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June 14, 2022

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: PA PUC v. Columbia Gas of Pennsylvania, Inc.
Docket Nos. R-2022-3031211, et al.
Columbia Gas of Pennsylvania, Inc.**

Dear Secretary Chiavetta:

Please see the attached Motion for the Pennsylvania Public Utility's Commission Administrative Law rate case proceeding to initiate a special investigation into the content of the Columbia Gas of Pennsylvania employee who provided sworn public testimony of Columbia's practices that may be illegal. This planned, conducted and completed investigation must be performed in accordance with upon Generally Accepted Audit Standards as well as investigative standards. This audit and investigation must be performed diligently by a competent and independent external audit and investigative firm. Copies will be provided to others per the attached Certificate of Service.

Respectfully submitted,



Richard C. Culbertson

cc: Honorable Christopher P. Pell
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 13th day of June 2022.

SERVICE BY E-MAIL ONLY

Erika McLain, Esquire Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 ermclain@pa.gov	Amy E. Hirakis, Esquire Theodore J. Gallagher, Esquire Columbia Gas of Pennsylvania, Inc. 800 North 3rd Street, Suite 204 Harrisburg, PA 17102 ahirakis@nisource.com tjgallagher@nisource.com
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

MOTION TO INITIATE A SPECIAL INVESTIGATION OF COLUMBIA GAS OF PENNSYLVANIA INC. REGARDING THE CONTENT OF SWORN TESTIMONY OF XXXXXXXX, A COLUMBIA GAS OF PENNSYLVANIA INC. EMPLOYEE. HE PROVIDED SWORN PUBLIC TESTIMONY OF COLUMBIA’S PRACTICES THAT MAY BE ILLEGAL AND ARE RELIVANT TO THIS RATE CASE. XXXXXXXX WAS A CREDIBLE WITNESS HAVING ACCESS TO COLUMBIA’S OPERATIONS OVER YEARS. THE PURPOSE OF THIS SPECIAL INVESTIGATION IS TO CONFIRM AND QUANTIFY THE FINIANCIAL IMACT ON COLUMBIA’S RATE BASE AS WELL AS TO CONFIRM THE QUALITY OF WORK AND INSPECTION OF WORK OF COLUMBIA’S CONTRACTORS. THIS PLANNED, CONDUCTED, COMPLETED AND REPORTED INVESTIGATION MUST BE PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED AUDIT STANDARDS AS WELL AS INVESTIGATIVE STANDARDS. THIS AUDIT AND INVESTIGATION MUST BE PERFORMED DILIGENTLY BY A COMPETENT AND INDEPENDENT EXTERNAL AUDIT AND INVESTIGATIVE FIRM HAVING FULL ACCESS TO RELIVANT COLUMBIA’S AND PARENTS’S OPERATIONS, BOOKS AND RECORDS, AND EMPLOYEES.

TO: DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE PELL AND ADMINISTRATIVE LAW JUDGE COOGAN:

The public’s participation at the Commission’s Public Input Hearing of the Columbia Gas Of Pennsylvania rate cases was disappointing. The Commission’s outreach to the public to testify was ineffective. Three individuals signed up to testify, one failed to attend the others provided sworn public testimony. Both sworn testimonies were important and should help lead to just, reasonable and lawful rates for customers.

The first individual testified after being notified of public input hearing through the Pennsylvania Office of Consumer Advocate (PAOCA). He represented customers of modest means. Formerly of the military and recognized his gas bill had gone up considerably in the last year compared to his electric utility bill. He recommended the Commission deny the proposed rate increase.

The second person to testify was XXXXXX, a long-term Columbia Gas of Pennsylvania employee who works as a XXXX. He testified against his own company. He had safety concerns. Prior attempts to address these concerns internally were not effective. He characterized himself as a “whistleblower”. (Whistleblowers have special rights to anonymity and protection against retaliatory actions of employers.)

XXXXXX had limited time to speak. The public input hearing is not a good venue to address numerous complex compliance pipeline technical matters. XXXXXX’s concerns, experiences, observations and testimony may come at great risk and perhaps his well-being.

XXXXXX said concerns kept him awake at night.

Public information about the person of XXXXXX:

A family lost their home to a fire and was given a new place to live **thanks to the kindness of XXXXXX., a stranger.**

After hearing couples situation, XXXX , **offered the couple a home he owned.**

A spokesperson for Columbia Gas, said XXXX gave them the house. The company was responding to media phone calls on behalf of XXXX, **“He’s a very selfless employee. We are very proud to have an employee XXXX. He is a really great example of how our employees have the goal to keep our customers warm and safe during the winter.”**

Public Input Hearing are not just a formality – they are part of the required due process to arrive at just, reasonable and lawful rates. Part of that due process is for the PUC to address the content of public input hearings proportionally to the possible benefits and cost of additional discovery and to some extent go to where XXXXXX’s concerns lead.

