

April 28, 2022

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission
v.
Columbia Gas of Pennsylvania, Inc.
Docket No. R-2022-3031211

Dear Secretary Chiavetta:

Attached for electronic filing please find the Richard C. Culbertson (Pro Se) Formal Complaint and Public Statement in the above-referenced proceeding. Please make this Complaint as part of the public record as transparency of the workings of public utilities and the Public Utility Commission are necessary for the public and customers to determine if they have been paying or are paying utility rates that were determined by due process required in applicable Federal and Pennsylvania public utility laws and regulations.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,



Richard C. Culbertson (Pro Se)

Leader and writer of international asset
management consensus standards
(ASTM and ISO)

Asset Management Expert

Small Business Owner

Owner of residential properties that use
or are impacted by Columbia Gas rates

Former leading Asset Management
expert of Lockheed Martin

Army Veteran (1969-1972)

1430 Bower Hill Road
Pittsburgh, PA 15243
E-Mail: Richard.C.Culbertson@gmail.com
Phone: 609-410-0108

Enclosures:

cc: Office of Administrative Law Judge cpell@pa.gov; **(email only)**
Office of Special Assistants **(email only: ra-OSA@pa.gov)**
Certificate of Service

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2022-3031211
 :
 Columbia Gas of Pennsylvania, Inc. :

I hereby certify that I have this day served a true copy of the following document, the Richard C. Culbertson Formal Complaint and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 28th day of April 2022.

SERVICE BY E-MAIL ONLY

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

1. CUSTOMER NAME (COMPLAINANT)

Richard C. Culbertson (Pro Se)
1430 Bower Hill Road
Pittsburgh, PA 15243
E-Mail: Richard.C.Culbertson@gmail.com
Phone: 609-410-0108

2. UTILITY NAME (RESPONDENT)

Columbia Gas of Pennsylvania, Inc.
Docket No. R-2022-3031211

3. TYPE OF UTILITY

Gas

4. COMPLAINT

- A. On March 18, 2022, Columbia Gas of Pennsylvania, Inc. (Columbia or the Company) filed Supplement No. 337 to its Tariff Gas – Pa. P.U.C. No. 9 at Docket No. R-2022-3031211. The Company proposes to increase rates to produce additional overall revenues of \$82.2 million per year. The Company proposes that the rate increase become effective on May 17, 2022.
- B. Columbia is engaged in the business of furnishing natural gas service to approximately 440,000 residential, commercial, and industrial customers in portions of 26 counties in western, northwestern, southern, and central Pennsylvania.
- C. Under the Company’s proposal, the total bill for a residential customer purchasing 70 therms of gas per month would increase from \$123.24 to \$135.67, or by approximately 10.09%.
- D. Columbia has also proposed an increase in the monthly residential customer charge from \$16.75 to \$24.75.
- E. In its base rate filing, the Company utilizes a fully projected future test year (FPFTY) ending December 31, 2022.

- F. Columbia’s proposed rate increase, if approved, would produce an 8.08% overall rate of return on its original cost rate base, including an 11.2% return on common equity.
- G. The rights and expectations of customers, and other stakeholders is that Columbia as well as the Pennsylvania Public Utility Commission is to follow the laws and fulfil their commitments regarding their operations.
- H. In rate cases customers are at a gross disadvantage. The public and customers do not have the knowledge, understanding of how utilities and the Commission operates. Public participation is minimal and unfortunately the public relies on trust that these institutions do what they chartered to do.
- I. Federal law 15 U.S.C. COMMERCE AND TRADE § 717c(a) - Rates and charges *“All rates and charges made, demanded, received by any natural-gas company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and all rules and regulations [by federal and state regulators] affecting or pertaining to such rates or charges, shall be just and reasonable, and any such rate or charge that is not just and reasonable is declared to be unlawful.”*
- J. Pennsylvania law 66Pa.C.S. § 1301. *Rates to be just and reasonable. (a) Regulation.--Every rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable, and in conformity with regulations or orders of the commission.*
- K. The terms “just and reasonable” are ordinary terms; the public can generally discern what is just and reasonable. In courts an undefined word is given their "ordinary, contemporary, common meaning". This may be referred to as the "plain meaning rule".
- L. The term just is associated with fair treatment, justice and dealing in good faith and not taking advantage of those less powerful or the unknowing.
- M. The term reasonable over time has developed into a more finite meaning, particularly in contracts regarding government contracts or grants. Reasonable cost is defined in the Federal Acquisition Regulations (FAR) Part 31.201-3 Determining reasonableness. https://www.acquisition.gov/far/part-31#FAR_31_201_3
- N. *“(a) A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person in the conduct of competitive business.”* The rates and charges of others in the peer group of gas utilities operating in Pennsylvania and surrounding states should be a consideration as to what is just and reasonable rates and charges as if they were competing with one another.
- O. *b) What is reasonable depends upon a variety of considerations and circumstances, including- (1) Whether it is the type of cost generally recognized as ordinary and necessary for the conduct of the contractor’s business or the contract performance; (2) Generally accepted sound business practices, arm’s-length bargaining, and Federal and State laws and regulations; Unnecessary costs are unallowable cost for recovery purposes*
- P. The FAR Cost Principles apply to Columbia Gas and the Commission because Pennsylvania, the PUC and Columbia receive Federal Grant money subject to 2 CFR 200

