

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|                                     |   |                         |
|-------------------------------------|---|-------------------------|
| In the Matter of the Application of | ) |                         |
| Columbia Gas of Ohio, Inc., For     | ) | Case No. 17-1005-GA-ATA |
| Authority to Revise its Tariffs.    | ) |                         |

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**MOTION TO HOLD THE RULING OF COLUMBIA’S  
TARIFF REVISION APPLICATION IN ABEYANCE  
AND REQUEST FOR EXPEDITED RULING  
by  
THE GERMAN VILLAGE SOCIETY, INC.**

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In accordance with Ohio Adm. Code 4901-1-12(A), The German Village Society, Inc., respectfully requests that the Commission issue an entry or order holding this proceeding in abeyance until such time as Columbia Gas of Ohio, Inc., clarifies its Application seeking revision of its tariffs. Specifically, as discussed in the memorandum in support, Columbia Gas of Ohio, Inc., in its recent *memorandum contra*, provided statements that directly contradict statements in its tariff revision application. The Utility seems to be confused about what it is asking the Commission to approve. Therefore, good cause exists to grant this motion.

In addition, the German Village Society accompanies this motion with a request for expedited treatment. For the reasons presented below, The German Village Society respectfully requests that the Commission grant this motion, require Columbia to determine what kind of application it should file and supply the appropriate, corresponding documents with a revised, amended or new application.

Respectfully submitted on behalf of:

**The German Village Society, Incorporated**

/s/Christopher J. Allwein

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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

On April 13, 2017, Columbia Gas of Ohio, Inc., (“Columbia” or “Company”) filed an Application under Ohio Revised Code Section 4909.18, not for an increase in rates, but to obtain permission to install Excess Flow Valves (“EFVs”) for customers that request them (“Application”). The cost of the part and installation is not included in the Application. On May 25, 2017, the German Village Society, Inc. (“GVS”) moved for intervention in this case, pursuant to Ohio Revised Code §4903.221 and Ohio Administrative Code (“Ohio Adm. Code”) Rule 4901-1-11. GVS is interested in learning more about the proposed modification in addition to recommending additional, related tariff provisions.

While reviewing the Application, GVS noted that there were deficiencies in the filing, some of which were listed in its motion to intervene. Columbia filed a *Memorandum Contra* to GVS’ Motion On June 9, 2017. Columbia stated that the labeling of the Application was a mistake. But it appears that Columbia is now confused about what the Application is requesting. Until Columbia can decide what kind of application it has filed, and provide the required items for that filing, GVS requests that the Application not be considered for approval by the PUCO.

GVS respectfully requests that the Public Utilities Commission of Ohio (“PUCO” or “Commission”) require Columbia to revise its Application to provide clarity on what the Application is actually requesting for approval, and to include the items omitted, including cost, a complete description of the equipment, the complete federal regulation under which Columbia seeks this modification, and a more complete description of how it will be presented to customers, and why a customer would want to request such an item without knowing the expense involved.

## **II. Problems with Columbia’s Proposed Tariff Changes.**

Columbia filed the tariff application without including all of the required information, did not finish a section of the tariff description, and did not offer a price for the valve, how the EFV would be marketed or an explanation of why any customer would request the EFV. At the very least, the Commission should request that the Application be revised to include these items.

The tariff application is for a new service. Columbia checked this box on page 1 of its Application. The new service is the installation of a new excess flow valve upon a request by a customer. On page 2, Section 4, the appropriate attachments are not made for a new service. With any new service, Columbia (or any other utility) is required, according to the section covering a new service, to include the following:

- a. if new service is proposed, describe;
- b. if **new equipment** is involved, describe (preferably with a picture, brochure, etc.) and where appropriate, a statement distinguishing proposed service from existing services;

- c. if proposed service results from customer requests, so state, giving, if available, the number and type of customers requesting proposed service.<sup>1</sup>

Even though Columbia checked the box on page 1 of its Application that it was a new service, the Company did not provide *any* description of the equipment, as required by Section 4, Exhibit C-1. Columbia could have easily included a picture of an EFV, and a brochure that describes the equipment, but chose to ignore this requirement. Further, it did not complete the regulatory statement that requires the EFV offering.<sup>2</sup>

Though the item appears under a tariff section labeled “Miscellaneous Charges,”<sup>3</sup> There is no doubt that installing a piece of equipment requested by a customer is a **service** provided to that customer. In fact, in Exhibit C-2, included as a part of the application, Columbia describes the Company as a new service:

This application **requests approval of a new service**, because federal pipeline safety regulations did not previously require installation of an EFV for any of the aforementioned **categories of service**. (Emphasis Added).

To expressly describe the item as a “new service” in a subsequent (and final) Application exhibit, in addition to checking that item on page one, would seem to indicate that this Application is indeed a request that involves a new service.

But in its Memorandum Contra, Columbia states that it checked the wrong item in Section 1, and should have checked “change in rule or regulation” instead. While the new service offering may be motivated by a change in federal rules, there is no doubt that

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<sup>1</sup> (Emphasis Added) Columbia Application, p.2, Section 4, Exhibit C-1 (April 13, 2017).

