

RONALD F. PUGSLEY
vs.
EAST OHIO GAS COMPANY

PROCEEDINGS

August 09, 2022



PRI COURT
REPORTING

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1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

2

3 RONALD F. PUGSLEY,)

4 Complainant,)

5 vs.)

) Case No.
) 20-1365-GA-CSS

6 THE EAST OHIO GAS)
7 COMPANY D/B/A DOMINION)
8 ENERGY OHIO,)

8 Respondent.)

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PROCEEDINGS

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14 Remote videoconference hearing before
15 Attorney Examiner Daniel E. Fullin
taken via Zoom

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on August 9, 2022, at 1:04 p.m.

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Reported by: Carmen G. Mailey

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1 APPEARANCES:

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13 on behalf of the Respondent,
14 East Ohio Gas Company D/B/A Dominion
15 Energy Ohio.

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ATTORNEY EXAMINER: I'll start by going on the record saying, the Commission has assigned for hearing at this time and by this method a hearing in case number 20-1365-GA-CSS, which is the matter of the complaint of Ronald F. Pugsley, complainant, versus the East Ohio Gas Company D/B/A Dominion Energy Ohio.

My name is Daniel E. Fullin. I'm the attorney examiner assigned to hear this case. I will begin by having appearances. I'll start with Mr. Pugsley. Mr. Pugsley, if you would please identify yourself and give your name and address for the record.

MR. PUGSLEY: Ronald F. Pugsley. 2253 Arcadia Avenue, Lima, Ohio 43085 [sic].

ATTORNEY EXAMINER: we'll have the appearance now on behalf of Dominion.

MR. KENNEDY: Good afternoon. This is Christopher Kennedy of Whitt Sturtevant, LLP. We are outside counsel for Dominion Energy Ohio. Our address is 88 East Broad Street, suite 1590, Columbus, Ohio 43215.

ATTORNEY EXAMINER: Do either of the

1 parties have any preliminary questions or other
2 things they want to bring up before we get into
3 the actual testimony today? I don't hear any
4 response, so I'll take it that we're ready to
5 proceed into the heart of the hearing, which is
6 the presentation of evidence by both sides.

7 Mr. Pugsley, I will explain a little bit
8 about how it normally goes and how I expect it
9 to go today. Because you are the Complainant,
10 you have the burden of proof in this case. So
11 you get to go first, in terms of presenting your
12 side of the case. The way I plan on doing that
13 is to let you call whatever witnesses that you
14 want to call, present any exhibits or documents
15 that you want to present, and that includes, and
16 what I'm expecting from prior talking to you, is
17 that your only witness will be yourself. Is
18 that correct today?

19 MR. PUGSLEY: Yes. I couldn't get a
20 lawyer. I tried Columbus, and no one took the
21 case.

22 ATTORNEY EXAMINER: Okay. So you are
23 going to be representing yourself today.

24 MR. PUGSLEY: I didn't want to, but

1 that's the way it is I guess.

2 ATTORNEY EXAMINER: I'm going to allow
3 you to begin testifying, unless you have any
4 questions for me. Before you testify, I would
5 like to swear you in. I'll ask -- even though I
6 can't see it, I'm going to ask that you raise
7 your right hand.

8 MR. PUGSLEY: All right. My right hand
9 is raised.

10 RONALD F. PUGSLEY
11 called as a witness by the Complainant, being
12 first duly sworn, testifies as follows:

13 DIRECT EXAMINATION

14 ATTORNEY EXAMINER: You can put your
15 hand down. Now you are sworn in. So I'm going
16 hand the floor to you. This whole part of the
17 case is designed for you to present your
18 evidence that you want the Commission to
19 consider as evidence in the case in support of
20 your side of the case. You are pretty much
21 going to get a chance to do that without much
22 interruption. If we need something to be
23 clarified or something, we may ask you
24 questions, or if there's an objection to

1 something you ask, Mr. Kennedy can raise an
2 objection and I will make a ruling at the time.
3 The main focus of this part of the hearing is
4 for you to present what it is that you want to
5 present on your behalf. I'm expecting that you
6 will do that as a sworn-in witness.

7 To the extent you want to bring up any
8 exhibits or documents, we'll deal with that at
9 the time. But be sure and do that, if you have
10 documents that you want the Commission to take
11 into evidence in this case, at the point that
12 you want to talk about them, we'll talk about
13 them and you can identify them when the time
14 comes. For now, then, why don't you begin with
15 your testimony.

16 MR. PUGSLEY: The main thing about the
17 house is out in the county engineer's office,
18 which it shows Arcadia Avenue and Crayton
19 Avenue.

20 ATTORNEY EXAMINER: You are beginning by
21 talking about your exhibit? Do you want to --
22 do you have it in front of you? Is this
23 something you want us to look at while you're
24 talking about it?

1 MR. PUGSLEY: Yeah. On each one of the
2 pictures that I sent to the company, and you
3 have the same pictures, and I have a set of
4 them, too.

5 ATTORNEY EXAMINER: I'm looking at
6 what's marked in the docket card as filed on the
7 2nd of August. It's labeled in the docket card
8 as correspondence and exhibits filed by -- on
9 behalf of Ronald Pugsley.

10 Mr. Kennedy, are you familiar with all
11 of those?

12 MR. KENNEDY: I am, Your Honor. We will
13 have a motion to strike one of those exhibits,
14 which we can entertain now or at some point.

15 ATTORNEY EXAMINER: We can probably do
16 it now, but I think I would rather wait until
17 the exhibit itself is being talked about, and
18 then before we go far into that you can raise
19 your objection and we'll make a ruling on it
20 when he brings it up as something he's
21 introducing.

22 Getting back to you, Mr. Pugsley, I
23 think you started talking about what I see as
24 the first picture of the various pictures and

1 documents that you presented. It seems to be
2 a -- it's marked Allen County real estate --
3 Real American Strength, Allen County GIS. Is
4 that the document you're talking about?

5 MR. PUGSLEY: Yeah. And it shows lot
6 ten where everything was dug up and three holes
7 I have explained on the pictures that I had sent
8 to you --

9 ATTORNEY EXAMINER: Okay. So --

10 MR. PUGSLEY: -- but that's where all
11 the damage happened, the three holes beside the
12 road, two was eight feet long, one was six feet
13 long. At the end of the six-foot hole, both the
14 Dominion and Buckeye pipeline went under the
15 road there to the other side. So that's where
16 they had the three holes, and that was over
17 approximately 32 feet of the area there.

18 Then the rest of it, they dug it up, and
19 you had a big dump truck that I knew would carry
20 at least ten tons, and there was six of them
21 that I seen. But that started happening for the
22 dump truck on May the 7th, 2017 and ended up May
23 the 11th, which was Friday. In between this
24 time, I was in rehab Monday, Wednesday, and

1 Friday, so I can't tell you for sure if they
2 took in more truckloads than that, except on
3 Friday they took away the dirt that was supposed
4 to be in those holes.

5 So they just opened holes, and the
6 police -- I went to the police department, and
7 they got in touch with Dominion, and they
8 started to fill in the three holes then. But I
9 expected that they was going to bring back the
10 rest of the dirt, but that didn't happen. I was
11 told that the dirt was being stored and would be
12 back. At the end of the job, the guy said he
13 was a job checker, and I finally found out that
14 he went -- well, he took his information to,
15 let's see, Leslie Ruppert. And I tried to get
16 in touch with her from the 15th of May until
17 this happened here in 2019. And, finally, I was
18 able to talk to her. But she was supposed to
19 call me about the damage and so forth, but she
20 didn't.

21 So I called her. And she said that
22 things has changed. And she said when I said,
23 oh, because Dominion wants to change from 2017
24 to 2014, and she just said I've got to go along

1 with the company. But at that time she also
2 said that she had to make a trip to Akron on my
3 case. So that's as much as I can tell you. So
4 I thought that all this stuff was over with.