... Grants. Here, 2 CFR 200.400 provides the Cost Principles for Federal, state and local governments. It is also recognized under Department of Energy requirements and authority for for profit companies may be involved. “2 § 910.352 *Cost Principles. For For-Profit Entities, the Cost Principles contained in 48 CFR 31.2 (Contracts with Commercial Organizations) must be followed in lieu of the Cost principles contained in 2 CFR 200.400*”. 2 CFR § 200.404 - Reasonable costs requirements are similar to that of the FAR and includes *In determining reasonableness of a given cost, consideration must be given to: (c) Market prices for comparable goods or services for the geographic area.*

- Q. To clarify 2 CFR § 200.404 applies to state operations including audits and FAR Part 31 applies to internal utility operations – but the utility must be mindful the state’s requirements and peer rates and charges.
- R. Pennsylvania Law follows suit with the Federal a laws and regulations. § 1301. Rates to be just and reasonable. (a) Regulation.--Every rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable, and in conformity with regulations.
- S. Pennsylvania Management Directives apply to all Pennsylvania Commissions. Certain Management Directives have significant importance to the PUC and Columbia. First -- Performance of **Audit Responsibilities** 325.3 Amended, which includes by reference the GAO Yellow Book regarding Government Audits, https://www.oa.pa.gov/Policies/md/Documents/325_3.pdf. Definition - “*Financial Audit. An independent assessment of and reasonable assurance about whether an entity’s reported financial condition, results, and use of resources are presented fairly in accordance with recognized criteria. Financial audits under Government Auditing Standards*” The PUC, by law is required to perform audits on public utilities – particularly financial audits. **The PUC does not perform these audits.** This is a gross omission and shows a lack of diligence on the part of the Commission.
- T. Public Utilities must know, comply and present financials that are determined to be actual legitimate cost. If the PUC and Columbia do not appear understand the cost principles of which they are subject – there is certainly no assurance that costs that are being presented in rate cases are just and reasonable.
- U. The use of standards and principles in presenting actual legitimate cost is similar to water purification – when used, impurities are filtered out. The public want clean water as they want to pay for clean legitimate cost per standards and principles. There is no assurance customers have been paying for actual legitimate cost.
- V. Furthermore, it is important that employees and those supporting participants in rate cases understand the basics of state and Federal framework requirements with: Audits, (GAO – Yellow Book Management Directive 325.3,) Internal controls and risk management – Management Directive 325.12; [Internal Controls] Standards for Enterprise Risk Management in Commonwealth Agencies https://www.oa.pa.gov/Policies/md/Documents/325_12.pdf with the GAO Green Book with Internal Controls <https://www.gao.gov/assets/gao-14-704g.pdf>, and Management Directive 325.09 Amended – Processing Subrecipient Single Audits of Federal Pass-Through Funds https://www.oa.pa.gov/Policies/md/Documents/325_9.pdf, which applies to 2 CFR 200 but these documents are not included in PUC regulations.
- W. The lack of audits of the PUC and the PUC’s audit of public utilities is alarming – it shows a lack of due diligence on the part of the PUC but also the utility.
- X. Pennsylvania law provides *66Pa.C.S. § 315. Burden of proof. (a) Reasonableness of rates.-- the burden of proof to show that the rate involved is just and reasonable shall be upon the public utility. ... **providing unaudited financials is not showing proof.***

