

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Christopher L. Smith and)	
Maggi S. Smith,)	
)	
Complainants,)	
)	
v.)	Case No. 17-1962-GA-CSS
)	
Ohio Gas Company,)	
)	
Respondent.)	

ANSWER OF OHIO GAS COMPANY

Frank P. Darr (Reg. No. 0025469)
Counsel of Record
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(willing to accept service by e-mail)

SEPTEMBER 27, 2017

ATTORNEYS FOR OHIO GAS COMPANY

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Christopher L. Smith)	
and)	
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v.)	Case No. 17-1962-GA-CSS
)	
Ohio Gas Company,)	
)	
Respondent.)	

ANSWER OF OHIO GAS COMPANY

For its Answer and Defenses,¹ Ohio Gas Company states as follows:

1. Admits paragraph 1 to the extent that Ohio Gas Company has a mailing address of P.O. Box 528, Bryan, Ohio 43506.
2. Denies paragraph 2 because Ohio Gas Company issued an invoice dated June 7, 2017 in the amount of \$4,018.00 and an offsetting credit of \$250.00.
3. Denies paragraph 3 because Ohio Gas Company is without knowledge or information sufficient to form a belief as to the truth of the averment.
4. Admits Chris Smith was on the premises to show Ohio Gas Company the preferred path for the installation of the service line and denies the remainder of paragraph 4.

¹ The letter filed on behalf of the Complainants contained unnumbered paragraphs. A copy of the letter is attached as Exhibit A to the Answer. Ohio Gas Company has inserted paragraph numbers. References to paragraph numbers in this Answer are to those contained in Exhibit A.

5. Admits that the cost to install the service line requested by the Complainants was \$4,018.00 and denies the remainder of paragraph 5.
6. Denies the allegation that Ohio Gas Company should not have proceeded until it provided Complainants with the cost of the service line extension and should have given the Complainants an opportunity to “shop around” in paragraph 6, and denies the remainder of paragraph 6 because Ohio Gas Company is without knowledge or information sufficient to form a belief as to the truth of the averment.
7. Denies any allegation not specifically admitted.

First Defense

8. Ohio Gas Company restates paragraphs 1-7 as if fully stated herein.
9. Under its approved tariff, Ohio Gas Company is authorized to charge its costs for the installment of a service line. This tariff has been on file since 2001 with the Public Utilities Commission of Ohio. Ohio Gas Company, PUCO No. 1, Third Revised Sheet No. 10, Page 3 of 3 (Oct. 1, 2001) (viewed at <http://www.puco.ohio.gov/emplibrary/files/docketing/tariffs/Natural%20Gas/Ohio%20Gas%20Company/PUCO%201.pdf>).
10. In 2008, Ohio Gas Company determined and established its cost to install service line extensions was \$7/foot for plastic service line.
11. On or about April 26, 2017, Complainant Christopher Smith applied for a service line extension to 7433 Coder Road, Maumee, Ohio. A copy of the application signed by Mr. Smith is attached as Exhibit B to this Answer.

12. In response to the application for a service line, a representative for Ohio Gas Company met with Mr. Smith who showed the representative the preferred path for the service line on or about May 22, 2017. On or about May 23, 2017, Ohio Gas Company installed the service line. The installed service line is 614 feet long. From the property line to the position of the proposed meter, Ohio Gas Company installed 574 feet of service line. Following Company practice, Ohio Gas Company charged the customer for an extension of 574 feet. Based on the previously established cost of \$7/foot, the cost of the service line extension is \$4,018.00.
13. The cost of \$4,018.00 that could be charged to the Complainants fully complies with the terms and conditions of tariff provisions of Ohio Gas Company for the installation of a service line extension.
14. The Complaint fails to state a claim upon which relief may be granted.