5 ATTORNEY EXAMINER: well, let me ask you
6 about the first page that you are presenting
7 itself.

8 MR. PUGSLEY: The one with Allen County
9 on the top?

10 ATTORNEY EXAMINER: Right. You
11 submitted, I think, 18 different pages, so I
12 don't understand whether this is supposed to be
13 all one exhibit or these various exhibits. It's
14 not very clearly identified to me which exhibit
15 is which or what each is supposed to depict.

16 So let's just start with the first one,
17 which is the one page, it looks to be a GIS map
18 with a yellow note attached to it, or on top of
19 it. Is there anything that goes with that or is
20 that supposed to be its own exhibit?

21 MR. PUGSLEY: That's where they took all
22 the dirt away and the three holes and where at
23 the end of the six-foot hole they --

24 ATTORNEY EXAMINER: I want to understand

1 how it is that you think this describes that.

2 How did you put this exhibit together?

3 MR. PUGSLEY: well, I just took pictures
4 hoping it would show you what happened when they
5 took away all that dirt, and that created a
6 trough which ended up -- that created the flood
7 of my house.

8 ATTORNEY EXAMINER: You said you --
9 well, I don't want to quote ya'. I want to
10 understand, did you take this picture, or how --

11 MR. PUGSLEY: All those pictures that
12 has marked number 1 through 10.

13 ATTORNEY EXAMINER: But we're talking
14 about the first picture, which is like a map.

15 MR. PUGSLEY: This one here comes from
16 the engineer's office.

17 ATTORNEY EXAMINER: Okay. You are
18 submitting it as some kind of evidence to show
19 the nature of the damage; is that why you are
20 presenting this?

21 MR. PUGSLEY: well, it doesn't show
22 anything, but you use a magnifier and you can
23 see a little of it. These others show where all
24 those trees went that --

1 ATTORNEY EXAMINER: I don't want to talk
2 about the other ones. I want to talk about
3 these one at a time. The first is one is from
4 the county engineer's office.

5 MR. PUGSLEY: My house is right there,
6 and you see that's a barrier wall around the
7 house, which I put up so that it wouldn't get
8 flooded for the third time. But that was too
9 late, it already wore out so much of the lawn
10 that held it together --

11 ATTORNEY EXAMINER: I'm supposed to see
12 a retaining wall on the Allen --

13 MR. PUGSLEY: -- never had a flood, but
14 that was after that flooded, because of the
15 ditch that starts at the end of my drive that
16 goes, curves over by where the house is. There
17 is a stormwater collector there. So they stored
18 the dump truck when they took away all that
19 dirt, that was supposed to go in the holes. I
20 understand that the outfit that done the work
21 was from Van Wert. But I called the excavating
22 contractor there, but they wouldn't give me
23 names. They said that they could give it to a
24 inspector or a law officer or PUCO. I wasn't

1 certain whether Cindy Mack had been in contact
2 with them or not.

3 ATTORNEY EXAMINER: This is your chance
4 to tell your side of the story --

5 MR. PUGSLEY: Yeah.

6 THE REPORTER: Whoa, whoa, whoa --

7 ATTORNEY EXAMINER: -- not to speculate
8 about what Cindy Mack may have told you. You
9 are supposed to let me know what you know about
10 your case that you can present to the Commission
11 so they can understand from your own testimony
12 what happened in this case.

13 MR. PUGSLEY: Well, I talked, you know,
14 about everything the previous company, that was
15 Ohio Gas Company, that they had been on the lot
16 a few times over the years. But that was to let
17 you know what was going on. This one here don't
18 let you know anything. Mr. Allen of Buckeye
19 Pipeline told me what was going on.

20 ATTORNEY EXAMINER: Let me just suggest
21 to you that you are telling me things that you
22 may or may not have, for the most part, maybe
23 you have described previously in your complaint
24 on your various things that you filed in the

1 case. I think it would benefit you, and I think
2 it's important that I understand the whole
3 situation in what you present today.

4 MR. PUGSLEY: I know I figured that I
5 got a ruined house and nothing's going to be
6 done, but I guess we'll have to see. You can
7 see there's a barrier wall around my house.

8 ATTORNEY EXAMINER: I don't know where
9 I'm supposed to see this.

10 MR. PUGSLEY: Well, do you see going
11 around my house and that was --

12 ATTORNEY EXAMINER: Are you still on the
13 first picture?

14 MR. PUGSLEY: Yeah.

15 ATTORNEY EXAMINER: What am I supposed
16 to see in this picture?

17 MR. PUGSLEY: Well, there's a barrier
18 wall that goes around the house.

19 ATTORNEY EXAMINER: Which house are we
20 talking about?

21 MR. PUGSLEY: 2253 Arcadia -- you'll see
22 a white van there and a dark-colored pickup
23 truck.

24 ATTORNEY EXAMINER: Okay. So is it the

1 one that's in a red square? I see three lines
2 demarking the lots, I assume. And one of them
3 is marked in red and gold, and I see two cars
4 parked there. Is that the one you are talking
5 about? So that's a photo -- satellite photo of
6 your house. Is that right?

7 MR. PUGSLEY: That's probably from an
8 aircraft.

9 ATTORNEY EXAMINER: Okay.

10 MR. PUGSLEY: Yeah. Ten is where all
11 the damage was done, and that's where the trees
12 was ruined and so forth, all the trees. That
13 will be in one of the other pictures there.

14 ATTORNEY EXAMINER: We'll get to that
15 when we get to it.

16 MR. PUGSLEY: That just shows you where
17 all the damage was done that caused the flooding
18 at my house at 2253 Arcadia Avenue, and that's
19 the 9836. And the other ones are starting from
20 Crayton Avenue, number 8, and the next house is
21 on number 9, and then number 10 is where all the
22 damage took place. Of course, that's the
23 largest lot, then my property. The other
24 properties got flooded, also, when they messed

1 with the ditch --

2 ATTORNEY EXAMINER: So the only lot in
3 this photo that is yours is lot number 9?

4 MR. PUGSLEY: I own lot 8, 9, 10, and
5 9836.

6 ATTORNEY EXAMINER: Okay. You own those
7 four lots.

8 MR. PUGSLEY: The one is in the Garden
9 City area and the other is the Berryman
10 addition.

11 ATTORNEY EXAMINER: Is the Garden City
12 area depicted in this photo?

13 MR. PUGSLEY: That's where my house is,
14 in the Garden City area. And 8, 9, and 10 is in
15 the Berryman addition.

16 ATTORNEY EXAMINER: I don't really
17 see -- just so I understand your exhibit, I
18 don't see where you're identifying lots 8, 9,
19 and 10. I do see in the middle of one of them
20 someone hand penciled in the number 10, so I
21 assume that's marked as lot 10. But I don't see
22 the identification of the other lots on this
23 photo.

24 MR. PUGSLEY: The first one, Crayton,

1 there is lot 8. And then you see a house and so
2 forth, that's lot 9. And then the lot with
3 nothing on it, except for it used to have a lot
4 of trees, is lot 10. And then my house. Where
5 you see the yellow vehicle and dark one, that's
6 9836.

7 ATTORNEY EXAMINER: If I'm looking at
8 this moving from right to left from this one
9 street those lots, it starts as 8, 9, and 10,
10 then the house -- the lot where your house is.
11 Is that right?

12 MR. PUGSLEY: That is -- my lot is where
13 you see the two vehicles in the driveway and one
14 is white, that's where I live.

15 ATTORNEY EXAMINER: Where is lot 9836?

16 MR. PUGSLEY: That is where my house is.

17 ATTORNEY EXAMINER: So that's where your
18 house is. Okay. I see. The three lots that
19 are to the right of it on the photo are the
20 other three lots?

21 MR. PUGSLEY: Right.

22 ATTORNEY EXAMINER: Okay. Well, again,
23 I would like to not continue asking you
24 questions but let you speak. I want you to

1 understand, don't assume that I know anything
2 about this case already. I want you to tell me
3 everything that you need to bring up, in terms
4 of what happened. And I don't want you to just
5 keep saying they or he, I want you to do what
6 you can to tell me and the Commission
7 understand. I do want to stay out of your way
8 and let you do the talking.