- Y. At this point the PUC, the Administrative Law Judge, and any of the rate case participants, have no base to approve the increase in rates. And it would be reckless to do so.
- Z. Pennsylvania law requires 66Pa.C.S. § 319. *Code of ethics. (a) General rule.--Each commissioner and each administrative law judge shall conform to the following code of ethics for the Public Utility Commission. A commissioner and an administrative law judge must: (1) Avoid impropriety and the appearance of impropriety in all activities. (2) Perform all duties impartially and diligently. So what are those duties?*
- AA. They are included in various places in 66Pa.C.S. especially section 308. *Bureaus and offices. 308.2 provides various required functions of the PUC. In part these include: 7) Insure adequate service quality, efficiency and availability at just and reasonable rates. (8) Conduct financial, management, operational and special audits. (9) Provide consumer information, consumer protection... (11) Take appropriate enforcement actions, including rate proceedings, ... necessary to insure compliance with this title, commission regulations and orders.*
- BB. What puts customers and other stakeholders at risk -- the Commission does not do some of these functions at all or not in a timely manner to protect customers. In that the Commission does not do or have internal or external performance audits, there are no audit findings – so there is no need to fix what is not found.
- CC. Again, let us get back to the requirements for audits. In 1968 voters of Pennsylvania passed Proposition 4. § 10. *Audit. The financial affairs of any entity funded or financially aided by the Commonwealth, and all departments, boards, commissions, agencies, instrumentalities, authorities and institutions of the Commonwealth, shall be subject to audits made in accordance with generally accepted auditing standards.* (That is the GAO Yellow Book.) <https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/00/00.008..HTM> The financial affairs of the PUC includes rate cases with utility rate increases that are just and reasonable. Where are those audits that are constitutionally required?
- DD. *About the PUC <https://www.puc.pa.gov/about-the-puc/> This web page provides some very disturbing information regarding the PUC. “PUC assesses utilities up to three-tenths of one percent of gross intrastate revenue to cover the cost of regulation.” In other words the Commission takes a commission on increased utility revenue. That is an admitted appearance of impropriety, and it harms the appearance of impartiality.*
- EE. *The budget for Fiscal Year 2021-22 is \$78,477,000 in state funds and \$5,053,000 in federal funds, for a total of \$83,530,000. The Federal funds of over \$5 Million alone invokes 2 CFR 200, which comes with audits, internal controls and the cost principles.*
- FF. If .3 percent total utility revenue is \$78,477,000 then total public utility revenue in Pennsylvania is about \$26 Billion. The PUC is supposed to be the watchdog over that money – but the dog is not watching. If the dog is not watching, then consumers are not being protected.
- GG. When the U.S. Justice Department’s Criminal Division does an Evaluation of Corporate Compliance Programs they are instructed <https://www.justice.gov/criminal-fraud/page/file/937501/download> there are three “fundamental questions“ a prosecutor should ask: 1. “*Is the corporation’s compliance program well designed?*“ 2. “*Is the program being applied earnestly and in good faith?*“ In other words, is the program adequately resourced and empowered to function effectively? 3. “*Does the corporation’s compliance program work in practice?*” ... Even a well-designed compliance program may be unsuccessful in practice if implementation is lax, under-resourced, or otherwise ineffective. Prosecutors are instructed to probe specifically whether a compliance

program is a “paper program” or one “implemented, reviewed, and revised, as appropriate, in an effective manner.” These three fundamental questions can be applied to other programs such as seeking rate increases for the utility and granting rate increases for the PUC.