Second Defense

15. Ohio Gas Company restates paragraphs 1-14 as if fully stated herein.
16. On or about April 26, 2017, Complainant Christopher Smith applied for a service line extension to 7433 Coder Road, Maumee, Ohio. A copy of the application signed by Mr. Smith is attached as Exhibit B to this Answer.
17. In response to the application for a service line, Ohio Gas Company installed the line on or about May 23, 2017 at a cost of \$4,018.00.
18. On or about May 26, 2017, Mr. Smith disputed the bill for the installation of the service line.

19. In response to Mr. Smith's complaint, Ohio Gas Company offered to reduce the invoiced amount for the service line extension by \$250 on or about June 1, 2017. The Smiths accepted this offer and paid the remaining balance on or about June 28, 2017. Exhibits C and D.
20. To extent that the amount of the line extension was in dispute, the dispute has been resolved by settlement.

Third Defense

21. Ohio Gas Company restates paragraphs 1-20 as if fully stated herein.
22. The Complaint fails to set forth reasonable grounds for complaint as required by R.C. 4905.26.

Fourth Defense

23. Ohio Gas Company restates paragraphs 1-22 as if fully stated herein.
24. Ohio Gas Company complied with the requirements of Ohio law, the applicable rules of the Public Utilities Commission of Ohio, and the tariffs of Ohio Gas Company.

Fifth Defense

25. Ohio Gas Company restates paragraphs 1-24 as if fully stated herein.
26. The Complaint is barred in whole by the doctrines of laches, waiver, and/or estoppel.

Sixth Defense

27. Ohio Gas Company restates paragraphs 1-26 as if fully stated herein.
28. Ohio Gas Company reserves the right to raise other defenses as warranted by discovery in this matter.

Wherefore, Ohio Gas Company requests that the Complaint be dismissed.

/s/ Frank P. Darr

Frank P. Darr (Reg. No. 0025469)

Counsel of Record

Matthew R. Pritchard (Reg. No. 0088070)

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ATTORNEYS FOR OHIO GAS COMPANY

NC

FILE

Exhibit A

17-1962-GA-CSS

2

Ohio

Public Utilities
Commission

Case Number

RECEIVED DOCKETING

2017 SEP -8 PM 2:04

Public Utilities Commission of Ohio
Attn: Docketing
180 E. Broad St.
Columbus, OH 43215

Formal Complaint Form

Christopher L. Smith + Maggi S. Smith 7433 Coder Road
Customer Name (Please Print) Customer Address

Maumee Ohio 43537
City State Zip

Against

Customer # XM77790
Account Number

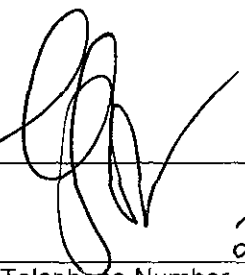
Same as above
Customer Service Address (if different from above)

Ohio Gas Company
Utility Company Name

City State Zip


Please describe your complaint. (Attach additional sheets if necessary)

Please see attached document.

 Maggi S. Smith
Signature
216-536-8966
Customer Telephone Number

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

180 East Broad Street
Columbus, Ohio 43215-3793

Technician 

Date Processed SEP 08 2017

Updated August 29, 2017
(614) 466-3016
www.PUCO.ohio.gov

Exhibit A

September 1, 2017

To whom it may concern at the Public Utilities Commission,

This is in reference to case number MSMI06121736

1. The company is Ohio Gas company PO Box 528 Bryan, Ohio 43506
2. Customer number is XM7790 invoice date is 06/07/2017 for \$4,018.00
3. I called the PUC and spoke with Mr. Lawrence Hampton. He listened to my complaint and said he investigated. I am not happy with his response and would like to file a formal complaint against Ohio Gas Company.
4. He contacted them, and the company told him that "we never asked how much it would cost." We did request the service but the next day they went and started installation. My husband Chris met them there at the house so he could tell them where to put the line, but he did ask them how much this would be and the man said, usually nothing, but he did not know.
5. My issue is this. Who just does work without notifying the customer how much it would be. What if it was \$50,000.00? Would I be responsible for paying it because they installed without notifying me? I understand that there is a cost. I never expected it would be \$4,018.00.
6. I would like you to help me with this issue. The Ohio Gas Company should not have proceeded without telling us how much it was going to cost and should have given us a chance to shop around. I think that what they did was completely inappropriate. I hope to hear from you soon. Thank you so much for your time.

Christopher L. Smith and Maggi S. Smith, DPM, MS

7433 Coder Road

Maumee, Ohio 43537

419-202-2575/ 216-536-8966



Exhibit B

OHIO GAS COMPANY
P O BOX 528 • BRYAN OHIO 43506
APPLICATION FOR GAS SERVICE
Fax 419-636-9837

EMAIL TO:
doug_westhoven@ohiogas.com

☐ EXISTING ☒ NEW CONSTRUCTION ☐ RESIDENTIAL ☐ COMMERCIAL ☐ INDUSTRIAL

INSTRUCTIONS

PRINT FIRMLY, COMPLETE ALL SECTIONS IF APPLICABLE, SIGN AND RETURN TO OUR OFFICE, RETAIN THE PINK COPY FOR YOUR RECORDS

SEC 1.	SERVICE ADDRESS 7433 CODER RD		LOT# / SUBDIVISION	SCHOOL DISTRICT ANTHONY WAYNE
	CITY MAUMEE	COUNTY LUCAS	ZIP CODE 43537	TOWNSHIP MONCLOVA
	NAME OF APPLICANT (LAST NAME FIRST) SMITH CHRISTOPHER		HOME PHONE 419 202 2575	WORK PHONE 419 479-5754
	MAILING ADDRESS (APPLICANT) MAUMEE		STATE OH	ZIP CODE 43537
	CITY MAUMEE	STATE OH	ZIP CODE 43537	E-MAIL ADDRESS CSmith@TddoClinic.com
	NAME OF PROJECT OR BUILDING (COMMERCIAL & INDUSTRIAL ONLY) 600,000		TOTAL ESTIMATED LOAD (BTUH)	REQUESTED PRESSURE IN. WC/PSIG
			<input type="checkbox"/> CHECK BOX IF LOAD STUDY ATTACHED	

*SOME ACCOUNTS MAY BE REQUIRED TO PAY SECURITY DEPOSIT BEFORE METER IS SET

SEC 2.	CHECK ALL BOXES THAT APPLY			
	<input checked="" type="checkbox"/> SINGLE FAMILY	<input type="checkbox"/> MULTIPLE FAMILY	<input type="checkbox"/> MOBILE HOME	<input checked="" type="checkbox"/> HEATING 260,000 (BTU INPUT) <input checked="" type="checkbox"/> WATER HEATING <input checked="" type="checkbox"/> RANGE <input type="checkbox"/> DRYER <input checked="" type="checkbox"/> OTHER Freezer GRILL

SEC 3.	CONVERTING EXISTING STRUCTURE FROM:			
	<input type="checkbox"/> HEAT PUMP	<input type="checkbox"/> ELECTRIC RESISTANCE	<input type="checkbox"/> OIL	<input type="checkbox"/> PROPANE <input type="checkbox"/> OTHER

*APPLICANT ACCEPTS THE RESPONSIBILITY FOR LOCATING ALL UNDERGROUND ITEMS THAT MAY BE ENCOUNTERED DURING SERVICE LINE INSTALLATION INCLUDING SEPTIC SYSTEMS & TANKS, PHONE AND ELECTRIC WIRES, DRAIN TILE, IRRIGATION AND WATER LINES, ETC. APPLICANT SHALL CONTRIBUTE TOWARD THE COST OF THE SERVICE LINE INSTALLATION. LEVELING AND SEEDING OF TRENCH FROM PROPERTY LINE TO METER LOCATION IS THE RESPONSIBILITY OF THE APPLICANT.