9 MR. PUGSLEY: Lot 10, they come into
10 that lot when I was in the hospital. They come
11 in on May 2nd, 2017. That's when they dug the
12 three holes, on May 3rd, 2017. They put in
13 replacement pipeline there. That was plastic
14 stuff, I guess. That was a feeder line for the
15 houses in the area. That was maybe the lady
16 that told me August 2019, and she seemed to know
17 all about it. She was the one that marked the
18 pipeline to be replaced on May the 7th, 2017,
19 when they started digging up everything and, you
20 know --

21 ATTORNEY EXAMINER: Again, I don't want
22 to interrupt you, but I do want you to note that
23 you have been pretty precise about certain
24 dates, but you keep using the word "they," and I

1 don't know who "they" is.

2 MR. PUGSLEY: Well, that was the lady
3 driving a Dominion pickup truck. And she
4 related to me the marked pipeline to be
5 replaced, which was 80 feet. But another one
6 that was driving a Dominion Energy pickup, he
7 called himself the job checker, and he said he
8 had other jobs to relate to. And when they took
9 that first load away that I seen, I just
10 happened to see that pickup truck on my land.

11 So I made it there. I just had a knee
12 replacement, so it took a little while to get to
13 that truck. And the guy was doing some writing,
14 and that's when he said he was the job checker.
15 I found out later that he was -- he had all
16 these papers. So I went to Leslie Ruppert. So
17 he said that they was storing the loads, and he
18 said there would be, at no doubt, at least
19 three, and it ended up being six. Because on
20 the Friday they took two loads away, the rest of
21 the week they had taken one load away each day.

22 So I couldn't drive a car because of my
23 knee, and my wife worked until 10:00 a.m. So I
24 tried to get up early. Her job, she works from

1 6:00 to 10:00 in the morning, so that she was
2 going to be home at 9:30, but she got held up.
3 So the truck left about ten minutes before she
4 got there. And I had no idea which way he went
5 because there's so many ways out that I couldn't
6 be sure which way that it went. So it was a
7 lost cause.

8 But later on, in August of 2019, that's
9 when that lady come out and went over it with me
10 and told me that management had told the
11 employees that, if anyone asked, that it was
12 2014, not 2017. Then a couple days later, a
13 gentleman called and asked if I was Ron Pugsley.
14 And I said, yeah. Then he says, do you know
15 what happened to all your dirt? I says, I wish
16 I did. And he says, you know that Dominion put
17 up a new building. I said, yeah, I seen that in
18 the newspaper. And he said, that's where your
19 dirt went for -- what do they call it, for
20 landscaping? So he said. That's where your
21 dirt is.

22 MR. KENNEDY: Mr. Fullin, the Company
23 would object to Mr. Pugsley's testimony about
24 what some unnamed person told him over the phone

1 as hearsay evidence.

2 ATTORNEY EXAMINER: I'll note the
3 objection that it's hearsay, I will also note,
4 as you did, so far it's an unidentified person
5 that --

6 MR. PUGSLEY: well, the people don't
7 give you their names, but they certainly was
8 driving Dominion pickups. So that's where some
9 of the information comes from, but I can't force
10 them to give me their names. I knew then that
11 it went up with their new building, and I talked
12 to, I think it was Cindy Mack on that. She had
13 said she would check it out, but I don't know
14 what happened to her. I never heard from her.

15 So there at the end of May or towards
16 the end of May, that was the first time that I
17 could actually get out there to look. And
18 that's when I found the trough that went the
19 hundred feet back in the lot towards the east,
20 in towards lot 9. And so my neighbor, he was
21 helping me, because I couldn't do a lot of
22 things, he said, yeah, you see the drop there.
23 And we measured the drop, and it come out two
24 and a half feet. And they were using some

1 stakes and a cord and a line level. So that
2 come out to a two-and-a-half-foot drop, and you
3 had at least 100 feet there.

4 So it showed very quickly if we had a
5 storm -- we hadn't had any storms yet, so I
6 think this would be around the 27th or 28th of
7 May when I called the number, the number at
8 Akron and told the -- there was two ladies. One
9 would say is this a leak, or do you have a
10 problem? And the first thing I said I think
11 told her it's a 60-ton problem. And then I was
12 transferred to the other lady. But in this case
13 it was pretty much automatic to the second lady.

14 I told her about the trough and so
15 forth, and I said, if we have a storm I'm bound
16 to get flooded there because of the angle that
17 the water's coming in and the
18 two-and-a-half-foot drop. So she said, we'll
19 get right on that, we don't want that to happen.
20 And she said that somebody would be out right
21 away, but no when showed up. That's all I can
22 tell you on that part.

23 when nothing happened then, let's see, I
24 think this would be the 2nd of June when I got a

1 hold of the police. And they said to call PUCO
2 on the 60-ton situation. But on the holes, they
3 said, that's a safety issue. So I let them know
4 I got in touch with Dominion on that. It was a
5 few days later that a small pickup came out and
6 packed up one of the holes. My wife had put
7 flags around the holes so people wouldn't fall
8 in and stuff. So when they dropped the level on
9 the trough that wasn't there, it was broken up
10 concrete block and so forth.

11 So I was just getting my card out of the
12 truck that says I have been to rehab and I told
13 him, I said, hey, there's an oil and gas
14 pipeline there, and there has to be dirt. So he
15 closed it up and they took off. I tried to get
16 the license number, but the license plate was
17 bent up, so I couldn't tell you much on that.
18 But I still couldn't get around. That's when
19 that happened. Anyway, the dirt that went in
20 there wasn't the color of my dirt, some of it
21 was very dark, and ours is lighter. So I
22 imagine they got it at different areas and so
23 forth. So that's what happened on lot 10.

24 Then about the middle of the month is

1 when we got two storms about five or six days
2 apart, and I got flooded both times. And then
3 being flooded again, the five trees that they
4 chopped off, they was used at the end of the
5 trough to spread out the water they was putting
6 in the line, so that slowed the water down and
7 spread the water out. Right there after the
8 second flood, that's when I put up the barrier
9 wall, which is very good with water.

10 Since that, I haven't been flooded, so
11 it didn't get through. The water goes around
12 the house and on down to the other places. A
13 lot of it, because of what they done there, goes
14 into my back yard, into the lot next door and so
15 forth. The one on the curve, he's been flooded
16 out about three times, because that ditch is
17 still not redone, and so forth. That's all I
18 can tell you on that.

19 My house and my neighbor and the next
20 house all had flood problems and me so, in my
21 opinion, was one that acted like a dam. The
22 water went up to about 32 inches, I think; in
23 other words, really close to the water hitting
24 the house. So that's what ruined the

1 underpinnings of the house. I just put a new
2 roof on the house shortly before this happened.
3 So it's a big frustration when you have a decent
4 home and all at once it is torn up and ruined by
5 somebody else.

6 The next house had a lot of water under
7 the house and had to get a pump, and so forth.
8 That room where he kept the utilities, and so
9 forth, he had got five inches of rain in there.
10 That was in the enclosed porch, but it wasn't on
11 the floor. They had the doors under the
12 platforms there. The other guy, I just seen how
13 his lot looked like a pond or something. That's
14 about as much as I can tell you on that.

15 That storm collector is right out my
16 west lot line, but not much water goes in that,
17 because the ditch doesn't feed into it anymore.
18 It sat right in front of my house. There isn't
19 part of that ditch there yet. So that's about
20 as much as I can tell you on what happened
21 there.

22 I couldn't get names, and I guess I
23 couldn't get a lawyer because, why, I don't know
24 on that. I pay my bills. So I guess my

1 credit's good, and so forth. I called Dominion
2 Energy at the 1-800-362-7557, which was the only
3 ten number and that's -- I tried to get the
4 number for the local person in charge. I knew
5 there was one, but I couldn't find out who it
6 was, to see if they couldn't help me. Then in
7 2019, you have got the paper there of Buckeye
8 Partners that does the pipeline work for Buckeye
9 Pipeline.

