

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
THE GERMAN VILLAGE SOCIETY, INC.,**

COMPLAINANT,

v.

CASE NO. 17-1298-GA-CSS

COLUMBIA GAS OF OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on August 7, 2017

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Columbia Gas of Ohio, Inc. (Columbia or the Company) is a natural gas company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On May 22, 2017, the German Village Society, Inc. (GVS) filed a complaint against Columbia. In the complaint, GVS states that, in May 2017, Columbia began a project involving the repair and replacement of a portion of its natural gas distribution infrastructure in German Village, an urban, historic neighborhood located in Columbus, Ohio. GVS further states that, as part of the replacement project, Columbia plans to move, to an outside location, all natural gas meters that are currently located inside of the properties affected by the project. GVS alleges that Columbia's planned relocation of the meters will expose German Village residents to recognized and documented safety hazards, such as vehicular traffic. GVS further alleges that Columbia should acknowledge the unique and historic character of German Village and work to contribute to the maintenance of its value and preservation. Finally, GVS claims that the movement of meters to outside

locations in German Village will diminish precious outdoor space that is currently enjoyed by residents, businesses, and visitors. In its petition for relief, GVS requests that Columbia be prohibited from moving indoor meters to outside locations. Along with the complaint, GVS filed a motion to enjoin Columbia from relocating the meters.

{¶ 4} On June 12, 2017, Columbia filed its answer, along with a motion to dismiss the complaint. In its answer, Columbia states that it began the natural gas line replacement project in German Village on May 18, 2017, as part of its accelerated mains replacement program. Columbia further states that, for most of the properties affected by the project, the Company plans to move inside meters to a safe outdoor location. Columbia notes that the meter relocation will be completed in accordance with its tariff and that the Company will continue to work with affected property owners to identify unobtrusive outside meter locations that meet all safety standards and are accessible to emergency responders. According to Columbia, it is not prudent or reasonable to sacrifice safety for aesthetic concerns. In addition to addressing the individual paragraphs of the complaint, Columbia sets forth in the answer several affirmative defenses. Specifically, Columbia asserts that GVS lacks standing in this matter and has failed to state reasonable grounds for complaint as required by R.C. 4905.26. Columbia also maintains that it has complied with all applicable statutes, rules, regulations, and tariffs.

{¶ 5} At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for August 22, 2017, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates and possible stipulations of facts.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 8} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 9} On June 23, 2017, GVS filed a request to prevent the termination of service by Columbia to customers in German Village, while the complaint is pending. Specifically, GVS requests that Columbia be prohibited from disconnecting service to five identified properties in German Village, as well as service to any customers in German Village that do not agree to have their meters moved during the pendency of the complaint.

{¶ 10} On June 27, 2017, Columbia filed a response to GVS' request. In its response, Columbia asserts that GVS' request should be denied as moot, in light of the fact that the Company agrees to work with GVS, individual customers concerned about their meter relocation, and the Commission prior to the disconnection of customers from the old cast iron main that is being retired, which will not occur until September 2017, at the earliest, when the project is completed. Columbia states that, as the project nears completion, the Company will approach GVS, the affected customers, and the Commission's Staff to discuss

options for proceeding with continued safe and reliable gas service once the project is finished. Columbia further states that, until that point, there is no threat that customers will be disconnected.

{¶ 11} Ohio Adm.Code 4901-9-01(E) provides that, if a person filing a complaint against a public utility is facing termination of service by the public utility, the person may request that the Commission provide assistance to prevent the termination of service during the pendency of the complaint.

{¶ 12} Accordingly, the attorney examiner finds that, during the pendency of this matter or until the Commission orders otherwise, Columbia should be prohibited from terminating service to any German Village customers included in the current project that have notified the Company directly of their opposition to the relocation of their meters or that have not yet responded to the Company's request for access to their meters. Any such customer shall continue to pay to Columbia all amounts for service that are billed by the Company, which may continue to disconnect service for nonpayment in accordance with the Commission's rules, while this complaint is pending. Further, the attorney examiner finds that, if Columbia determines that disconnection to any such customer is necessary in order to prevent or resolve a presently or imminently hazardous situation that is unrelated to the subject of the pending complaint, the Company may disconnect service to that customer. Columbia shall file notice of such disconnection and an explanation of the circumstances surrounding the disconnection in this docket within three calendar days of the disconnection.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That a settlement conference be held on August 22, 2017, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

{¶ 15} ORDERED, That, except as otherwise provided in Paragraph 12, Columbia shall not terminate service during the pendency of this proceeding or until such time as the Commission orders otherwise. It is, further,

{¶ 16} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

MJA/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/7/2017 4:40:24 PM

in

Case No(s). 17-1298-GA-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 8/22/2017 at 10:00 a.m. at the offices of the Commission, Hearing Room 11-D, 180 E. Broad St., Columbus, Ohio and except as otherwise provided in Paragraph 12, Columbia shall not terminate service during the pendency of this proceeding or until such time as the Commission orders otherwise. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio