Prior to the evidentiary hearing on November 3, 2015, OTPC's council notified the Commission that OTPC had withdrawn the two invoices through the October 28, 2015 letter. OTPC's counsel then asked the Commission to dismiss the case. Transcript Vol. I, P. 7.

III. THERE IS NO CONTROVERSY THE COMMISSION NEEDS TO DETERMINE.

Case No. 14-1654 was brought by ONG to dispute the \$2,670,130.73 the two invoices sought from ONG. OTPC has withdrawn the two invoices. With its withdrawal of the two invoices, OTPC no longer claims that ONG owes \$2,670,130.73 for transportation along the Two Inch Pipelines. Therefore there is no dispute between the two parties. With no dispute between the two parties, there is not an issue that the Commission needs to determine. Therefore, Case No. 14-1654 should be dismissed.

IV. CONCLUSION

For the reasons discussed herein, the Commission should dismiss this case because there is no controversy between the two parties.

Respectfully submitted,

/s/ Michael D. Dortch

Michael D. Dortch (0043897)

Justin M. Dortch (00900048)

KRAVITZ, BROWN, & DORTCH, LLC

65 East State Street, Suite 200

Columbus, Ohio 43215

Phone (614) 464-2000

Fax: (614) 464-2002

E-mail: mdortch@kravitzllc.com

jdortch@kravitzllc.com

Attorneys for Respondent

ORWELL TRUMBULL

PIPELINE COMPANY, LLC

CERTIFICATE OF SERVICE

The PUCO's e-filing system will serve notice of this filing upon counsel for the for the Complainant, the Ohio Consumers' Council, and the Staff of the Public Utilities Commission of Ohio.

Further, I hereby certify that a true and accurate copy of the foregoing was served upon counsel for the Complainant, the Ohio Consumers' Council, and the Staff of the Public Utilities Commission this December 16, 2015, by electronic mail:

Gina M. Piacentino, Esq.
Weldele & Piacentino Law Group
88 East Broad Street, Suite 1560
Columbus, OH 43215
Email: gpiacentino@wp-lawgroup.com

Ajay Kumar
Michael Schuler
The Ohio Consumers' Counsel
10 West Broad Street
Suite 1800
Columbus, Ohio 43215
Michael.Schuler@occ.ohio.gov
Ajay.Kumar@occ.ohio.gov

Werner Margard (0024858)
The Office of the Ohio Attorney General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, Ohio 43215
Werner.margard@puc.state.oh.us

/s/ Michael D. Dortch

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/16/2015 5:05:53 PM

in

Case No(s). 14-1654-GA-CSS

Summary: Brief Orwell-Trumbull Pipeline, LLC's Post-Hearing Brief in Case No. 14-1654-GA-CSS. electronically filed by Mr. Justin M Dortch on behalf of Orwell-Trumbull Pipeline Company, LLC