

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**POST-HEARING BRIEF OF INTERVENORS DELAWARE COUNTY  
BOARD OF COMMISSIONERS AND DELAWARE COUNTY ENGINEER**

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CAROL HAMILTON O'BRIEN  
DELAWARE COUNTY  
PROSECUTING ATTORNEY

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## **INTRODUCTION**

This action was initiated by complaint of Suburban Natural Gas against Columbia Gas filed in October 2017, but the Delaware County Board of Commissioners (the “Board”) and the Delaware County Engineer (the “Engineer”) only became aware of the complaint in January 2018. While the complaint contains allegations related to violations of stipulations, orders, tariffs, etc., the Board and the Engineer sought, and were granted, intervention for the limited purpose of presenting evidence in support of the proposition that the unnecessary duplication of natural gas facilities constitutes an unreasonable service practice. Specifically, in this matter, Columbia Gas’ extension of natural gas facilities within Delaware County rights-of-way on the opposite side of Cheshire Road from existing Suburban Natural Gas facilities may constitute an unreasonable service practice.

## **FACTUAL BACKGROUND**

The Board is the duly elected board of county commissioners for Delaware County, a political subdivision of the State of Ohio, and the Engineer is the duly elected county engineer for Delaware County. The Board, besides being a natural gas customer, is the owner of hundreds of miles of highways within Delaware County and, as a result, is responsible for the construction and maintenance of such highways and the rights-of-way in which they are located, with the Engineer coordinating and administering such functions. The Board is also the owner and operator of the Delaware County Sewer District with hundreds of miles of sanitary sewer facilities within rights-of-way and easements. The County is also responsible for the provision of emergency services, including emergency medical services and 9-1-1 emergency communications throughout Delaware County.

Based on information provided to the Board and the Engineer prior to seeking intervention, which information was then admitted into evidence at the hearing in this matter, the Board and the Engineer are aware that Suburban Natural Gas owns natural gas facilities on the north side of Cheshire Road in Delaware County, Ohio and that Columbia Gas owns natural gas facilities on the south side of Cheshire Road in Delaware County, Ohio. The Board and the Engineer have continued to process right-of-way utility work permits during the pendency of this matter. (Delaware County Exhibit 1, p.4, ll.1-5; Hearing Transcript Vol. I, p.14, ll.11-25) Despite continuing to process permit applications, the Board and the Engineer have expressed concerns about the unnecessary duplication of natural gas facilities within or adjacent to county road rights-of-way. (Delaware County Exhibit 1, p.2, ll.19-20) In filed direct testimony, admitted as Delaware County Exhibit 1, and upon cross-examination, Robert M. Riley, P.E., P.S., the Delaware County Chief Deputy Engineer, explained these concerns using specific examples of the increased costs natural gas facility relocations have caused in relation to Delaware County road projects. The Board and Engineer respectfully assert that those costs realized in single-utility installations would increase as a result of duplicative installations.

### **ARGUMENT**

The unnecessary duplication of natural gas facilities affects Delaware County's ability to construct and maintain public infrastructure, specifically with respect to the acquisition of additional easements and rights-of-way, the issuance of permits within the existing rights-of-way, and the construction and relocation of public utilities. Particularly, the unnecessary duplication of natural gas facilities and related appurtenances will increase costs for the Board and create practical difficulties in administering future construction and maintenance activities.

In testimony admitted at the hearing, the Board and the Engineer acknowledge that the duplication of natural gas facilities is sometimes necessary, due to design requirements and service limitations. In the absence of those conditions, however, the installation of duplicative natural gas facilities is unnecessary and unreasonable due to the impact such duplication has on the construction and administration of the Delaware County road network.

Specifically, in this matter, the evidence at the hearing establishes that Suburban Natural Gas and Columbia Gas have each installed natural gas facilities along Cheshire Road in Delaware County, Ohio. Delaware County does not take a position whether such installations violate any existing stipulation, order, tariff, etc., but if there is not a design or service capacity requirement for duplicating natural gas facilities within or adjacent to the right-of-way for Cheshire Road, then the duplication is unnecessary and, therefore, an unreasonable service practice. The practice is unreasonable because it does not serve a legitimate service purpose but will cause increased costs related to the future improvement of Cheshire Road.

### **CONCLUSION**

Based on the foregoing, the Board and the Engineer respectfully request that the Commission find and determine that the unnecessary duplication of natural gas installations is an unreasonable service practice and consider the negative effects such installations will have on the Board and the Engineer in reaching a decision in this matter.

Dated: May 15, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of document was served by electronic mail this 15<sup>th</sup> day May,  
2018, upon the following:

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