APPLICANTS OR AGENTS SIGNATURE *	DATE 4/20/17
-------------------------------------	-----------------

YOU MUST CALL 1-800-331-7396, EXT. 5, FOR A METER SET WHEN READY (FUEL LINE INSTALLED AND AT LEAST 1 GAS BURNING APPLIANCE INSTALLED) SKETCH BELOW OR INCLUDE PLOT MAP SHOWING DESIRED METER LOCATION WITH DISTANCE FROM NEAREST CORNER OF BUILDING. ALSO INDICATE ALL UNDERGROUND ITEMS INCLUDING SEPTIC SYSTEMS & TANKS, PHONE AND ELECTRIC WIRES, DRAIN TILE, IRRIGATION AND WATER LINES, ETC. THAT WOULD BE IN THE AREA OF THE PROPOSED SERVICE LINE. AREA SHOULD BE FREE OF ALL OBSTRUCTIONS (example: BUILDING MATERIALS, TRAILERS & EXCESS DIRT) AND GRADING SHOULD BE COMPLETE!!

(OFFICE USE ONLY)	
INSTALLATION DATA	
REF. NO.	21368
DATE: 5/23/17	
TOTAL LENGTH 414 FT.	
MAIN TO P/L 40 FT.	
P/L TO METER 574 FT.	
SIZE: 3/4" PLASTIC X	STEEL:
INSTALLED BY: T. R.	

21372 Lucas
Monclova Twp

500' bore
between Monclova Rd + Maumee Western Rd

5-2-17- Ready

PLEASE INDICATE NORTH ARROW
AND STREET LOCATION FOR
ORIENTATION OF SKETCH



SEE REVERSED SIDE FOR METER SET REQUIREMENTS

Exhibit C



OHIO GAS COMPANY
PO BOX 528
BRYAN OH 43506-0528



Invoice#	9746
Customer CD	XM7790
Invoice Date	06/07/2017
Due Date	07/07/2017
Amount Due	4018.00

CHRISTOPHER SMITH
7433 CODER RD
MAUMEE, OH 43537-0000

Charge Description	Qty	Rate	Extension
SERVICE LINE 7433 CODER RD - MAUMEE	574.00	7.00	4018.00
		Taxable	0.00
		Non-Taxable	4018.00
		Tax 0.00000	0.00
		Invoice Total	4018.00

Exhibit C



OHIO GAS COMPANY
PO BOX 528
BRYAN OH 43506-0528



Invoice#	9754
Customer CD	XM7790
Invoice Date	06/07/2017
Due Date	07/07/2017
Amount Due	-250.00

CHRISTOPHER SMITH
7433 CODER RD
MAUMEE, OH 43537-0000

Charge Description	Qty	Rate	Extension
SERVICE LINE	1.00	-250.00	-250.00
CREDIT OF 250.00 ON SERVICE LINE			
BALANCE DUE OF 3768.00 7433 CODER RD			
		Taxable	0.00
		Non-Taxable	-250.00
		Tax 0.00000	0.00
		Invoice Total	-250.00

OHIO GAS COMPANY
PO BOX 528
BRYAN OH 43506-0528

Invoice#	9746
Customer CD	XM7790
Invoice Date	06/07/2017
Due Date	10/07/2017
Amount Due	4018.00

[illegible]

Exhibit D

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Answer of Ohio Gas Company* was served upon Christopher L. Smith and Maggi S. Smith at the following address via U.S. Mail, postage prepaid on this 27th day of September, 2017.

Christopher L. Smith
Maggi S. Smith
7433 Coder Road
Maumee, OH 43537

/s/ Frank P. Darr
Frank P. Darr

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/27/2017 8:48:13 AM

in

Case No(s). 17-1962-GA-CSS

Summary: Answer Answer of Ohio Gas Company electronically filed by Mr. Frank P Darr on behalf of Ohio Gas Company