10 ATTORNEY EXAMINER: Okay. Now are you
11 talking about -- of the documents that you
12 submitted on the 2nd of August, are you talking
13 about the one that's a letter dated August 19th
14 of 2019 from --

15 MR. PUGSLEY: Yeah, that would be the
16 one.

17 ATTORNEY EXAMINER: Okay.

18 MR. PUGSLEY: There was some confusion
19 there. They thought I was trying to claim that
20 they was the ones -- well, one gentleman there,
21 Mr. Allen, said Buckeye Partners, when they dug
22 the three holes, because they was digging right
23 beside the Buckeye Pipeline, so Mr. Allen was
24 there when they dug the holes. He didn't speak

1 to me, because I was in the hospital at that
2 time.

3 ATTORNEY EXAMINER: I'm anticipating
4 that this might be the document that the company
5 was going to bring something up about when we
6 got it. Is that right?

7 MR. PUGSLEY: Yeah, so --

8 ATTORNEY EXAMINER: I'm asking
9 Mr. Kennedy.

10 MR. PUGSLEY: -- it has a line on there
11 that relates to Cindy Mack that told me about
12 what was happening there in 2019, when Dominion
13 claimed they was on my property in 2014 instead
14 of 2017. But the police department then and
15 Buckeye both said some information on that. So
16 the police department was the ones that told
17 them to fill the three holes.

18 MR. KENNEDY: Mr. Fullin, this is
19 Mr. Kennedy. The Company is going to object to
20 the admission and move to strike this letter
21 from Mr. White as hearsay. So you are correct
22 in your --

23 ATTORNEY EXAMINER: Okay. I was
24 anticipating that might come up, because I do

1 recognize this as what appears to be hearsay.

2 MR. PUGSLEY: Well, I never met
3 Mr. White, but that was where Mr. Allen -- they
4 work out of the same office.

5 ATTORNEY EXAMINER: Are you -- you're
6 asking the Commission to take this letter, make
7 it part of the file, and use it as evidence
8 that -- what is the purpose that you want the
9 Commission to have this letter?

10 MR. PUGSLEY: It just relates to the
11 fact that they was on my land and dug the holes,
12 and so forth, which is what they done when
13 Mr. Allen was there. He had to be there,
14 because they was digging right beside the
15 Buckeye pipeline, so he could have that pipeline
16 shut off, and so forth.

17 ATTORNEY EXAMINER: What I'm hearing is
18 you want the Commission to understand that, in
19 this letter, Mr. White told you things about
20 whether the company was on your land or not?

21 MR. PUGSLEY: Well, they're the ones
22 that told me about Leslie Ruppert, that she was
23 the person was in charge of the area, I guess.
24 So that's one that I said was going to Akron on

1 my case. If you want, I can give you the phone
2 number.

3 ATTORNEY EXAMINER: There's a Leslie
4 Ruppert named in the letter with a phone number
5 next to it.

6 MR. PUGSLEY: Oh, is it, okay.

7 ATTORNEY EXAMINER: Again, I was
8 anticipating this. I recognize this as being
9 hearsay, which means it's a statement provided
10 by someone who is not here today to testify,
11 can't be cross-examined. So we're submitting
12 it, we're happy to consider what is stated in
13 the letter as true, but you are not presenting
14 the person that made the statement as available
15 for cross-examination.

16 MR. PUGSLEY: Yeah, I --

17 ATTORNEY EXAMINER: It's hearsay, and I
18 will say that I don't recognize any exception to
19 the hearsay rule. On the other hand he can --
20 I'm making a ruling on the objection. Wait a
21 minute. I did anticipate this. My decision is
22 to allow the exhibit to be included as evidence
23 in the case, but I do recognize that it's
24 hearsay, and I expect that the Commission will

1 also recognize it as hearsay and decide to give
2 it whatever weight it decides to give it, in
3 terms of it being hearsay. But I'm not going to
4 exclude it.

5 MR. PUGSLEY: Like I said, without a
6 lawyer, I don't know all that stuff.

7 ATTORNEY EXAMINER: That's one reason
8 I'm ruling this way, because I don't want you,
9 as a non-lawyer, to feel like you did your best
10 to present what you had and you didn't have a
11 chance to present it.

12 So that's some of my thought process on
13 allowing it in, but I do see it being a problem
14 because it's hearsay. Because you are
15 presenting statements made by somebody else
16 that's not here to be cross-examined, and you
17 are expecting the Commission to weigh in the
18 truth of that statement. Nevertheless, I'm
19 going to allow that to be included with the
20 testimony you provide as evidence.

21 MR. PUGSLEY: There was another lady
22 here that works for Dominion. Her name is
23 Karen. Her office number is 609-433-6650, and
24 that letter from Mr. White and Mr. Allen, she

1 was after that letter. But I just told her to
2 call Buckeye Partners, and I gave her the
3 number, and then would have had all the
4 information that I had. That's what went on
5 there. I don't have all the information, but
6 Karen was the one what called me from Dominion
7 in Akron.

8 ATTORNEY EXAMINER: You're saying that
9 the Karen that you are talking about that called
10 you was the one calling from Dominion?

11 MR. PUGSLEY: Yeah. She was calling
12 from Akron, and she read the letter Mr. White
13 sent to me. As I said, I told her just to
14 relate to that phone number of Mr. White, and so
15 I don't know what happened then. So I don't
16 know whether she called or not, but that was the
17 letter. And Mr. White said he would tell her
18 the same thing as he told me. So that's all I
19 can tell you on that part.

20 ATTORNEY EXAMINER: I see on this letter
21 that there's some handwritten -- it seems to be
22 your handwriting. So the things that look to be
23 in your handwriting added to the letter are
24 things that you wrote on the letter?

1 MR. PUGSLEY: Yeah, relating to Cindy
2 Mack, because she's the one that told me
3 Dominion had change from 2017 to 2014 claiming
4 that they was on the land in 2014. But the
5 police department and Buckeye both was there.
6 And the police department, of course, required
7 them to fill the holes, because it was a safety
8 issue.

9 ATTORNEY EXAMINER: Do you have anything
10 more that you wanted to add about trying to
11 convince the Commission about what happened with
12 the police, how Dominion became involved?

13 MR. PUGSLEY: How the police became
14 involved?

15 ATTORNEY EXAMINER: well, either,
16 anything you want to add about the whole
17 incident about how the police covered the holes
18 and it somehow got out --

19 MR. PUGSLEY: I went to the police
20 station, and she told me about she was going to
21 send somebody out so that it wouldn't get
22 flooded and so forth --

23 ATTORNEY EXAMINER: who is "she"?

24 MR. PUGSLEY: -- and that never

1 happened. And then I went to the police
2 station. That was about the 2nd of June. And I
3 told them about the 60 tons of dirt or more.
4 And they said to call PUCO on the three holes,
5 and so forth. They said that's a safety issue
6 and they could take care of that. That's when
7 that small truck started showing up. That was
8 done May the 2nd. And they went about four,
9 five days with that little truck filling those
10 holes. They didn't fill them completely. They
11 still had to have some dirt, half a ton, of a
12 thousand pounds, in order so that I would be
13 able to use the lawnmower. It's still got an
14 indentation there, but not like it did when that
15 dirt settled.

16 ATTORNEY EXAMINER: I just encourage you
17 to fill me in with anything that you want that
18 you haven't already said that helps me
19 understand any part of the case. And when you
20 are done with that, then I'm going to walk
21 through each of these photos and/or documents
22 that you presented, and we'll walk through
23 those.

24 But first, just fill me in with any part

1 of your side of the story as to what you want
2 the Commission to understand. If you have more
3 to add, this is your chance.