- HH. The Answers: 1 It appears the laws and regulations are well designed and should be understood by the PUC and the utility. 2 is probably No.
- II. An April 15, 2022, the PUC released its 2022 Rate Comparison Report https://www.puc.pa.gov/media/1893/rate_comparison_report_2022.pdf this report is required by Pennsylvania law, 66 Pa. C.S. §308. Section 308.1(b). The report is most useful for ratepayers, but it was only sent to the Governor, Lieutenant Governor and members of the General Assembly. It is also very useful in determining what is reasonable cost.
- JJ. Prior year rate comparisons can be found at PUC Annual Comparison Reports can be found at <https://www.puc.pa.gov/filing-resources/reports/rate-comparison-reports/> From 2006 to 2022. These reports should be entered into evidence.
- KK. The reports show Columbia is most favored among PA gas utilities. At least they get the most from the PUC and from customers in their peer group. The data is helpful to analyze existing rates and proposed rates.
- LL. The Comparison reports from 2021 to 2022 regarding the changes in distribution rates of Columbia are significant. In 2021 the PUC approved an increase of about 23%. Apparently 23% rate increase was not good enough – the report shows Columbia rates were for example distribution charges there were increases of 37% and 50% from two classes of customers. Did they receive 23% in rate cases from the PUC, but the report shows 37%?

Natural Gas Analysis: The peer group for Columbia Gas excludes PGW and Peoples Gas LLC

Large NGDCs	Avg. Monthly Usage (Mcf)	Cost per Mcf (\$)	Avg. Monthly Bill (\$)
Columbia	7	18.31	128.16
PECO	6.7	10.02	67.13
National	8	10.65	85.16
Peoples	7	12.20	85.39
UGI	7	14.12	98.85
Mean Excl Columbia		46.99 /4 = 11.75	336.53 /4 = 84.13
The data shows Columbia cost are unreasonable compared to others. They would not be competitive in a competitive market.		Columbia is 1.56 times higher than the mean.	Columbia is 1.52 higher than the mean.

Distribution Charge Residential Heating at 15 MCF

	Distribution Charge (\$)	Customer Charge	Total
Columbia	131.08	16.75	255.48
PECO	67.22	13.63	172.08
National	38.61	12.00	140.58

Peoples	59.41	14.50	169.42
UGI	61.66	15.31	186.12
Mean Excl. Columbia Columbia's cost compared with peer group	226.9 / 4 = 56.73 or 2.31 -times others in the Peer group	55.44 / 4 = 13.86 Columbia is 1.21 times higher than peer group,	668.2 / 4 = 167.05 or 1.53-times others in the peer group. A customer in Pittsburgh would have saved \$86.06 per month by going with Peoples or \$1032.72 per year. When Customers have a choice between Columbia and Peoples – Columbia's rates and charges are unreasonable compared to Peoples.

Note: the amounts published in the comparison reports are unaudited by the PUC and maybe unaudited by the utility.

- MM. So from the data the fundamental question that is used by the Justice Department -- *Does the **rate case process** program work in practice?* **No!** The data clearly shows that Columbia's rates are not just and reasonable – thus not in the public interest. Customers in Pittsburgh would rather go with Peoples if they had a choice.
- NN. In 2021 the Comparison Report was published August 25, 2021, so it was not available to the participants of the rate case in 2021. If had been available. The Joint Petitioners and the Commission may have reached a different conclusion.
- OO. This report has much greater weight than Columbia's initial submissions. Columbia has a responsibility to keep these rates just and reasonable – when they do not, they should pay the price.
- PP. Columbia's peers have probably taken notice and are enticed to take the same strategy as Columbia.
- QQ. In the 2021 Columbia Gas rate increase The Order issued by the Commission rate case the Commission stated the reason for the rate increase "*Columbia Gas stated that the need for the requested increase is driven principally by increases in operating expenses and the return and depreciation requirements associated with ongoing plant additions and replacements under Columbia Gas' **accelerated pipeline replacement program.***" <https://www.puc.pa.gov/pcdocs/1702741.doc> For the trained eye and one who is familiar with the Federal Cost Principles that statement presents is a bright red flag. Accelerated costs are not necessary cost—not necessary costs are unallowable cost for recovery purposes. But capitalizing unallowable cost is wrong and must not be in the rate base. 66 Pa. C.S. § 1351. Definitions. "*Capitalized cost.*" *Costs permitted to be capitalized pursuant to the [FERC] Uniform System of Accounts and Generally Accepted Accounting Principles.* (GAAP)
- RR. Costs permitted to be capitalized pursuant to the Uniform System of Accounts – this would include *General Instructions E. All amounts included in the accounts prescribed herein for gas plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges **shall be included in account 426.5, Other Deductions.*** <https://www.law.cornell.edu/cfr/text/18/part-201> Account and the amount in 426.5 is below the line and not recoverable in rates.
- SS. Cost permitted to be capitalized per GAAP, see 15 U.S. Code § 78m(b)(2) (ii)

transactions are recorded as necessary (I) to permit preparation of financial statements in conformity with generally accepted accounting principles or any other criteria applicable to such statements. <https://www.law.cornell.edu/uscode/text/15/78m> That would be the Cost Principles included in FAR Part 31. Unnecessary costs are not allowable.

