

FILE

PUCO EXHIBIT FILING

Date of Hearing: 4/3/2018

Case No. 17-2168 - GA - CSS

PUCO Case Caption: _____

Suburban Natural Gas Company

Columbia Gas ^{vs.} of Ohio

Volume I

List of exhibits being filed:

- * Suburban Ex. 2 (Confidential designation was removed.)
- * Columbia Ex. 1 (Confidential designation was removed.)
- * (Both are permitted to be filed in public docket)

Columbia Ex. 2, 4

Reporter's Signature: Carolyn M. Burke
Date Submitted: 4/18/2018

RECEIVED-DOCKETING DIV
2018 APR 19 PM 2:03
PUCO

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Technician Am Date Processed 4/20/18

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

Suburban Natural Gas	:	
Company,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case No. 17-2168-GA-CSS
	:	
Columbia Gas of Ohio,	:	
Inc.,	:	
	:	
Respondent.	:	

- - -

PROCEEDINGS

before Ms. Megan Addison and Ms. Patricia Schabo,
Attorney Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street, Room 11-A,
Columbus, Ohio, called at 10:00 a.m. on Tuesday,
April 3, 2018.

- - -

VOLUME I

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481

- - -

Confidential

SUBURBAN NATURAL GAS COMPANY
ESTABLISHED 1882



211 FRONT STREET, P.O. Box 130
CYNOS, OHIO 43413-0130
(419) 655-2345

2026 LEWIS CENTER ROAD
LEWIS CENTER, OHIO 43085-9208
(740) 548-2450

February 9, 2017

John C. Wicks
Real Property Design & Development, LLC
110 Polaris Pkwy, Suite 303
Westerville, OH 43082

RE: Berlin Manor

Dear: John,

In response to your request for natural gas service availability to the approximately 89+/- lots located on the north side of Cheshire Road, west side of Lackey Old State Road, Berlin Township, Delaware County, Ohio, Suburban Natural Gas Company does have natural gas service available to the above described location.

As always, natural gas service to the area as well as any other served or to be served by Suburban Natural Gas Company is subject to the terms and conditions of our PUCO tariff.

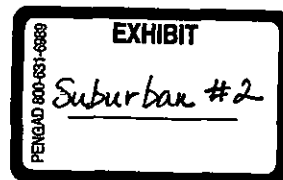
We look forward to working with you on the proposed project. If you have any questions, feel free to contact me directly.

Cordially,

Aaron Roll
Vice President
System Development

AR/hc

cc: Andrew Sonderman



Confidential

SUBURBAN NATURAL GAS COMPANY
ESTABLISHED 1882



211 FRONT STREET, RD. Box 130
OYONNE, OHIO 43418-0130
(419) 835-2345

2086 LEWIS CENTER ROAD
LEWIS CENTER, OHIO 43085-0206
(740) 546-2450

March 31, 2017

EMH & T
5500 New Albany Road
Columbus, Ohio 43054

RE: Clear Creek

Dear Tracy Folts:

In response to your request for natural gas service availability to the approximately \pm 85 acres located on the west side of US 23 and a long Home Road, Orange Township, Delaware County, Ohio, Suburban Natural Gas Company does have natural gas service available to the above described location.

As always, natural gas service to the area as well as any other served or to be served by Suburban Natural Gas Company is subject to the terms and conditions of our PUCO tariff.

We look forward to working with you on the proposed project. If you have any questions, feel free to contact me directly.

Cordially,

Aaron Roll
Vice President
System Development

AR/hc

cc: Andrew Sonderman

EXHIBIT

Columbia #1

PENGAD 800-431-8983

PENGAD 800-631-6980

EXHIBIT

Columbia #2



Utility Technologies International
4700 Homer Ohio Lane
Groveport, OH 43125
www.uti-corp.com
P: 614-482-8080

