

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

Northeast Ohio Natural Gas Corp.)	
Complainant,)	Case No. 20-1597-GA-CSS
v.)	
Cobra Pipeline Company LTD,)	
Respondent.)	

**COBRA PIPELINE COMPANY, LTD'S MOTION
FOR LEAVE TO FILE *INSTANTER* ITS ANSWER
TO NORTHEAST OHIO NATURAL GAS CORP.'S COMPLAINT**

Pursuant to Ohio Administrative Code ("O.A.C") 4901-1-12(A), Cobra Pipeline Company, LTD ("Cobra") respectfully requests leave to file *instanter* its Answer to Northeast Ohio Natural Gas Corp.'s ("NEO's") Complaint filed with the Public Utilities Commission of Ohio ("Commission") on October 15, 2020. A copy of the Answer is attached to this motion. OTPC seeks leave to file its Answer beyond the November 4, 2020 deadline established by O.A.C. 4901-9-01(B). For reasons set forth more fully in the attached memorandum in support, Cobra respectfully requests that the Commission grant this request to file out of time and accept the Answer.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The PUCO's e-filing system will serve notice of this filing upon counsel for the parties and the Staff of the Public Utilities Commission of Ohio. Further, I hereby certify that a true and accurate copy of the foregoing was served upon counsel for the parties this November 10, 2020, by electronic mail:

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MEMORANDUM IN SUPPORT

On September 18, 2020, Cobra Pipeline Company, LTD (“Cobra”) filed its P.U.C.O Tariff No. 2 (“Tariff”) with the Public Utilities Commission of Ohio (“Commission”) in Case No. 89-8041-PL-TRF (“Tariff Case”). On September 19, 2020, Cobra filed a plan of reorganization in its Chapter 11 Bankruptcy proceeding, pending as case no. 19-15961 in the U.S. Bankruptcy Court for the Northern District of Ohio, and on September 20, 2020, Cobra filed its Disclosure Statement in that proceeding.

On October 15, 2020, Northeast Ohio Natural Gas Corp. (“NEO”) filed a Complaint (“Complaint”) against Cobra with this Commission, alleging that the Tariff Cobra filed in its tariff docket is unjust and unreasonable. NEO’s Complaint was docketed as Case NO. 20-1597-GA-CSS (“Complaint Case”). At the same time, NEO also filed a Motion asking the Commission to suspend Cobra’s Tariff (“Motion to Suspend”) in the Complaint Case. On October 20, 2020, an attorney in the offices of Cobra’s outside counsel, Kravitz Brown & Dortch, LLC, became ill, and tested positive for COVID 19 the next day. On October 29, 2020, Cobra timely responded to NEO’s Motion to Suspend.

Due to the multitude of intertwined cases involving Cobra and a temporary manpower shortage in KBD office, undersigned counsel unintentionally overlooked the November 4, 2020 filing deadline to file Cobra's Answer in the Complaint Case. Cobra now files this Motion for Leave to File Instantly Its Answer to ONG's Complaint ("Motion for Leave").

The Commission's rules permit it to grant leave to file an Answer out of time when doing so will cause no harm to the parties.¹ Granting this Motion for Leave will not prejudice NEO (or this Commission) and will not prolong this proceeding because the Commission has not yet established a procedural schedule nor has the Commission directed the parties to do any other action in this proceeding other than filing an Answer. Furthermore, Cobra's Tariff has been suspended by the Commission's October Entry and therefore has not gone into effect.

For the foregoing reasons, Cobra respectfully requests that the Commission grant its Motion for Leave.

Respectfully submitted,

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¹ *In the Matter of the Complaint of Mary E. Cosgwell pursuant to 4901-9-01, Ohio Administrative Code, against Toledo Edison Company*, Case No. 91-1421-EL-CSS, Entry (September 10, 1991). See also, *In the Matter of the Complaint of John Shreve v. Ohio Edison Company*, Case No. 20-402-EL-CSS and *In the Matter of the Complaint of H.P. Technologies, Inc. v. Ryan E Boucher, et al.*, Case No. 19-2050-GE-CSS, Entry (May 26, 2020).

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COBRA PIPELINE COMPANY, LTD'S
ANSWER

Now comes Respondent, Cobra Pipeline Company, LTD, to answer the Complaint filed by Northeast Ohio Natural Gas Corp. as follows:

1. Cobra lacks sufficient information to form a belief as to the accuracy of the allegations found within paragraph 1 of the Complaint, and therefore denies those allegations.
2. Cobra admits the allegations contained within paragraph 2 of the Complaint.
3. Cobra admits the allegations contained within paragraph 3 of the Complaint.
4. Cobra admits the allegations contained within paragraph 4 of the Complaint.
5. Cobra admits the allegations contained within paragraph 5 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation.
6. Cobra admits the allegations contained within paragraph 6 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation.