XXXXXXX expressed two major concerns that were consistent with my concerns since 2016 when Columbia or Columbia’s contractor did not install a curb valve and the work performed by a contractor was not up to quality and safety standards.

Curb valves were not being installed.

Not having a curb valve presents a safety issue and danger to first responders and others in emergencies but also for maintenance purposes where gas to the premises need to be shut off.

***49 CFR PART 192 - TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE:
MINIMUM FEDERAL SAFETY STANDARDS***

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 et. seq., and 49 CFR 1.97. (Pipeline Safety Act)

49 CFR 192.365 Service lines: Location of valves.

(a)Relation to regulator or meter. Each service-line valve must be installed upstream of the regulator or, if there is no regulator, upstream of the meter.

(b)Outside valves. Each service line must have a shut-off valve in a readily accessible location that, if feasible, is outside of the building.

(c)Underground valves. Each underground service-line valve must be located in a covered durable curb box or standpipe that allows ready operation of the valve and is supported independently of the service lines. <https://www.govinfo.gov/content/pkg/FR-2016-10-14/pdf/2016-24925.pdf#page=1> Issued October 7, 2016.

52 Pa. Code § 59.33. Safety. § 59.33. Safety.

(a) Responsibility. Each public utility shall at all times use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers and others may be subjected to by reason of its equipment and facilities.

(b) Safety code. The minimum safety standards for all natural gas and hazardous liquid public utilities in this Commonwealth shall be those issued under the pipeline safety laws as found in 49 U.S.C.A. § § 60101—60503 and as implemented at 49 CFR Parts 191—193, 195 and 199,

The laws referenced are the Pipeline Safety Act and the apply to interstate and intrastate pipelines. Violation can lead to Federal criminal prosecution as NiSource and Columbia Gas of Massachusetts of were subject to because of a death, explosions and fires in the Merrimack Valley September 2018.

XXXXXXX's concern of service lines being installed with no curb valves must be properly investigated under the Commission's authority. XXXXX's concerns must be measured for existence, qualitatively and quantitatively. Omissions and dangers must be recognized and corrected. A root cause must be identified as well as those responsible for tolerating unsafe conditions. Why was this not corrected in Columbia's Safety Management System or the NiSource ethics and compliance program?

The second major issue of XXXXXX concerned the work of Columbia's contractor's employees. The contractor's employees were not trained as well as Columbia's employees and that a contractor's work needed to be inspected by a Columbia Gas employee.

This issue must also be investigated as it pertains to safety and allowable cost and should be investigated similarly to the first matter.

PA Title 66 § 1359. Projects. (a) Standards. --The commission shall establish standards to ensure that work on utility systems to repair, improve or replace eligible property is performed by

qualified employees of either the utility or an independent contractor in a manner that protects system reliability and the safety of the public.

(b) *Inspection.* --**Projects** for which work to repair, improve or replace eligible property is performed by independent contractors **shall be subject to reliability and safety standards and to inspection by utility employees.**

(c) *Cost.*--**Work on projects to repair, improve or replace eligible property that is not performed by qualified employees or contractors or inspected by the utility's qualified personnel shall not be eligible for recovery of a distribution system improvement charge.**

What is reasonable for recovery is consistent regardless of the accounting within DISC or not within DISC. Columbia's cost of poor-quality work, which includes work without proper quality inspections should not be recoverable and should not be tolerated.

This special investigation should include other appropriate areas that the Commission deems necessary to reach just, reasonable and lawful rates.

Completing this rate case in the same manner a previous rate cases with the current participants and process will not address XXXXX's concerns.

This special investigation is necessary under Title 66 § 308.2. [Commission's functions] (11) Take appropriate enforcement actions, including rate proceedings, ... necessary to insure compliance with this title, commission regulations and orders. Audits and investigations are permitted under Title 66 Pa.C.S.A. Public Utilities § 516 (c).

Context For This Motion Is Important.

This rate case cannot be justifiably dispositioned without properly dealing with XXXXX's testimony. Given XXXX's limited time to speak, pertinent material information may not have been presented. An in-depth questioning of XXXX at the Public Input Hearing in front of his employer was not appropriate, an independent investigation is.