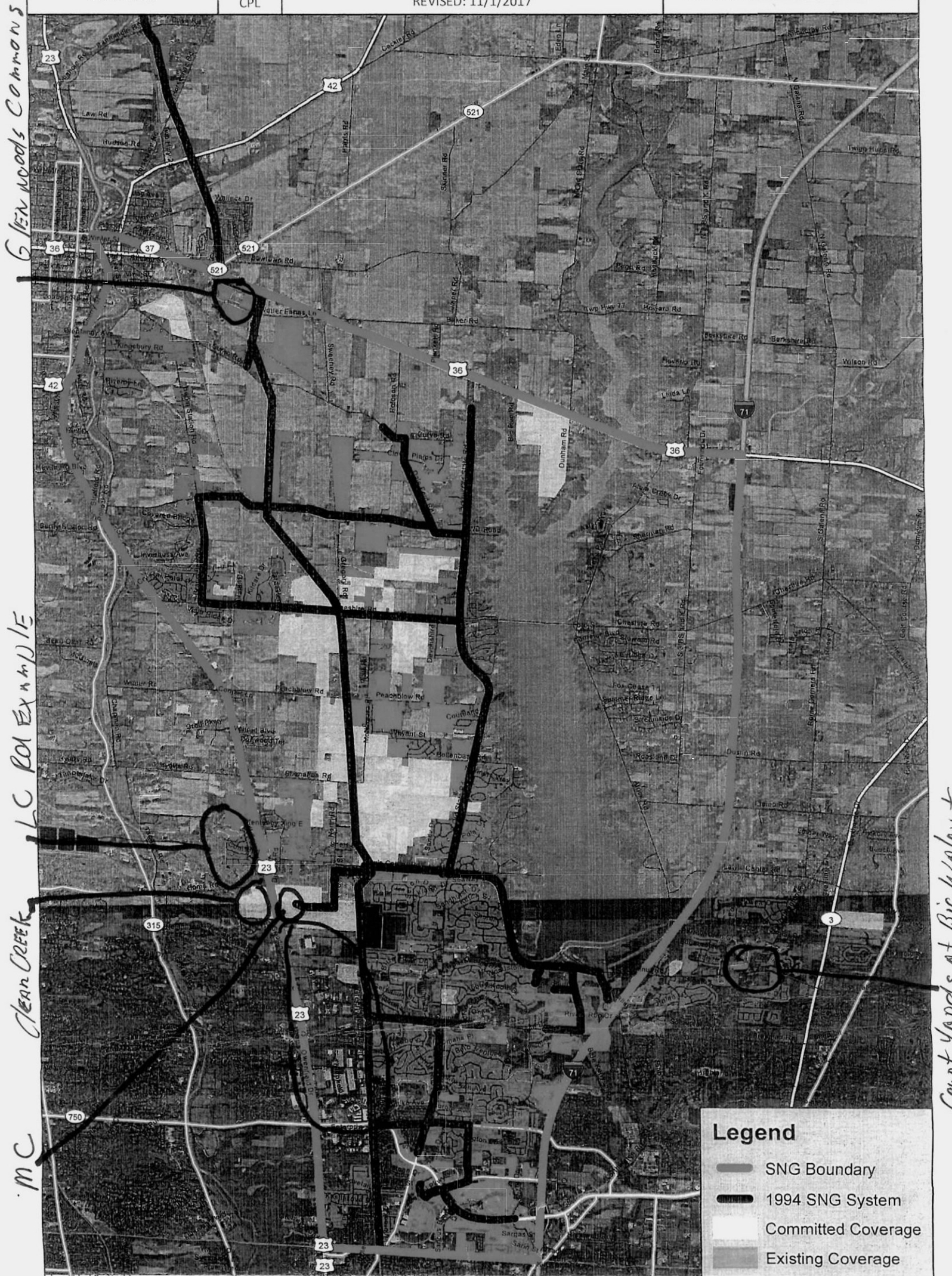
DESIGN:
KDG
DRAFT:
JSD
CHECK:
CPL

Suburban Natural Gas Company Map 3 Service Line 1994 REVISED: 11/1/2017

Request # 4



0 0.5 1 2 Miles



Legend

- SNG Boundary
- 1994 SNG System
- Committed Coverage
- Existing Coverage

D. All parties acknowledge that they will benefit from this Agreement, Suburban by having customers and being able to provide service to the Project, thereby recouping its capital investment and realizing a profit, and Landowner by being assured of natural gas service that will serve the heating needs of the Project.