<sup>2</sup> The last line of the regulatory statements ends with “...a customer [...] may request [...] an EFV for an existing service line that is not being newly installed replaced [sic]....” In addition to not making sense and likely not accurately quoting the regulation, there is no punctuation to indicate that is the complete regulatory statement.

<sup>3</sup> See exhibit B-1, Proposed Second Revised Sheet No. 13.

installing a piece of equipment is *also* a new service. The federal regulation, in this case, is requiring the utility to offer customers the opportunity to request a new service.

More than one item may be checked in Section 1. Since the new regulation requires a new service, this item was appropriately checked. In addition to “new service,” Columbia could have checked the other boxes which it now states were omitted by mistake. This means that Columbia made not one, but two mistakes that identified the Application as one for a new service. And it did not include the required items for inclusion in a new service application.

But now the Company wants the Commission to ignore these mistakes and have the Commission approve the Application, even though Columbia itself has declared the Application to be incorrect. The Commission should not approve Columbia’s Application without requiring modification. If rules mean anything, the Commission should seek clarification for the customers on whose behalf it is supposed to regulate utility service, rather than just ignoring admitted mistakes and accommodating the utility by approving a deficient application.

Since the Application intent and its content, according to Columbia, were mistakenly presented and submitted, it is not unreasonable for the Commission to request clarification, revision, or the submission of a new filing in which the intent and the descriptions are clear unambiguous, and sufficient explanation is provided that enables a utility customer to understand it. GVS urges the Commission to hold its ruling in abeyance until the Columbia provides the appropriate modifications.

In the Staff report, PUCO Staff appear to be familiar with EFVs. Staff describes and notes that “EFVs are safety devices....”<sup>4</sup> A device in this case, is also easily described as a piece of equipment. On the Application, any new equipment is a new service and requires a description (and preferably a picture or a brochure). Therefore, it is reasonable for Columbia customers, including those represented by the German Village Society, to seek more information about the devices.

GVS, on behalf of many Columbia Gas residential customers, also has a particular reason for pursuing information about these devices. In early discussions with Columbia at the PUCO, the Company inserted EFVs into the discussion as a reason that certain meter configurations preferred by GVS may not be available. When GVS discovered that Columbia had a tariff filing open that involved EFVs, the GVS reviewed the Application. Because of the omission of some items required for a new service, GVS intervened and sought clarification. After Columbia’s contradictory statements in its memorandum contra, the GVS now seeks additional clarification and understanding on exactly what Columbia seeks in this Application. Simply stated, the Commission should not grant this Application if the utility cannot properly complete the correspondent forms and fulfill the requirements of the Commission.

### **III. Request for Expedited Ruling.**

In order to encourage an efficient and quick resolution, the GVS is requesting an expedited ruling on its motion. The GVS is aware that the Commission’s consideration of this Application is on the proposed agenda for its next meeting. However, the Commission

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<sup>4</sup> Staff Report and Recommendation (May 25, 2017).

requires utilities to be accountable when providing services to Ohio customers. Thus, the Commission has forms required for different types of requests. These forms are designed to identify the issue and elicit the appropriate information so that the Commission may make an informed decision about each particular request. Here, the utility has contradicted itself on what this particular Application is requesting. And there is a demonstrated confusion on the part of some customers regarding its intent. Therefore, it is reasonable for the Commission to hold off ruling on this Application. It is prudent and sensible for the Commission to request that the utility fill in the blanks properly. If the utility cannot appropriately identify what it is asking, how can the Commission provide an appropriate ruling? Until Columbia appropriately and unambiguously fulfills these minimal requirements, it is hasty and irresponsible for any Order to be issued on this Application. If it is for a new service, the Application is incomplete because it does not contain the proper, required descriptions. If it is for something else, the Application should be withdrawn, re-marked and refiled with the proper information and descriptions.

The GVS cannot certify that no party objects to this motion or request for expedited ruling. Therefore, the Commission should provide time to consider this motion and provide sufficient time for a reply from Columbia.

#### **IV. CONCLUSION**

For the reasons stated above, The German Village Society, Inc., respectfully requests that the Public Utilities Commission of Ohio hold any ruling on this Application by Columbia Gas of Ohio, Inc., in abeyance until the utility company provides an unambiguous application that clearly expresses the appropriate intent and contains all



required information in order for the Commission to render and informed and proper decision. The GVS requests an expedited ruling on its motion.

Respectfully submitted on behalf of:

**The German Village Society, Incorporated**

/s/Christopher J. Allwein

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Reply were delivered via electronic mail on this 3rd day of July, 2017 to the following parties.

/s/Christopher J. Allwein

**Christopher J. Allwein**

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**Case No(s). 17-1005-GA-ATA**

Summary: Motion to Hold in Abeyance any Order in this Case and a Request for an Expedited Ruling electronically filed by Mr. Christopher J. Allwein on behalf of German Village Society, Inc.