

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMMISSION'S
INVESTIGATION INTO COBRA PIPELINE
CO., LTD AND RELATED MATTERS.**

CASE No. 14-1709-GA-COI

**IN THE MATTER OF THE APPLICATION OF
ORWELL-TRUMBULL PIPELINE
COMPANY, LLC TO AMEND ITS RATES
AND CHARGES.**

CASE No. 16-1726-PL-AIR

**IN THE MATTER OF THE COMPLAINT OF
ORWELL NATURAL GAS COMPANY,**

COMPLAINANT,

CASE No. 16-2419-GA-CSS

v.

**ORWELL-TRUMBULL PIPELINE
COMPANY, LLC,**

RESPONDENT.

**IN THE MATTER OF THE COMMISSION'S
INVESTIGATION INTO ORWELL-
TRUMBULL PIPELINE COMPANY, LLC
AND COBRA PIPELINE COMPANY, LTD.**

CASE No. 17-2424-PL-COI

ENTRY

Entered in the Journal on May 10, 2018

{¶ 1} Orwell-Trumbull Pipeline Company, LLC (OTP) is a pipeline 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.

{¶ 2} On August 15, 2016, in Case No. 16-1726-PL-AIR (*Rate Case*), OTP filed its application in response to the Commission's Opinion and Order in Case No. 14-1654- GA-CSS, et al. In that Order, the Commission directed OTP and any other pipeline companies owned or controlled by Richard Osborne to file applications, pursuant to R.C. Chapter

4909, to determine just and reasonable rates that include charges for firm and interruptible transportation services and rates for shrinkage. *In re Complaint of Orwell Natural Gas Co. v. Orwell-Trumbull Pipeline Co., LLC*, Case No. 14-1654-GA-CSS, et al. (*First Complaint Case*), Opinion and Order (June 15, 2016) at 35. The Commission also ordered that the subject matter of Case No. 14-1709-GA-COI be expanded to include an investigation of all pipeline companies owned or controlled by Richard Osborne. *First Complaint Case* at 44.

{¶ 3} On December 20, 2016, in Case No. 16-2419-GA-CSS (*Second Complaint Case*), Orwell Natural Gas Company filed a complaint against OTP, alleging that OTP has been charging a rate that does not comply with the Commission's Order in the *First Complaint Case*.

{¶ 4} On November 29, 2017, in Case No. 17-2424-PL-COI, the Commission initiated an investigation of OTP and directed the Ohio Attorney General's office to take any appropriate steps to protect the customers of OTP in a receivership proceeding before the Cuyahoga County Court of Common Pleas.

{¶ 5} On February 27, 2018, Zachary Burkons of Rent Due, LLC (OTP Receiver) filed a motion to intervene in the above-captioned cases, and on March 1, 2018, filed a motion to stay the proceedings in the *Second Complaint Case* and the *Rate Case*. In the motion for intervention, OTP Receiver indicates that, in the civil matter involving OTP before the Cuyahoga County Court of Common Pleas, he was appointed to serve as a receiver of all real and personal property of OTP. OTP Receiver states that the court gave him broad powers including the authority to take complete possession, control, and custody of personal and real property of OTP and the authority to intervene in any action as necessary for the administration, maintenance, or preservation of OTP. Thus, OTP Receiver asserts he has a real and substantial interest in these proceedings and requests to intervene. No objections to the motion were filed.

{¶ 6} Accordingly, the attorney examiner finds that OTP Receiver's motion to intervene is reasonable and should be granted.

{¶ 7} Regarding the motion to stay proceedings, OTP Receiver maintains that his primary objective as the receiver is to eventually sell OTP's assets. OTP Receiver states that he is still getting accustomed to OTP and is first prioritizing that OTP customers continue to receive safe and reliable service. Further, in assessing OTP's various cases pending before the Commission, OTP Receiver submits that going forward on these proceedings at this time may go against his obligation to maximize OTP's value in pursuit of a sale. Thus, OTP Receiver seeks a stay of the *Second Complaint Case* and the *Rate Case*. OTP Receiver represents that the motion is unopposed.

{¶ 8} For good cause shown, the attorney examiner finds that OTP Receiver's motion to stay proceedings should be granted. Accordingly, the proceedings in both the *Second Complaint Case* and the *Rate Case* should be suspended until otherwise ordered by the Commission. Although the proceedings will be suspended, this does not affect the Commission's statutory authority in the *Rate Case* to investigate and acquire records, contracts, reports, and other documentation under R.C. 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That OTP Receiver's motion to intervene be granted. It is, further,

{¶ 11} ORDERED, That OTP Receiver's motion to stay be granted to the extent set forth in this Entry. It is, further,

{¶ 12} ORDERED, That the proceedings in the *Second Complaint Case* and the *Rate Case* be suspended. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Nicholas J. Walstra

By: Nicholas J. Walstra
Attorney Examiner

JRJ/mef

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Case No(s). 14-1709-GA-COI, 16-1726-PL-AIR, 16-2419-GA-CSS, 17-2424-PL-COI

Summary: Attorney Examiner Entry granting motions filed by receiver for Orwell-Trumbull Pipeline Co., LLC., and suspending certain case proceedings. electronically filed by Ms. Mary E Fischer on behalf of Nicholas J. Walstra, Attorney Examiner, Public Utilities Commission of Ohio