As a person with properties serviced by several public utilities, it is my opinion there is disorder in the Commission's supervision of public utilities. The Commission must change the tone of

supervision of public utilities from tolerance to intolerance. Some public utilities have taken advantage of the Commission’s tolerant tone including Columbia. Issues that arise are not handled effectively and efficiently. XXXXXX is certainly in a position with a greater perspective than I. He loses sleep but so do I. We know near misses, if not addressed result in death and harm to people and property. The lack of curb valves and work without adequate knowledge, care and quality assurance create dangerous conditions and will eventually result in the loss of life and property.

The situation with the recent **Pottstown gas explosion** provides lessons already known – people give up submitting complaints and accept undue risks as normal. (Multiple reports are available in the public media such as <https://stateimpact.npr.org/pennsylvania/2022/06/06/expert-some-form-of-gas-is-likely-culprit-in-deadly-pottstown-home-explosion/>).

A gas smell is not normal inside or outside of a home. When reported over the years, those who were charged to protect people either did not care enough or gave up in trying to find the source of the gas smell.

Unfortunately giving up resulted in a couple from Philadelphia, so far, losing all their children and a parent – five people! The disaster / homicide, apparently by natural gas has not been solved yet, but it points to a gas utility.

Unfortunately in Pennsylvania, some public utilities have developed some bad habits.

Let’s start with Columbia. I am a shareholder of NiSource, parent of company of Columbia and attended their annual shareholders meeting.

<https://central.virtualshareholdermeeting.com/vsm/web?pvskey=NI2022>

I believe NiSource is more about self-service than public service – spending is key to growth and meeting financial commitments by the use of accelerated spending on infrastructure. The Prior CEO Joseph Hamrock recently left in 2022 with a huge “golden parachute”. In 2021 he had a compensation of \$9,535,782 per the 2022 NiSource Proxy Statement (Starting page 49.)

2021 EXECUTIVE COMPENSATION

	Severance (\$)	Pro Rata Target Bonus Payment (\$)	Equity Grants (\$)	Cash Awards (\$)	Welfare Benefits (\$)	Outplacement (\$)	Total Payment (\$)
Joseph Hamrock							
Voluntary Termination ⁽¹⁾	—	—	8,480,467	—	—	—	8,480,467
Retirement ⁽²⁾	—	—	—	—	—	—	—
Disability ⁽²⁾	—	—	9,644,009	—	—	—	9,644,009
Death ⁽²⁾	—	—	9,644,009	—	—	—	9,644,009
Involuntary Termination ⁽³⁾	1,030,000	—	—	—	33,460	25,000	1,088,460
Change-in-Control ⁽⁴⁾	6,798,000	1,236,000	17,551,208	—	108,804	25,000	25,719,012

Total compensation does not appear to be listed. Guidance on executive compensation in a government environment is contained in <https://www.law.cornell.edu/cfr/text/48/31.205-6>.

A public utility is not a public utility without customers. All revenue comes from customers. He was incentivized to increase the rate bases of NiSource utilities, was paid to raise rates of customers for gas service and his compensation shows he succeeded. His new wealth, to a large extent came from the poor and less fortunate gas service payers among us.

At the shareholders meeting, as recorded, the new NiSource CEO claims NiSource has “Six priority areas: safety, sustainability, being a great place to work, customer experience, operational excellence, and meeting our financial commitments.” Affordability and effective internal controls are not included.

*Priorities NiSource stock provided a **total shareholder return of nearly 25% in 2021**. This is top tier performance. This top tier performance compares to our peer group average of 15%.” ... “Total capital investments are expected to drive compound annual rate-based growth of 10 to 12% for each of the company’s businesses through 2024.” **The NiSource priorities sustainability and meeting financial commitments are a major threat to rate payers.***

Sustainability goals in Pennsylvania should be established by the Pennsylvania Legislature not individual public utilities as a means to justify the augmentation of their rate base. (See <https://www.un.org/en/academic-impact/sustainability> and <https://www.ifrs.org/groups/international-sustainability-standards-board/>) International sustainability goals may not be in Pennsylvania’s best interest.

Adopting sustainability priorities is the green light for more NiSource/ Columbia spending.

Peoples

Other properties of mine are serviced by Peoples. My property at 2980 West Liberty Avenue in Dormont is one of them. Peoples just changed their gas main line on West Liberty Avenue along with my customer’s service line. Replacing my customer’s service line was without my consent. Who comes on to another’s property, without notification and replaces an appurtenance or any other thing without the owner’s consent? I have insurance on the customer’s service line upon failure or need.

It appears Peoples will capitalize this customer’s service line along with others as if their own and will call it utility plant in service as part of their rate base.

