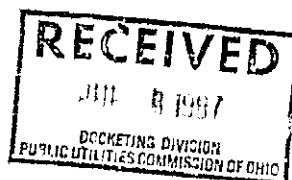


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File  
**COLUMBIA GAS**  
of Ohio



July 8, 1987

The Honorable Colleen L. Mooney  
Attorney Examiner  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43266-0573

Re: Suburban Fuel Gas v. Columbia Gas of Ohio  
Case No. 86-1747-GA-CSS

Dear Examiner Mooney:

Respondent's post-hearing brief in the above-captioned case contains a typographical error. The word "not" was inadvertently omitted from the sentence beginning on the sixteenth line of page 46. Although the omission is probably obvious from the context, I have enclosed a corrected page.

Very truly yours,

*Kenneth W. Christman*

Kenneth W. Christman  
Attorney

KWC/vw

cc: David L. Pemberton, Esq.  
Evelyn R. Robinson, Esq.

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- 46 -

The fact that a business or enterprise is, generally speaking, a public utility does not make every service performed or rendered by it a public service... [I]t may act in a private capacity, as distinguished from its public capacity, and in doing so is subject to the same rules as a private person.

96 Ohio App. at 140, 120 N.E.2d at 601-2. See also, 73B C.J.S. 150, Public Utilities, §11; 64 Am. Jur. 2d 550, Public Utilities, §1. The sale of telephone directory advertising, for example, constitutes a "private endeavor," and not a public utility service, because utilities are under no "public duty" to provide such advertising. Richard A. Berjian, D. O., v. Ohio Bell Telephone Co., 54 Ohio St. 2d 147, 154-55, 375 N.E.2d 410, 415 (1978). As a result, the public utility laws do not apply to such sales. R.C. §4905.32 does not require that directory advertising charges be set forth in telephone companies' tariffs (and they are not); R.C. §§4905.33 and 4905.35 do not require that such advertising be provided on a non-discriminatory basis; and R.C. §4905.33 does not prohibit the furnishing of such advertising at less than actual cost.

The same thing is true of the installation, maintenance, and repair of customer service lines. The Commission has repeatedly held that those activities do not constitute a public utility service, even when provided by a public utility. Keeling v. Cincinnati Gas & Electric Co., PUCO Case No. 34-374-GA-CSS (May 1, 1984); Kemme v. Cincinnati Gas & Electric Co., PUCO Case No. 82-1352-GA-CSS (December 22, 1982). For that reason, those activities, like telephone directory advertising, fall outside

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**Case No(s). 86-1747-GA-CSS**

Summary: Brief Corrections to typographical error in the respondent's post-hearing brief by K. Christman. electronically filed by Docketing Staff on behalf of Docketing