WHEREFORE, IT IS HEREBY AGREED:

1. Exclusive Service to the Project. Landowner hereby grants and conveys to Suburban the sole and exclusive right to construct a natural gas distribution system on the Property that will serve the heating and other domestic needs utilizing natural gas on the Property (the "Distribution System"). Suburban shall, upon request of Landowner, provide a "service letter," setting forth Suburban's willingness and ability to provide natural gas service to the Project, for inclusion as part of a zoning application for the Project. Suburban shall place such lines and other elements of the Distribution System as it deems necessary or appropriate to enable it to serve the Property and the Project. Suburban shall incur all costs of construction of the Distribution System. Landowner shall not grant any easements or other rights to any other person or entity for the purpose of providing natural gas service to the Property, nor shall Landowner permit or suffer, or grant any rights to, any other person or entity to provide such service or construct or maintain a natural gas distribution system on the Property.

2. Timing of Construction of the Distribution System. The parties anticipate that the entire Project will not be developed at the same time but instead will be developed in phases. Suburban agrees that it shall construct those portions of the Distribution System necessary to provide gas service within a phase of the Project in a timely manner to not delay construction of buildings and other improvements on lots and parcels within such phase.

3. Easements. When and as requested by Suburban from time to time and in order to provide natural gas service to the Property and as part of the consideration hereof, Landowner shall grant and convey to Suburban such easements and other rights as are required by Suburban to properly construct the Distribution System.

4. Run With the Land. The parties hereby agree and acknowledge that they intend that the covenants set forth herein, and the burdens and benefits thereof, run with the land comprising the Property and to all lots and parcels into which the Property may be subdivided in the future, and that the owners thereof, and any and all other direct or indirect successors or assignees of Landowner, be bound hereby and that the benefits of this Agreement inure to them. The parties shall cause a copy of this Agreement to be filed for record in the Delaware County, Ohio Recorder's Office so that the same appears in the chain of title of the Property and so that all future transferees of the Property or any part thereof are given notice of the covenants set forth herein. Landowner shall take such other actions as may be necessary and proper to ensure that the covenants of this Agreement are covenants which run with the land and are binding on all future owners of the Property or any part thereof.

Delaware County
The Grantor Has Complied With
Section 319.202 Of The R.C.
DATE 2-12-18 Transfer Tax Paid 0
~~TRANSFERRED OR TRANSFER NOT NECESSARY~~
Delaware County Auditor By [Signature]

PUIC Case No. 17-2168-GA-CSS
Doc ID: 012479970006 Type: Page 77 of 82
Kind: AGREEMENT
Recorded: 02/12/2018 at 10:02:13 AM
Fee Amt: \$60.00 Page 1 of 6
Workflow# 000015757-0002
Delaware County, OH
Melissa Jordan County Recorder
File# 2018-00003489
BK **1554** PG **1836-1841**
SUBURBAN NATURAL GAS
2636 LEWIS CENTER RD
LEWIS CENTER, OH 43035

EXCLUSIVE NATURAL GAS SERVICE AGREEMENT

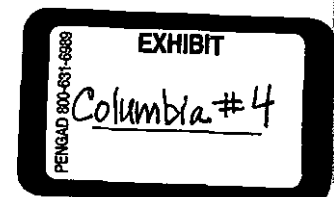
This Exclusive Natural Gas Service Agreement ("Agreement") is made effective this 26th day of JAN, 2018 by and between SUBURBAN NATURAL GAS COMPANY, an Ohio corporation ("Suburban") and VALERIE ROWE, TRUSTEE OR HER SUCCESSOR(S) AS TRUSTEES OF "THE GOLDEN SAMMONS JR. PROPERTY MANAGEMENT TRUST", DATED MAY 10, 2016 ("Landowner"), who hereby agree as follows:

Background Facts

A. Suburban is a utility which sells and distributes natural gas to end users. Landowner owns approximately 21.436 acres of currently mostly unimproved real property in the Township of Berlin, Delaware County, Ohio, designated in the real property records of Delaware County, Ohio as parcel numbers 418-310-01-044-000 [Parcel One of approximately 15.333 acres and Parcel Two of approximately 5.000 acres] and 418-01-045-000 of approximately 1.103 acres, the legal descriptions of which are attached as Exhibit "A" (the "Property"). The Property has not yet been subdivided or developed except as to Parcel Number 418-01-045-000 of approximately 1.103 acres, but Landowner anticipates subdividing or otherwise developing all or part of the Property in the future with commercial, residential and/or industrial development (the "Project").