4 MR. PUGSLEY: The other ones is pictures
5 of where the flow of the water is.

6 ATTORNEY EXAMINER: Okay. So now you
7 are describing some of these pictures. Let's do
8 that. So far we've had the discussion about the
9 first, which is the aerial picture. The next
10 page that I see --

11 MR. PUGSLEY: The next picture is coming
12 from the road that --

13 ATTORNEY EXAMINER: Wait. I have to
14 know what we're talking about. You're talking
15 over me.

16 we already talked about the first
17 picture. That's the map that shows the lots.
18 The next thing I see is something that looks to
19 be a blank page with two holes that are --
20 places where the holes got punched into it, and
21 that's received, by docketing, with an August
22 2nd stamp.

23 Do you even have a picture like that?
24 It also shows a red filing date -- or file

1 stamp. I think this was probably a page created
2 by docketing to show when this exhibit was
3 submitted. I don't know if you have that. I
4 think that might have been created by docket.
5 Do you have that?

6 MR. PUGSLEY: I just have the pictures
7 saying exhibit pictures 1 through 10.

8 ATTORNEY EXAMINER: We're not there yet.
9 I'm going to assume -- for the record, my
10 assumption is that page I'm talking about was
11 created to show when this information got
12 docketed. That seems to be the information
13 that's on it.

14 The next page is something that has my
15 name on it written in your handwriting with a
16 date 3-27-22, and there's more of your
17 handwriting describing things. And then to the
18 left is the list of -- one, two, three, four --
19 five different businesses. In your handwriting
20 you say, these contractors won't talk to me and
21 you go on with other descriptions. Do you have
22 that --

23 MR. PUGSLEY: Yeah, that's --

24 ATTORNEY EXAMINER: Do you want to

1 explain what that is?

2 MR. PUGSLEY: My wife talked to the one
3 person, I guess he was a helper, when they was
4 there digging. They said they was from Van
5 wert. And a couple neighbors told me they
6 talked to the same -- well, one neighbor said
7 that the same guy had told him Van wert, and the
8 other guy said he actually was in the
9 neighborhood, he had moved out, and they was in
10 the neighborhood. And he said that he had
11 talked to a guy that run the digging machine,
12 and he also said he was from Van wert. I called
13 over to Van wert to the ones that does the
14 excavating, and I guess there's five of them
15 there. They wouldn't tell me, they said that
16 without there being a law officer, an inspector
17 for a PUCO, so that's why I wrote that there.

18 ATTORNEY EXAMINER: The reason that you
19 are submitting this and having me consider it as
20 evidence is to show the people that you claim
21 that you contacted who wouldn't talk to you --

22 MR. PUGSLEY: They wouldn't identify --

23 ATTORNEY EXAMINER: -- who you
24 identified it was at the top.

1 MR. PUGSLEY: I pretty much understood
2 that it was supposed to be a subcontractor. So
3 that's all I know about. That they wouldn't go
4 any further.

5 ATTORNEY EXAMINER: Okay. So I'm going
6 to go back to the first page. I'm identifying
7 that as Complainant's Exhibit Number 1, the one
8 with the map.

9 Then I'm identifying the one with the
10 five contractors listed as a separate page, that
11 I'm going to call Complainant's Exhibit Number
12 2. This is for the record, so when I refer to
13 the documents, if I do, in the order, we'll know
14 what's being referred to.

15 The letter that we already talked about
16 dated August the 19th, 2019, I'm identifying
17 that as Complainant's Exhibit Number 3.

18 Now we're coming to the first of the
19 ones that have photos on it that I've taken it
20 appears they might be taken at your house. So
21 the first one is your name, your address, it
22 says Exhibit Pic 1.

23 MR. PUGSLEY: Yeah, on picture one
24 coming towards the street, and it shows the

1 angle of where the trough is, and it explains it
2 underneath it, and so forth.

3 ATTORNEY EXAMINER: So you have an
4 explanation. That explanation is your
5 explanation of why you are submitting this
6 picture, what it purports to show, in your
7 opinion. Is that right?

8 MR. PUGSLEY: Yeah. That would be
9 right.

10 ATTORNEY EXAMINER: I'm considering
11 including --

12 MR. PUGSLEY: I thought that would be
13 better than you trying to explain it.

14 ATTORNEY EXAMINER: Okay. I'm
15 considering using all of these pictures together
16 as the next, Complainant's Exhibit 4, unless you
17 have some reason not to. The next picture is
18 marked Exhibit Pic 2, and it starts -- your
19 explanation starts out, these are trucks of the
20 five trees Dominion had cut off.

21 MR. PUGSLEY: Yeah, there's two pictures
22 relating to that.

23 ATTORNEY EXAMINER: Okay.

24 MR. PUGSLEY: That's the trees that they

1 chopped and made the main road also.

2 ATTORNEY EXAMINER: The picture shows --
3 it's hard to make out in the picture. I'm
4 looking at. But there's a big tree standing
5 there, and next to it is a row of what must be
6 pictures of the --

7 MR. PUGSLEY: Yeah. That's the five
8 trees that stopped the water for flowing so
9 fast. And of it spreading out, that's why
10 that's there.

11 ATTORNEY EXAMINER: The next page
12 doesn't have a photo but I think it's a
13 continuation of the explanation based on the
14 other picture because it is marked page number
15 2, and the other is page number 1. So I gather
16 that's the continuation of the explanation of
17 the exhibit, and at the bottom you sign your
18 name and address. The next one after that is
19 another picture and another explanation.
20 There's another one after that with an
21 explanation.

22 MR. PUGSLEY: That shows where the --

23 ATTORNEY EXAMINER: I'm including all
24 those as Complainant's Exhibit Number 4.

1 MR. PUGSLEY: There's a fifth picture
2 that shows a different angle on those tree
3 trunks and so forth, between 50 and 60 feet of
4 the tree trunks. It spread the water out and
5 slowed down a lot of the feed and the barrier
6 wall blocks it. I haven't been flooded since
7 I've had that up and the barrier wall up.
8 Picture 6 shows about the center of the trough
9 that goes down towards my house there. It
10 shows -- so there's the explanation on that.

11 ATTORNEY EXAMINER: When were all these
12 pictures taken?

13 MR. PUGSLEY: The what?

14 ATTORNEY EXAMINER: Did you take these
15 pictures?

16 MR. PUGSLEY: Yeah.

17 ATTORNEY EXAMINER: When did you take
18 them?

19 MR. PUGSLEY: When?

20 ATTORNEY EXAMINER: Yeah, approximately.

21 MR. PUGSLEY: Just when I started --
22 just a short time when I told you that, what do
23 you call that outfit, the place with the
24 pictures and so forth.

1 ATTORNEY EXAMINER: You took these
2 relatively recently, within a few months of
3 today's hearing, to get ready to have exhibits
4 to bring to the hearing? So these were all
5 taken within the last month or two?

6 MR. PUGSLEY: I had planted a lot of
7 grass seed, so you didn't see how it looked
8 before, except in picture 7 where you can see
9 the lower there headed towards my house. And
10 that trough goes from, basically, the house on
11 lot 9. So it gets a pretty good flow there.
12 But those trees that turned into logs trickled
13 down quite a bit, and then the barrier fence
14 takes care of it real good.

15 ATTORNEY EXAMINER: As I look at these
16 pictures, I'm trying to understand what you are
17 telling me. These seem to be pictures that
18 you've taken to show the situation that your
19 property looks like nowadays. Since all of this
20 that you are describing has happened. This is
21 the current condition of the house, based on
22 what you consider the damage that was done?

23 MR. PUGSLEY: Yeah.

24 ATTORNEY EXAMINER: Okay. Is that

1 right, is that the reason that you are
2 submitting these, so the Commission can have a
3 better picture of what it is --

4 MR. PUGSLEY: Yeah. It just verifies
5 about all the damage on 10.

6 ATTORNEY EXAMINER: So it's verifying
7 the damage by showing a picture of what the
8 place looks like now --

9 MR. PUGSLEY: Right.

10 ATTORNEY EXAMINER: -- various pictures,
11 various angles, as explained in your
12 explanations.

13 MR. PUGSLEY: Yeah. And then that
14 picture 9 shows the location of the three holes
15 originally. I might be able to see there are
16 still indentations there, and you see the side
17 yard, this hole over here, and then across the
18 hole is another one, that's where the angle goes
19 from that six-foot hole.

