

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of	)	
	)	
Rick Cunningham,	)	Case No. 20-1286-GA-CSS
Complainant,	)	
v.	)	
	)	
Columbia Gas of Ohio, Inc. and/or TC	)	
Energy,	)	
Respondent.	)	

---

---

**MOTION TO DISMISS OF  
COLUMBIA GAS OF OHIO, INC.**

---

---

Pursuant to Ohio Adm.Code 4901-9-01(C), Columbia Gas of Ohio, Inc. ("Columbia") hereby files its Motion to Dismiss the above referenced case. For the reasons more fully discussed in the attached Memorandum in Support, the Public Utilities Commission of Ohio ("Commission") should dismiss this Complaint without prejudice.

Respectfully submitted by,  
**COLUMBIA GAS OF OHIO, INC.**

/s/ Joseph M. Clark  
Joseph M. Clark, Asst. Gen. Counsel (0080711)  
P.O. Box 117  
290 W. Nationwide Blvd.  
Columbus, Ohio 43216-0117  
Telephone: (614) 460-6988  
E-mail: josephclark@nisource.com

(Willing to accept service by e-mail)  
Attorney for  
**COLUMBIA GAS OF OHIO, INC.**

## MEMORANDUM IN SUPPORT

R.C. 4905.26 provides that reasonable grounds must exist before the Commission can order a hearing on the complaint of another party. For a complainant to state reasonable grounds, it must allege facts that would lead to a finding that the public utility has engaged or will engage in unjust, unreasonable, or unlawful behavior.<sup>1</sup> In complaint proceedings, the burden of proof is on the complainant.<sup>2</sup>

On July 15, 2020, Complainant filed his Complaint against Columbia Gas of Ohio, Inc. “and/or” TC Energy. Complainant attached a hand-written explanation to the Commission about his interaction with TC Energy, e-mail and written correspondence with TC Energy, and an Agreement for Conditional Limited Time Gas Service (“Agreement”). The Agreement is signed by the Complainant, Columbia, and Columbia Gas Transmission Corporation (which is now called TC Energy).<sup>3</sup>

The allegations in the Complaint only relate to the Complainant’s dispute with TC Energy. The handwritten portion of the Complaint corresponds solely to a dispute between Complainant and TC Energy. And the e-mail correspondence is only between the Complainant and TC Energy. The written letter threatening disconnection in the Complaint is between Complainant and TC Energy. There are no allegations of any wrongdoing or fault on Columbia’s part. Columbia has no objection to continuing to provide distribution service in the manner that distribution service is currently being provided to the Complainant.

The Complainant has failed to state reasonable grounds for a Complaint against *Columbia*. Additionally, Complainant has not demonstrated that Columbia has engaged

---

<sup>1</sup> *In the Matter of the Complaint of John M. Beres v. Ameritech Ohio*, Case No. 00-509-TP-CSS, Entry at 2 (April 20, 2000).

<sup>2</sup> *In the Matter of the Complaint of Suburban Natural Gas Company v. Columbia Gas of Ohio*, Case No. 17-2168-GA-CSS, Opinion and Order at 4 (April 10, 2019); *see also Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

<sup>3</sup> Columbia Gas Transmission Corporation became Columbia Gas Transmission, LLC in 2009. *See* Conversion of Business Type, Ohio Secretary of State (<https://bizimage.ohiosos.gov/api/image/pdf/200905102118>).

Columbia Gas Transmission, LLC was spun off from Columbia Gas of Ohio, Inc.’s parent company, NiSource Inc., on July 1, 2015. *See* <https://www.bizjournals.com/houston/news/2015/07/01/houston-based-midstream-company-setto-spin-off.html>.

Columbia Gas Transmission, LLC was acquired by TC Energy in 2016, and is not affiliated with Columbia Gas of Ohio, Inc. *See* <https://www.tcenergy.com/operations/natural-gas/columbia-gas-transmission/>.

Columbia Gas Transmission, LLC is an interstate pipeline system of 11,500 miles of pipeline and dozens of storage fields extending from New York to the Midwest and Southeast.

in or is planning to engage in unjust, unreasonable, or unlawful behavior. Columbia has complied with all applicable Ohio statutes, the Commission's rules and regulations, and Columbia's tariff. Thus, Complainant has not met his burden of proof.

TC Energy, not Columbia, is the proper respondent of the Complaint. Since Columbia is not the proper respondent, this Complaint as it relates to Columbia is not properly before the Commission pursuant to R.C. 4905.26. Additionally, Complainant fails to state a claim against Columbia for which relief can be granted. For these reasons, Columbia should be dismissed from this Complaint.

Respectfully submitted by,

**COLUMBIA GAS OF OHIO, INC.**

/s/ Joseph M. Clark

Joseph M. Clark, Asst. Gen. Counsel (0080711)

P.O. Box 117

290 W. Nationwide Blvd.

Columbus, Ohio 43216-0117

Telephone: (614) 460-6988

E-mail: josephclark@nisource.com

(Willing to accept service by e-mail)

Attorney for

**COLUMBIA GAS OF OHIO, INC.**

## CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served via ordinary U.S. Mail, postage prepaid on the 4th day of August, 2020 upon the parties listed below.

/s/ Joseph M. Clark

Joseph M. Clark

Attorney for

**COLUMBIA GAS OF OHIO, INC.**

Rick Cunningham  
57624 North Star Road  
Pleasant City, Ohio 43772

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

**Commission of Ohio Docketing Information System on**

**8/4/2020 12:07:27 PM**

**in**

**Case No(s). 20-1286-GA-CSS**

Summary: Motion to Dismiss of Columbia Gas of Ohio, Inc. electronically filed by Ms. Melissa L. Thompson on behalf of Columbia Gas of Ohio, Inc.