B. Landowner desires to be assured of natural gas service that will serve the heating needs of the Project. Suburban is willing to provide such gas service to the Project, but running one or more lines for distribution of natural gas to less than all of the Project would not be economically feasible or desirable to Suburban. Accordingly, Suburban is willing to provide the desired natural gas service to the Project only if it can be assured that it can expand the distribution system therefor to serve all of the Property and Project, thereby taking advantage of economies of scale present in larger scale natural gas distribution to make such distribution cost effective.

C. To induce Suburban to incur the substantial expenses necessary to run gas lines to the Project and provide natural gas thereto, Landowner is willing to grant to Suburban exclusive rights to construct a natural gas distribution system on the Property that will serve the heating needs of the Project, subject to the conditions set forth herein.



5. Successors and Assigns of Suburban. It is the intent of the parties that the rights and responsibilities of Suburban under this Agreement shall be assumed by any assignee, transferee, or successor of Suburban, whether by sale of stock, sale of assets, merger or other transaction (a "Transaction"), and Suburban shall in any Transaction ensure that the rights and responsibilities of Suburban under this Agreement are assumed by the assignee, transferee or successor of Suburban.

6. Further Assurances. Each party hereby agrees to execute such documents, containing such terms as reasonably requested by the other, and take such other actions as reasonably requested in order to affect the covenants and obligations set forth herein.

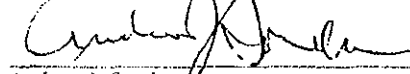
7. Equitable Relief. The parties hereby agree that, in the event of breach hereof by any party, the damages that would be incurred would be difficult or incapable of measurement, and that legal relief would not adequately recompense the aggrieved party for damages incurred. Accordingly, the parties hereby consent and agree to such equitable remedies as shall be deemed appropriate by a court of competent jurisdiction, including without limitation, injunctive relief against actions or omissions in breach hereof.

8. Venue. The parties hereby designate the Common Pleas Court of Delaware County, Ohio as the only court of proper jurisdiction and venue of and for any and all actions and proceedings relating to this Agreement; hereby irrevocably consent to such designation, jurisdiction, and venue; and hereby waive any objections or defenses relating to jurisdiction or venue with respect to any action or proceeding initiated in the Common Pleas Court of Delaware County, Ohio.

9. Choice of Law. The parties hereby acknowledge and agree that the laws of the State of Ohio shall apply with respect to any dispute concerning this Agreement.

SUBURBAN NATURAL GAS COMPANY

By



Andrew J. Sonderrnan

President and Chief Operating Officer

LANDOWNER:



Valerie Rowe, Trustee of the Golden

Sammons Jr. Property Management Trust

Dated May 10, 2016

STATE OF OHIO)
COUNTY OF DELAWARE) ss:

Sworn to before me and subscribed in my presence on the 4th day of January, 2018, by Andrew J. Sonderman, the President and Chief Operating Officer of Suburban Natural Gas Company, an Ohio corporation, who acknowledged the same to be his free act and deed on behalf of Suburban Natural Gas Company.



HEATHER CHURCH
NOTARY PUBLIC
STATE OF OHIO
RECORDED IN
DELAWARE COUNTY
My Commission Expires
October 1, 2019

Heather Church
Notary Public

STATE OF OHIO)
COUNTY OF DELAWARE) ss:

Sworn to before me and subscribed in my presence on the 26 day of JANUARY, 2018, by Valerie Rowe, Trustee of the Golden Sammons Jr. Property Management Trust dated May 10, 2016, who acknowledged the same to be her free act and deed in her capacity of Trustee of said Trust.