20 ATTORNEY EXAMINER: Is there anything in
21 the pictures that helps the Commission
22 understand -- other than your own description of
23 what happened, is there anything about the
24 pictures that helps the Commission understand

1 how the damage came about?

2 MR. PUGSLEY: I thought the pictures
3 would be explanatory and the explanations under
4 it.

5 ATTORNEY EXAMINER: I suspect that
6 you're presenting all these, and we've gone
7 through them, because you want the Commission to
8 take these exhibits, which I have identified as
9 Complainant's Exhibits 1 through 4, you want me
10 to admit them into evidence before I make a
11 ruling on that, I'll allow the Company to make
12 any objections they want to make or otherwise do
13 that. I'm ready to rule on that, except I want
14 you to have whatever chance you want to take now
15 to continue with whatever more testimony you
16 want to provide. We've got your documentation
17 and we've heard your testimony. Do you have
18 anything else you want to add before I let the
19 Company's attorney cross-examine the testimony
20 that you provided?

21 MR. PUGSLEY: Only that Mr. Dent was
22 talking about 2253, and he said something about
23 the ditch, talking about all the ditch damage
24 that took place on lot 10. He never mentioned

1 the ditch in front of my house, and so forth.

2 And that's about all he seemed to think that all
3 the rest is hearsay or something.

4 ATTORNEY EXAMINER: Mr. Dent has
5 submitted pretrial testimony. And when you are
6 finished presenting your side of the case, the
7 Company's going to, I assume, put Mr. Dent on
8 the stand. You will have a chance to
9 cross-examine him about the pre-filed testimony.
10 So you can ask the questions when he's
11 testifying. But for now --

12 MR. PUGSLEY: I wouldn't know what else
13 to give you --

14 ATTORNEY EXAMINER: Okay. Again, I just
15 wanted to make sure we're -- that you have
16 completed your portion of what you want to
17 present before we move to the next part of the
18 hearing. That's all I'm trying to do.

19 MR. PUGSLEY: That's why I needed a
20 lawyer, but I don't know why I couldn't get one.
21 You have a Columbus Bar Association. I guess
22 there's nine or 10,000 lawyers, so I don't know
23 why.

24 ATTORNEY EXAMINER: Thank you. I take

1 this, then, that you have presented what you
2 want to present. So I'm allowing Mr. Kennedy to
3 cross-examine you about anything related to what
4 you testified to today and/or question you about
5 any of the exhibits that you are entering for
6 the Commission's consideration.

7 MR. PUGSLEY: well, I don't know what
8 else to say so --

9 ATTORNEY EXAMINER: well, he's going to
10 ask you any questions that he might have. wait
11 to hear what his question is, and try to answer
12 his questions.

13 MR. PUGSLEY: All right.

14 MR. KENNEDY: Good afternoon,
15 Mr. Pugsley. Mr. Fullin, we don't have any
16 cross-examination. We don't have any questions
17 for Mr. Pugsley. We did have our earlier
18 objection that you ruled upon hearsay on the
19 letter, and we'll reserve our position on that,
20 but we understand your ruling. As far as the
21 other exhibits go, we don't have any objections
22 to the other exhibits that Mr. Pugsley is
23 offering.

24 ATTORNEY EXAMINER: Okay. With that

1 being the case, that means he doesn't have any
2 questions for you. And he's noted the
3 objections that he has to the exhibits. So at
4 this time I'm going to remember the earlier
5 ruling I made on the one and admit all of the
6 exhibits into the record at this time.

7 Again this your very final chance, Mr.
8 Pugsley, if you have anything else that you
9 wanted to add, this is your chance. If you
10 don't have anything -- when you are done and you
11 don't have anything else to say, it is going to
12 be the Company's turn to put on Mr. Dent. He
13 will present his testimony, and you can ask
14 questions.

15 Do you have anything else to add for
16 yourself before we do that?

17 MR. PUGSLEY: I didn't hear ya'.

18 ATTORNEY EXAMINER: Do you have anything
19 else that you want to add before we move on to
20 the Company's side of the case? I've asked you
21 before --

22 MR. PUGSLEY: I wouldn't know what else
23 to put on. The only other thing is people that
24 I talked to, but all I've got is phone numbers,

1 they don't like to give you their names.

2 ATTORNEY EXAMINER: Okay. Thank you.

3 That being the case, I'll note for the record
4 that you rest, in terms of the presentation of
5 your evidence. And I will allow Mr. Kennedy to
6 call Mr. Dent -- do whatever he wants to do to
7 present his case, put it that way.

8 MR. KENNEDY: Thank you, Mr. Fullin.

9 Mr. Dent, are you able to hear us and speak now?
10 Just checking on that.

11 MR. DENT: Yes, I can hear you.

12 MR. KENNEDY: Dominion Energy Ohio would
13 like to call Mr. Dent to the stand, Mr. Fullin,
14 if you would like to swear him.

15 ATTORNEY EXAMINER: You can put your
16 hand back down, we're done swearing you in. You
17 are giving sworn testimony. Go ahead,
18 Mr. Kennedy.

19 JOE DENT
20 called as a witness by the Defendant, being
21 first duly sworn, testifies as follows:

22 DIRECT EXAMINATION

23 BY MR. KENNEDY:

24 Q. Mr. Dent, good afternoon. Do you have

1 in front of you a copy of your direct testimony,
2 it is titled, Direct Testimony of Joe Dent on
3 Behalf of the East Ohio Gas Company, D/B/A
4 Dominion Energy Ohio. It's called DEO Exhibit
5 1.0. And then attached to that were four
6 exhibits, DEO Exhibit 1.1 through DEO Exhibit
7 1.4. It was previously filed in this docket on
8 the Commission's web site June 21st, 2022.

9 Do you have a copy of that exhibit, as I
10 have identified it, in front of you, Mr. Dent?

11 A. Yes.

12 Q. Did you prepare this testimony, or was
13 it prepared under your supervision for this
14 case, Mr. Dent?

15 A. Yes.

16 Q. I have a couple of clarifying questions
17 for you, Mr. Dent, on your testimony.

18 If you could please look at your
19 testimony on page 6 starting with question 25,
20 and let me know when you have reached that spot.

21 A. Yes, I'm there.

22 ATTORNEY EXAMINER: I'm there, too.

23 Q. In questions 25 through 29, which go on
24 to page 7, you discuss OUPS tickets -- and

1 that's O-U-P-S -- tickets that you reviewed.

2 And you mentioned a TransLore portal -- that's

3 T-R-A-N-S-L-O-R-E -- portal.

4 Can you please explain what the

5 TransLore portal allowed you to search?

6 A. Yes. TransLore, it's a system that
7 allows myself and other members of Dominion to
8 look at 811, or OUPS tickets, Ohio Utilities
9 Protection Service tickets, that have been
10 called in, whether it's for Dominion or other
11 parties called in tickets. That's basically the
12 function of it, so that we can see that
13 information for when people call in tickets of
14 where they're going to be digging or have dug.

15 Q. And Mr. Dent, just to clarify, what is
16 the time period that the TransLore database
17 allows you to search, I guess key word search;
18 how far back can you do that if you don't have a
19 ticket number?

20 A. I believe it's eight years from today's
21 date, so at this point it allows me to go back
22 to 2014.

23 Q. In question 29 you mentioned an OUPS
24 ticket from 2009 that's included on page 9 and

1 10 of Exhibit 1.3.

