

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Cobra )  
Pipeline Company, Ltd. for an Increase in Its ) Case No. 16-1725-PL-AIR  
Rates and Charges. )

In the Matter of the Application of Cobra )  
Pipeline Company, Ltd. for an Emergency ) Case No. 18-1549-PL-AEM  
Increase in Its Rates and Charges. )

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**REPLY IN SUPPORT OF NORTHEAST OHIO NATURAL GAS CORP.’S MOTION TO  
STRIKE PORTIONS OF THE POST-HEARING REPLY BRIEF OF COBRA PIPELINE  
COMPANY, LTD.**

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In responding to Northeast Ohio Natural Gas Corp.’s (“NEO”) Motion to Strike (“Motion”), Cobra Pipeline Company, Ltd. (“Cobra”) failed to cite the source for any of the figures included in the contested sections. Instead, NEO claims these very specific numbers are a “summarization of the evidence found in Exhibit JC-1, Exhibit JC-2 and the testimony of Cobra’s witnesses, Jessica Carothers and Carolyn Coatoam...” This is simply not correct. The information claimed to be a “summarization” cannot be found anywhere in the thousands of pages of record evidence submitted in this proceeding. Indeed, Exhibit JC-1 and Exhibit JC-2 contained only information arising before December 1, 2018, and could not have addressed or memorialized the transactions in question. Cobra’s failure to cite any record evidence supporting this “summarization” is, by itself, sufficient grounds for granting the Motion.

The only specific information Cobra cites is a response on cross-examination of Cobra witness, Ms. Carolyn Coatoam. In those responses, Ms. Coatoam only testified about two transactions; her testimony did not include the non-record evidence at issue. If Cobra wanted to

rely on Ms. Coatoam's actual testimony concerning those transactions, then it could have done so. But that is not what Cobra did. Instead, Cobra included new non-record evidence in its post-hearing reply brief and then faulted other parties for failure to explore the non-record evidence at hearing. That type of clairvoyance about information which is not addressed in the record, but might be introduced by an opponent in the future, is simply not the standard. If evidence is not included in the record, then it is not appropriate for inclusion in post-hearing briefs and must be stricken.

Finally, Ms. Coatoam testified to different numbers than those stated in the non-record evidence portion of Cobra's post-hearing reply brief. As a result, it is simply not true that Cobra provided a "summarization" of her testimony in any respect. Incredibly, after citing Ms. Coatoam's testimony in support of its non-record evidence, Cobra claims that Ms. Coatoam's actual testimony concerning alleged owner contributions should be corrected based on the non-record evidence. It goes without saying that Cobra cannot retroactively correct or modify actual testimony with non-record evidence of questionable veracity and reliability.

The exhibits and Ms. Coatoam's actual testimony are in the record. Cobra was free to cite to all of that record evidence but chose instead to invent and cite to highly suspect non-record evidence. As a matter of law, the non-record evidence should be stricken from Cobra's post-hearing reply brief.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I certify that the foregoing Reply in Support of Motion to Strike was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 8th day of April, 2019. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Trevor Alexander

One of the Attorneys for Northeast Ohio  
Natural Gas Corp.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/8/2019 1:12:57 PM**

**in**

**Case No(s). 16-1725-PL-AIR**

Summary: Reply Reply in Support of Motion to Strike electronically filed by Mr. Trevor Alexander on behalf of Northeast Ohio Natural Gas Corp.