S. AARON ROLL
Notary Public, State of Ohio
My Commission Expires
9/9/22

S. Aaron Roll
Notary Public



Parcel No. 418-310-01-044-000

Situated in the State of Ohio, County of Delaware, and in the Township of Berlin and bounded and described as follows:

Being in Range 18, Township 4, Section 3, in Lot 23, U.S.M. Lands, described as follows:

Parcel One:

Beginning at a stone on a post at the Southeast corner of Lot No. 23 in the middle of the county road; thence north along the east line of said Lot 23 ninety-eight and one-third ($98 \frac{1}{3}$) poles to a stone on a post at the Northeast corner of Lot No. 23; thence west along the north line of said Lot No. 23 twenty-five (25) poles to a stone on a post; thence south ninety-eight and one-third ($98 \frac{1}{3}$) poles to a stone on a post in the middle of the county road on the south line of Lot No. 23; thence east along the middle of the county road twenty-five (25) poles to the place of beginning, containing fifteen and one third ($15 \frac{1}{3}$) acres, more or less.

Parcel Two:

Beginning at a stone on a post at the Southeast corner of lands belonging to Lydia Gregory, forty and six tenths ($40 \frac{6}{10}$) poles north of the county road, running North $30^{\circ} 40'$ East twenty-one and two tenths ($21 \frac{2}{10}$) poles; thence North $85^{\circ} 10'$ West thirty-seven and eight tenths ($37 \frac{8}{10}$) poles; thence South $3^{\circ} 50'$ West twenty-one and eight tenths ($21 \frac{8}{10}$) poles to the north line of Lydia Gregory's land; thence east along the north line of Lydia Gregory's land thirty-seven and two tenths ($37 \frac{2}{10}$) poles to the place of beginning, containing five acres, more or less.

Prior Instrument Reference: Volume 612 Volume 439 of the Deed Records of Delaware County, Ohio.

Commonly known as: 2591 Cheshire Road, Delaware, OH 43015

Parcel No. 418-310-01-045-000

Situated in the Township of Berlin, County of Delaware and State of Ohio:

Being a part of Farm Lot 23, Section 3, Township 4, Range 18, U.S. Military Lands and being more particularly described as follows:

Commencing at a railroad spike set in the intersection of County Road 72 (Cheshire Road), and Township Road 99 (Platt Road), also being a corner common to Farm Lots 10, 11, 22 and 23;

Thence along the centerline of County Road 72, South line of Lot 23 (North line of Lot 22), North $83^{\circ} 52' 12''$ West, a distance of 415.20 feet to a railroad spike set at the Southwest corner of a 15.33 acre tract of land now or formerly owned by Russell N. and Mildred J. Meade as described in Deed Book 336 page 65; said railroad spike also being the true place of beginning of the herein described 1.103 acre tract;

Thence continuing along the centerline of County Road 72 (the line common to Farm Lots 22 and 23), North $83^{\circ} 52' 12''$ West, a distance of 150.00 feet to a railroad spike set;

Thence North $05^{\circ} 34' 21''$ East (passing over a $5/8''$ solid iron pin set at 30.00 feet) a total distance of 320.41 feet to a $5/8''$ solid iron pin set;

Thence South $83^{\circ} 52' 12''$ East, a distance of 150.00 feet to a $5/8''$ solid iron pin set on the westerly line of the aforementioned 15.33 acre tract;

Thence along the Westerly line of said 15.33 acre tract, South $05^{\circ} 34' 21''$ West (passing over a $5/8''$ solid iron pin set at 290.41 feet) a total distance of 320.41 feet to the true place of beginning, containing 1.103 acres more or less, subject to all easements, restrictions and rights-of-way of record;

All iron pins set are $5/8''$ solid iron pins with yellow plastic caps stamped Stults & Assoc.;

Bearing system based on the centerline bearing of County Road 72 (South $83^{\circ} 52' 12''$ East), taken from plat and description by Stults & Associates for A.H. Scharack, dated 5/14/86;

APPROVED FOR FILING
FOR EXHIBIT ONLY
DATE: 10/2/10
DELAWARE COUNTY ENGINEER

Prepared by Stuffs and Associates, Inc., H. Edward Snodgrass, Registered Surveyor No. 5555,
dated 10/24/86.

Prior Instrument Reference: Volume 644 Page 2495 of the Official Records of Delaware County,
Ohio.

Commonly known as: 2541 Cheshire Road, Delaware, OH 43015