2 How were you able to get access to that
3 OUPS ticket prior to 2014?

4 A. I wouldn't normally be able to review
5 tickets before 2014, but in this case we had a
6 damage claim where somebody hit and damaged
7 Dominion back then, and we have a system that
8 maintains all the records for those damages. So
9 I had looked up any damages on Arcadia, you
10 know, from as far back as I could go, which was
11 including 2009, and I found that ticket number
12 in that claim file. And with that, I can
13 then -- if you have the ticket number, you can
14 go on TransLore and look at tickets before 2014,
15 but you have to have the ticket number.
16 Otherwise, all you get is back to 2014, if
17 you're just doing a street search.

18 Q. Thank you for clarification, Mr. Dent.
19 I had one other area around your direct
20 testimony that I would like to clarify.

21 If you could take a look at question 27,
22 which is on page 7 of your direct testimony --

23 A. Yes.

24 Q. -- you refer on line 12 to a pipeline

1 marker for Buckeye Partners that was on or near
2 2253 Arcadia.

3 Based on your review of this claim, are
4 you familiar with what a Buckeye Partners
5 pipeline marker looks like?

6 A. Yes.

7 Q. Can you please describe what your
8 understanding is of what a Buckeye Partners
9 pipeline marker looks like?

10 A. It's a flat marker. Sometimes it could
11 be brown. But it's a yellow marker. It's
12 basically plastic, sometimes in the past it's
13 metal.

14 MR. PUGSLEY: The one from my property
15 is plastic, and they're about four or five feet
16 tall in the picture there.

17 ATTORNEY EXAMINER: It's not your turn
18 to ask him questions, but you'll get your turn
19 in a minute, you can bring it up then.

20 MR. PUGSLEY: Okay.

21 BY MR. KENNEDY:

22 Q. And, Mr. Dent, Buckeye Partners is
23 marking the location of their petroleum
24 pipelines, correct; it's a petroleum pipeline

1 company?

2 A. Yes.

3 Q. In comparison, what does a DEO pipeline
4 marker look like?

5 A. Ours are also typically yellow and flat,
6 one-sided print.

7 Q. Mr. Pugsley submitted some pictures in
8 his exhibits. Were you able to review those?

9 A. Yes.

10 Q. In two of the pictures, he identified a
11 reddish circular pole as a Dominion marker. Do
12 you believe that that pole is a DEO pipeline
13 marker?

14 A. I do not believe that it's a DEO
15 pipeline marker. I have never seen one, since
16 2009 when I began working at Dominion, I have
17 never seen one those colors or that shape.

18 Q. Thank you, Mr.Dent.

19 Besides those two clarifications, do you
20 believe that the testimony that was previously
21 filed is true and accurate, to the best of your
22 knowledge?

23 A. Yes.

24 Q. And if I were to ask you the same

1 questions that appear in the pre-filed testimony
2 today, you would provide the same answers?

3 A. Yes.

4 Q. Besides those two clarifications, do you
5 have any other corrections to your testimony?

6 A. I do not.

7 MR. KENNEDY: Thank you. Mr. Fullin --
8 Attorney Examiner Fullin, the Company moves for
9 the admission of the previously-filed testimony,
10 DEO Exhibit 1.0 with attachments DEO Exhibits
11 1.1 through 1.4, subject to any questions that
12 Mr. Pugsley has or that you have, and we can
13 make Mr. Dent available for those questions at
14 this time.

15 ATTORNEY EXAMINER: Mr. Pugsley, you
16 have a chance now to ask Mr. Dent anything about
17 the testimony that he provided, including
18 anything that he said today during today's
19 hearing. You don't have to ask him anything,
20 but if you have anything that you want to ask
21 him, this is your chance.

22 MR. PUGSLEY: Well, he said something
23 about the markers, but the only markers that
24 they had was kind of roughly triangled things.

1 So I don't know who put that in, but that's
2 whatever I was told, that that was the gas line
3 situation there. The other ones there that are
4 shown in the pictures, they was to Buckeye's
5 pipeline.

6 ATTORNEY EXAMINER: You're telling me
7 what it is that you were told and what you think
8 or what you did express in your exhibit. He's
9 just saying that he doesn't believe that that is
10 one of their pipeline markers.

11 So, again, at this point the idea is
12 that you are allowed to ask him questions. If
13 you have a question about how he came to the
14 belief that he has versus the belief that you
15 have, that's fine, you can ask him. But this
16 isn't the chance for you to just explain your
17 own exhibit. It's your chance to ask him about
18 his beliefs and what he said in his testimony.
19 So it should be in a question form, that you ask
20 him a question about his testimony.

21 MR. PUGSLEY: Well, the question is
22 that -- that about that 2253 Arcadia and that's
23 never related to where all the damage took place
24 that caused the flooding and --

1 ATTORNEY EXAMINER: Again, I --

2 MR. PUGSLEY: -- and the unfilled holes
3 and all that stuff. And I'm certain that
4 Dominion knows who their subcontractor was.

5 ATTORNEY EXAMINER: Again, you're just
6 telling me what your opinions are and what --
7 this is your chance to ask him about what he
8 said. I don't hear any question.

9 MR. PUGSLEY: The only question, that he
10 said something about the ditch didn't exist or
11 something, and that's not what caused the flood.
12 But it certainly did exist. So that ditch had
13 been good for 37 years, there wasn't problems
14 for 37 years until they dug in there. So they
15 have to relate to that.

16 ATTORNEY EXAMINER: Again, you're not a
17 lawyer, you haven't engaged in this kind of
18 proceeding. So I'm forgiving you for not being
19 able to formulate a question.

20 You already had your chance to provide
21 any information you wanted us to know. All
22 you're doing is providing more description of
23 your own understanding of the facts. Your time
24 to tell us about your understanding has come,

1 you did that already. If you don't have a
2 question for him about what he's provided for --

3 MR. PUGSLEY: I was looking at the
4 papers here that they sent me and --

5 ATTORNEY EXAMINER: That's what we are
6 talking about. I want to know what it is that
7 you disagree with, I want to know what you have
8 a question about for him to answer.

9 MR. PUGSLEY: Well, the -- on this lot
10 here, Mr. Dent must not have checked with the
11 police department when he related to my address,
12 and so forth. He didn't talk to me. If he had
13 talked to me, I could have showed him
14 everything. It must be like Joe Biden, because
15 I never seen him or anyone else from Dominion,
16 except the lady there in 2019, and the gentleman
17 that called me and told me about where my dirt
18 was in 2019.

19 ATTORNEY EXAMINER: Mr. Pugsley, I
20 appreciate that you are being put in a position
21 you are not used to being put in, that you are
22 being asked to frame questions when, really,
23 what you have in mind is just having me
24 understand your position. I understand that,

1 because this isn't what you do all the time;
2 you're not familiar with how to frame the
3 question.

4 But, again, I'm kind of -- when we're
5 done with this testimony, then we're going to
6 talk about whether or not the parties want to
7 have a chance to present arguments about what
8 happened at today's hearing, I'll bring that up
9 in a minute and we can talk about that, and then
10 you will be given a chance to make whatever
11 arguments you want to make at that point.

12 Right now, I'm going to give you one
13 more chance, and if I don't really hear a
14 question for Mr. Dent, I'm going to bring the
15 cross-examination to a close, because I haven't
16 heard any questions asked of the witness.

17 One more chance, if there's something
18 that you want to ask Mr. Dent about his
19 testimony and how he came to have the opinions
20 that he has, you can ask him those kind of
21 questions. But if you're just going to tell me
22 how you feel about the case, then that's for a
23 different part of the case, that's not for now.

24 Do you have any questions for Mr. Dent?

1 MR. PUGSLEY: well, I wouldn't know what
2 to say, so I guess I get screwed on this.
3 Anyway, do what you want, I guess.

4 ATTORNEY EXAMINER: Okay. I'm hearing
5 that you don't have any more questions for
6 Mr. Dent about his testimony.

7 MR. PUGSLEY: It wouldn't do any good, I
8 don't think.

9 ATTORNEY EXAMINER: I'm prepared to
10 rule. I will allow Mr. Dent's testimony into
11 the record, both the pre-filed and what he's
12 testified to here today. I don't have any
13 questions for Mr. Dent.