- TT. The 2022 Columbia Gas requested rate increase – from the PUC “*Columbia stated that the requested increase in its base rates is necessary due to Columbia’s ongoing investment to enhance its distribution system through the replacement of pipe and related appurtenances that are reaching the end of their useful lives and Columbia’s operation and maintenance expenditures on compliance activities and operations safety enhancements.*” Now there is a distinction between what Columbia stated in 2021 and in 2022 ... but in fact is there a difference? The fact that Columbia is stating something different between the two years – that also raises a big red flag. Does that mean Columbia is no longer accelerating the removal and replacements of pipe?
- UU. Another big red flag. Columbia Gas of Ohio has proposed a rate increase. “***Columbia Gas of Ohio rate increase proposal too high, state regulators say***” <https://www.dispatch.com/story/business/2022/04/07/ohio-regulators-say-columbia-gas-rate-increase-request-too-much/9489875002/> Here Columbia proposed a 21.3% rate increase and the PUCO staff sees a more reasonable increase of 4 to 6.3%
- VV. The PUCO has a better rate case process than Pennsylvania. PUCO assigned their staff to look that Columbia’s financials and they identified various unallowable. Some of these were flow down from headquarters’ cost. <https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A22D06B50032I01509>
- WW. In review of the staff’s audit – it too, is not up to Federal Yellow Book audit standards but from what they have written their audit was good enough to find \$68,533,621 that they believe should be excluded in consideration of rates. (See Page 67 of the PUCO staff report. What are sources of those identified mischarges -- lack of due care, error, ignorance, or fraud? <https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A22D06B50032I01509>
- XX. Headquarters costs are also flowed down to Columbia Gas of PA and what was found should also be reviewed in the Columbia Gas rate case in Pennsylvania.
- YY. The PA PUC does not appear have the audit staff with the financial expertise, audit acumen and independence to do deep dives into Columbia’s financials to reach any reliable conclusions. Those skill sets take years to develop.
- ZZ. In that PA PUC does not have a sound process to reach just and reasonable rates it appears sometimes the rate case participants have relied on illegal “*black box settlements*.”
- AAA. Black box settlements are illegal in Pennsylvania – regardless of their use in the past. The burden of proof in rate case is always on the utility. The utility must always show proof. Proof must be persuasive. Hidden proof is not persuasive. Rates must be reasonable – things that must be just and reasonable must be transparent. Pennsylvania public utility law is clear. 66 Pa. C.S. § § 335. *Initial decisions and release of documents. ...whenever the commission conducts an investigation of an act or practice of a public utility and makes a decision, enters into a settlement with a public utility ... with respect to its investigation, it shall make part of the public record and release publicly any documents relied upon by the commission in reaching its determination.*
- BBB. It appears unallowable cost and black box amounts are baked into the rate base – how much? No one knows. But that cannot be ignored as customers are paying unjust and unreasonable rates and charges – this *unlawful*.

- CCC. *Black Box settlements are a circumvention of Internal Controls of the utility and the Commission under Compliance with Laws and Regulations.*
- DDD. From observation, rate cases are used to shield the utility from appropriate investigations. Take for instance, when a ratepayer, or stakeholder provides sworn public testimony and illegal acts are alleged and the person claims harm by improper behavior of a utility employee – such as a utility employee going into private property and acting like he has to the authority to red tag a furnace. That would be counter to Pennsylvania law – utility employees are not municipal code officials. The PUC investing arm should be investigating that. No informal or formal complaint required.
- EEE. All complaints to the utility must be investigated – including this complaint. *CHAPTER 59. GAS SERVICE § 59.13. Complaints. (a) Investigations. Each public utility shall make a full and prompt investigation of complaints made to it or through the Commission by its customers. An immediate internal investigation by NiSource Ethics Department should be recorded and reported to the NiSource Board of Directors’ Audit Committee with an immediate independent and competent investigation. Not one by the conflicted NiSource Legal Department. Those internal investigations of this Formal Complaint should start now.*
- FFF. Independent audits and investigation that were not done over the years now must start. The participants in this rate case are in no position to make decisions. Unreliable financial reports results in unreliable financial decisions.