7. Cobra admits the allegations contained within paragraph 7 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation.
8. Cobra admits the allegations contained within paragraph 8 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation.
9. Cobra admits the allegations contained within paragraph 9 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation.
10. Cobra admits the allegations contained within paragraph 10 of the Complaint.
11. Cobra admits the allegations contained within paragraph 11 of the Complaint.
12. Cobra admits the allegations contained within paragraph 12 of the Complaint.
13. Cobra admits the allegations contained within paragraph 13 of the Complaint.
14. Cobra admits the allegations contained within paragraph 14 of the Complaint.
15. Cobra admits the allegations contained within paragraph 15 of the Complaint.
16. Cobra admits the allegations contained within paragraph 16 of the Complaint.
17. Cobra admits the allegations contained within paragraph 17 of the Complaint.
18. Cobra denies the allegations contained within paragraph 18 of the Complaint.
19. Cobra denies the allegations contained within paragraph 19 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation. Further answering, Cobra avers that it did provide notice to its customers of the filing of its PUCO No. 2

tariff on or about October 16, 2020, and of the Commission's suspension of its PUCO No. 2 tariff on or about October 30, 2020.

20. Paragraph 20 of the Complaint contains a statement of law that requires no response.

Cobra denies any allegation within Paragraph 20 that purports to be an allegation of fact.

21. Paragraph 21 of the Complaint contains a statement of law that requires no response.

Cobra denies any allegation within Paragraph 21 that purports to be an allegation of fact.

22. Paragraph 22 of the Complaint contains a statement of law that requires no response.

Cobra denies any allegation within Paragraph 22 that purports to be an allegation of fact.

23. Paragraph 23 of the Complaint contains a statement of law that requires no response.

Cobra denies any allegation within Paragraph 23 that purports to be an allegation of fact.

24. Paragraph 24 of the Complaint contains a statement of law that requires no response.

Cobra denies any allegation within Paragraph 24 that purports to be an allegation of fact.

25. Paragraph 25 of the Complaint contains a statement of law that requires no response.

Cobra denies any allegation within Paragraph 25 that purports to be an allegation of fact.

26. Paragraph 26 of the Complaint contains a statement of law that requires no response.

Cobra denies any allegation within Paragraph 26 that purports to be an allegation of fact.

27. Paragraph 27 of the Complaint contains a statement of law that requires no response.

Cobra denies any allegation within Paragraph 27 that purports to be an allegation of fact.

28. Cobra admits the allegations contained within paragraph 28 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation.

COUNT ONE

29. In response to paragraph 29 of the Complaint, Cobra incorporates the preceding paragraphs of its answer as if fully set forth herein.

30. Cobra admits the allegations contained within paragraph 30 of the Complaint.

31. Cobra denies the allegations contained within paragraph 31 of the Complaint.

32. Cobra admits the allegations contained within paragraph 32 of the Complaint.

33. Cobra admits the allegations contained within paragraph 33 of the Complaint.

Answering further, Cobra denies that PUCO approval is necessary before it modifies its rates.

34. Cobra denies the allegations contained within paragraph 34 of the Complaint.

35. Cobra denies the allegations contained within paragraph 35 of the Complaint.

COUNT TWO

36. In response to paragraph 36 of the Complaint, Cobra incorporates the preceding paragraphs of its answer as if fully set forth herein.

37. Cobra admits the allegations contained within paragraph 37 of the Complaint.

38. Cobra admits the allegations contained within paragraph 38 of the Complaint.

39. Cobra denies the allegations contained within paragraph 39 of the Complaint.

40. In response to paragraph 40 of the Complaint, Cobra admits only that it has provided notice to its customers, including Complainant, of the filing of its PUCO No. 2 tariff. Further answering, Cobra avers it also provided its customers, including Complainant, of the Commission's suspension of its PUCO No. 2 tariff.
41. Cobra denies the allegations contained within paragraph 41 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation.
42. Cobra denies the allegations contained within paragraph 42 of the Complaint.
43. Cobra denies the allegations contained within paragraph 43 of the Complaint.
44. Cobra denies the allegations contained within paragraph 44 of the Complaint.

COUNT THREE

45. In response to paragraph 45 of the Complaint, Cobra incorporates the preceding paragraphs of its answer as if fully set forth herein.
46. Cobra admits the allegations contained within paragraph 46 of the Complaint.
47. Cobra admits the allegations contained within paragraph 47 of the Complaint.
48. Cobra denies the allegations contained within paragraph 48 of the Complaint.
49. Cobra admits the allegations contained within paragraph 49 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation.
50. Cobra denies the allegations contained within paragraph 50 of the Complaint but states that the allegations are irrelevant to the issues raised in the Complaint and therefore not properly admissible for purposes of this litigation.
51. Cobra denies the allegations contained within paragraph 51 of the Complaint.

REQUESTS FOR RELIEF

52. In response to paragraphs 52 through 59 of the Complaint, Cobra denies that

Complainant is entitled to any of the relief it seeks.

WHEREFORE Cobra respectfully requests the Commission enter Orders finding that the Complainant fails to raise reasonable grounds for complaint and, accordingly, dismiss this action. In the alternative, Cobra respectfully requests that the Commission deny Complainant any form of relief on the basis that (i) under Ohio law, Cobra is not required to seek this Commission's prior approval of its rates; (ii) Cobra provided timely notice to its customers regarding PUCO No.2; and (3) the rates contained in Cobra's PUCO Tariff No. 2 are just and reasonable, and dismiss Complainant's action against Cobra on that basis.

Respectfully submitted,

/s/ Michael D. Dortch

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Summary: Motion Cobra's Motion for Leave to File Instantly its Answer to NEO's Complaint electronically filed by Mr. Justin M Dortch on behalf of Cobra Pipeline Company, LTD