14 MR. PUGSLEY: Yeah, so Dominion isn't
15 going to be responsible for the damage, is what
16 it looks like. So I end up with a house that's
17 ruined?

18 ATTORNEY EXAMINER: Mr. Kennedy, do you
19 have anything further to present for the
20 Company?

21 MR. KENNEDY: Mr. Fullin, I just have
22 one redirect question to ask Mr. Dent.

23 REDIRECT EXAMINATION

24 BY MR. KENNEDY:

1 Q. Mr. Dent, Mr. Pugsley suggested that you
2 had not spoken with Mr. Pugsley in your review
3 of his claim.

4 Is that accurate, or did you have
5 conversations with Mr. Pugsley related to this
6 particular claim?

7 A. It's not accurate. I did, in fact, have
8 conversations with him about the claim, letting
9 him have an opportunity to explain to me
10 everything that happened, as well as asking for
11 any evidence that he had, documents and so
12 forth, and also asked him for any estimates for
13 property damage so I can get an idea of how much
14 the damage was, but I received nothing.

15 MR. KENNEDY: Thank you, Mr. Dent.
16 Mr. Fullin, with that redirect, we don't have
17 any additional questions.

18 ATTORNEY EXAMINER: Thank you. Again,
19 I'll include that as testimony and admit it into
20 the record.

21 MR. PUGSLEY: Mr. Dent was talking about
22 the house and the damage where I told him that I
23 had an offer on it for \$85,000. That was
24 including lot 10 and my home, and so forth.

1 Then I also said how about to replace the cost
2 of the house, which was approximately \$100 a
3 square foot. I had no idea whether that was
4 right or wrong, but two different outfits that
5 have done a lot of remodeling work, both said it
6 runs about \$100 a square foot, and the price
7 went up. That's where the second figure came
8 from, was replacement cost.

9 ATTORNEY EXAMINER: Again, Mr. Pugsley,
10 you were given a chance earlier to present
11 anything that you --

12 MR. PUGSLEY: I'm sorry, I'm not a
13 lawyer so --

14 ATTORNEY EXAMINER: I understand.

15 MR. PUGSLEY: The most that I can do is
16 relate to if, you know --

17 ATTORNEY EXAMINER: Again, if you have
18 something to ask of Mr. Dent that relates to
19 what he just testified to --

20 MR. PUGSLEY: That's all right. I guess
21 I'm done in anyway. It looks like there's
22 enough dishonesty there and anything they said
23 otherwise.

24 ATTORNEY EXAMINER: So we've admitted

1 the Complainant's testimony and exhibits and the
2 Company's testimony and exhibits. Mr. Kennedy,
3 does the Company have anything further? I think
4 I asked. If not, this is your chance, before we
5 close in terms of presentation of evidence and
6 begin to talk about whether we'll be briefs or
7 other kinds of arguments.

8 MR. KENNEDY: Mr. Fullin, thank you.
9 The Company does not have anything further to
10 add.

11 ATTORNEY EXAMINER: Thank you. Then I
12 will say that we're finished with the
13 presentation of testimony of today's hearing.
14 And now I would like to maybe go off the record
15 for a minute and talk about the idea of briefs,
16 and we'll go back on the record with whatever
17 decision we make off the record about what
18 they're going to do as far as briefs in the
19 case, so now we can go off the record.

20 (Discussion off the record.)

21 ATTORNEY EXAMINER: It's going to take
22 approximately ten days for the transcript to
23 come in. I want both sides to have an
24 opportunity to review the transcript, submit the

1 briefs. I'm thinking maybe 40 days out might be
2 a good deadline for submitting briefs in the
3 case. But I'm open to other suggestions, if
4 either party has a preference.

5 MR. KENNEDY: Mr. Fullin, is that 40
6 days from today or from the filing of
7 transcript?

8 ATTORNEY EXAMINER: If we want to date
9 it from the date of the transcript, I'm
10 flexible, it could be 40. If we just want to
11 make it 30 days from the date the transcript is
12 filed in the docket, that would be fine with me.
13 we don't have to set an exact date. we'll wait
14 to see when it comes in. When I see it comes
15 in, I will contact Mr. Pugsley and let him know
16 that the transcript was been filed. He doesn't
17 have a computer, he's not going to be keeping
18 track of that. Or we can set an exact date
19 today.

20 MR. KENNEDY: The Company would ask,
21 given other cases that we have currently on the
22 docket, that we set the deadline 40 days from
23 the filing of the transcript, if that works for
24 you.

1 ATTORNEY EXAMINER: Yes, that works for
2 me. I'm flexible on the number of days, as long
3 as it's within reason, and that is certainly
4 within reason. Rather than set an actual
5 deadline, I will make a ruling that we will have
6 briefs in the case, and we're only going to have
7 one set of initial briefs, and they will be due
8 40 days after the date that the transcript is
9 filed in the Commission's docket.

10 Mr. Pugsley, when that happens, when the
11 transcript is filed in the docket -- I will be
12 watching for it. When it happens, I will call
13 you and tell you that the transcript is filed in
14 the docket. I will tell you the date it's
15 available, and you will have 40 days from that
16 date to file this document that we're talking
17 about.

18 MR. PUGSLEY: Again.

19 ATTORNEY EXAMINER: It's recommended --
20 you can draft it any way you want to do it. You
21 can say whatever you want to say, but the
22 recommendation is, the reason why we're waiting
23 is so you might get a chance to read what took
24 place today and use it. And when you make this

1 document to me, you include references to where
2 in the transcript what you are talking about was
3 covered. That's up to you, but that's the
4 reason we're waiting this period of time, so
5 that you get the chance to review the document
6 and help the Commission understand what got
7 presented today that you want them to pay
8 special attention to.

9 MR. PUGSLEY: I will do whatever I can.

10 ATTORNEY EXAMINER: That's the ruling.
11 Just in terms of moving on, I will make a ruling
12 that we will have briefs in the case, and they
13 will be due 40 days after the date that the
14 transcript from today's hearing gets docketed in
15 the Commission's docket file. And, like I said,
16 I will be in touch with Mr. Pugsley so that he's
17 aware of those dates and deadlines when the time
18 comes.

19 Is there's anything else that we need to
20 cover before I bring this to a close?

21 MR. KENNEDY: No, Your Honor.

22 ATTORNEY EXAMINER: Anything,
23 Mr. Pugsley, that you want to bring up right
24 now?

1 MR. PUGSLEY: Nothing that I can think
2 of.

3 ATTORNEY EXAMINER: I thank you,
4 everyone, for their participation today, and I
5 will adjourn this hearing.

6 Mr. Pugsley, I'll be in touch would you
7 when the transcript comes in and give you the
8 countdown for how many days you to have turn in
9 your brief. And I thank everyone, again, and
10 I'll bring this to a close and look forward to
11 receiving the briefs.

12 --O--

13 Thereupon, the proceedings of August
14 9, 2022, were concluded at 2:41 p.m.

15 --O--

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CERTIFICATE

I, Carmen G. Maley, a stenographic court reporter and notary public in and for the State of Ohio, do hereby certify that the foregoing proceedings were taken down by me stenographically and that the foregoing transcript of such proceedings is a full, true, and correct transcript of my stenographic notes as so taken.

I do further certify that I was called there in the capacity of a court reporter and am not otherwise interested in this proceeding.

In witness whereof, I have hereunto set my hand at Columbus, Ohio, on this 23rd day of August, 2022.

Carmen G. Maley

Carmen G. Maley
Notary Public, State of Ohio

My commission expires: August 24, 2024

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in

Case No(s). 20-1365-GA-CSS

Summary: Transcript of hearing via Webex on August 9, 2022 at 1:00 p.m.,
Honorable Daniel E. Fullin, presiding electronically filed by Ms. Mary E. Fischer on
behalf of Carmen G. Maley, Court Reporter, PRI Court Reporting, LLC