The problem with that – PA Title 66 § 1510. *Ownership and maintenance of natural and artificial gas service lines.*

*“When connecting the premises of the customer with the gas utility distribution mains, the public utility shall furnish, install and maintain the service line or connection according to the rules and regulations of the filed tariff. **A public utility shall not be authorized or required to acquire or assume ownership of any customer's service line. ... Maintenance of service lines shall be the responsibility of the owner of the service line.**”*

Last week Peoples assumed ownership of my gas customer’s service line.

52 Pa. Code § 59.18. Meter, regulator and service line location. (Effective September 13, 2014)
a) General requirements for meter and regulator location, (8) Meters and service regulators may not be installed in the following locations: (i) Beneath or in front of windows...



Turning off that gas valve in an emergency in front of the glass block window would be dangerous and could be fatal. What happened to Title 66 § 501. “General powers. (c) Compliance.--Every public utility, its officers, agents, and employees, ... shall observe, obey, and comply with such [PUC] regulations or orders, and the terms and conditions thereof”?

Now, where do I go to get this straighten out?

Duquesne Light Company

In December 2020 due to poor workmanship on an electric pole near my home, electric wires were crossed and cause a severe power surge. One neighbor, her house started catch on fire and the local fire department responded. In my home, the motherboard of my HVAC system was fried the same with the dishwasher and the same with a high-end coffee pot. It was cold in our home a couple of days until the HVAC could be serviced. We managed with a back up system and portable heaters. Ultimately Duquesne Light paid us \$1,634. 97 for the damages to our property about a year later.

Duquesne Light is in the process of switching out utility poles that have reached the end of their useful lives. Last summer, a utility pole on my residence property was targeted to be replaced. A contractor’ employee surveyed the pole that was marked for replacement. I have two driveways to my property, one that is paved leads to the garage and parking area. The other is unpaved and leads to the back of my property and when necessary, I drive to the back of my property – there is even a large utility cover for a public sewer line. I had unobstructed access to the back of my property and wanted to keep

it that way. I instructed the contracted employee when the pole is replaced, to not obstruct my grass driveway to the back of my property – he said he would take note of it.

When Duquesne Light employees came to replace the pole on November 11, 2021, the foreman insisted, they needed to replace the pole where it obstructed my grass driveway. I protested – and stated, if needed, place the pole away from the driveway. I insisted this is my property and I am the decision maker on my property and not the Duquesne Light Company. In Pennsylvania I have a “indefeasible” Constitutional right “*of acquiring, possessing and protecting property*”. I submitted a formal complaint into Duquesne Light’s third-party complaint system... so far Duquesne Light has not responded.

Duquesne Light does not have immediate eminent domain rights over private property.



My grass driveway was reduced from 105” to 85” that means if and when I try to pour concrete in my back yard the heavy truck will most likely crush a portion of my paved driveway. I own both sides of the old pole. I would have given permission to place the new pole in the same location as the old, but Duquesne Light employees deliberately and arrogantly placed the new pole exactly where I did not want it, with an attitude – we are the powerful utility company and have special powers and you do not.

In this situation – do I complain to the PUC? No – not with my experience with the PUC. I will have to go through the Pennsylvania court system – but it takes time, money and stress. It should not be that way.

Conclusion:

Why do I have so many problems with Pennsylvania gas and electric utilities? I believe my experiences with these utilities are representative of the experiences of others.

I believe the Commission has not installed effective internal controls over public utilities, which has allowed public utilities to establish a culture of abuse of customers. That has to stop. PA Title 66 § 501. General powers... “[T]he commission shall have full power and authority, and **it shall be its duty to enforce, execute and carry out, by its regulations, orders, or otherwise**”. The Commission needs to take a concurrent active role in the processing of customer complaints. The current process greatly favors public utilities and validates the approach of utilities.

If I had a choice, based upon how I have been serviced by each of these utilities, I would go to a competitor – but there is no competitor. These are natural monopolies – natural monopolies only work if they are actively regulated – but they are not.

We can start improving public utility behavior by sending a clear message to public utilities and rate payers that the Pennsylvania Public Utility Commission will no longer tolerate abuse of customers and will not tolerate rates that are unjust, unreasonable and unlawful.

Public comments and participation must be given more consideration to the extent they can make a reasonable difference in rate cases. Now these are merely received and filed in the Secretary’s Office without reasonable public view. At least, participants in rate cases should have free access to these submissions. Secrecy favors utilities.

Improvement starts with a special investigation of Columbia’s operations regarding the sworn testimony of June 1, 2022.

Respectfully submitted,



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Date: June 14, 2022