5. RELIEF

Richard C. Culbertson respectfully requests that the Commission take the following actions:

- A. Suspend this rate case proceedings until PUC or an outside competent consultant prepares a comprehensive audit plan and audits Columbia’s financials, performance operations and management – in accordance with Generally Accepted Audit standards with applicable laws, regulations, standards and tariff.
- B. Audit results must be provided to complaints for review and comment.
- C. Auditors must be provided adequate time, resources and access to audit Columbia Gas of Pennsylvania.
- D. The PUC must train their workforce concerning flowed down Federal requirements and applicable state Directives.
- E. Auditors must report illegal acts Per AU Section 317 Illegal Acts by Clients <https://pcaobus.org/oversight/standards/archived-standards/pre-reorganized->

[auditing-standards-interpretations/details/AU317](#)

- F. Investigate the operation of the proposed Tariff pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S. § 1308(d);
- G. Investigate if the tariff is in compliance with private property rights – Rights of Columbia stop upon delivery and access to access to utility property only.
- H. Confirm the PA PUC does not have authority to change the requirements of the FERC System of accounts and US GAAP.
- I. Confirm items that are identified as unallowable in the Cost Principles 2 CFR 200.400 and FAR Part 31 must not be made allowable by the Commission.
- J. Particular attention shall be made of the acceleration of pipeline replacement. Unnecessary and unreasonable costs shall be identified and quantified.
- K. Allowable cost must be substantiated with documented facts by Columbia.
- L. Investigate if the required quality assurance inspections have been performed on new pipelines.
- M. Identified unallowable cost need not be adjudicated – Columbia may, however, file a claim in another appropriate Pennsylvania or Federal court.
- N. Review if improper abandonment has been made on utility and private property.
- O. Review capitalization practices and occurrences of improper capitalization of property not owned by Columbia.
- P. Review for improper donations,
- Q. Review the charging of Cloud Computing and Software as a service.
- R. The Commission must declare and abandon the practice that a rate case is an investigation and to settle financial audit issues.
- S.
- T. The Commission must abandon the practice of not performing audits be before starting rate cases. Non-existent audits do not provide the path to just and reasonable rates.
- U. The Commission must rededicate to diligence of performing required functions as provide in Pennsylvania law.
- V. The Commission must stop the practice of assessing utilities-based revenue – to feed the PUC’s budget -- this has the appearance of impropriety.
- W. The Commission must reorganize itself to meet established laws and regulations.

- X. The Commission must observe, obey and comply with Pennsylvania Directives regarding Audits, risk management, internal controls and 2 CFR 200.
- Y. The Commission should petition the legislature for power to improve the Commission to complete its mission.
- Z. The Commission should seek from the legislature an increase in the number of Commissioners that include financial competence and other necessary competencies.
- AA. The Commission must seek from the legislature an increase in pay for the Commission and certain technical experts. The role of the Commission is too important to be placed in the hands of the less talented.
- BB. The PUC staff must be used similar to PUC Ohio. Experts with free access look first, collect facts, make recommendation and the Commission makes determinations. Complainants and the ALJ are not auditors nor investigators. The current practice favors public utilities.
- CC. Annual rate cases are abusive and are in the utility favor. Before submitting mountains of documents the Utility should petition to submit a rate case. That can be used to start an orderly process.
- DD. The commission must change operations to win back confidence and participation of the public in rate case – currently there is a gross chilling effect.
- EE. Confirm the Administrative Law Judges are independent and are not investigators, auditors, nor are they advocates for current and past practices of the PUC.
- FF. The Commission must initiate a root cause analysis of identified wrongs, weaknesses and deficiencies, and make necessary corrections.

6. VERIFICATION AND SIGNATURE

Verification:

I, Richard C. Culbertson, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Richard C. Culbertson
Signature

04/28/2022
Date

7. LEGAL REPRESENTATION

Pro Se