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November 11, 2022

VIA ELECTRONIC FILING

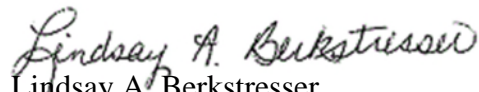
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

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

Dear Secretary Chiavetta:

Attached for filing is the Answer of Columbia Gas of Pennsylvania, Inc. to Richard C. Culbertson's Motion to Expedite in the above-referenced proceeding. Copies will be provided per the attached Certificate of Service.

Respectfully submitted,



Lindsay A. Berkstresser
Principal

LAB/kl
Attachment

cc: Honorable Christopher P. Pell (*via email*)
Honorable John M. Coogan (*via email*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

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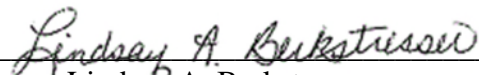
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Date: November 11, 2022


Lindsay A. Berkstresser

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2022-3031211
Office of Small Business Advocate	:	C-2022-3031632
Office of Consumer Advocate	:	C-2022-3031767
Pennsylvania State University	:	C-2022-3031957
Columbia Industrial Intervenors	:	C-2022-3032178
Jose A. Serrano	:	C-2022-3031821
Constance Wile	:	C-2022-3031749
Richard C. Culbertson	:	C-2022-3032203
	:	
v.	:	
	:	
Columbia Gas of Pennsylvania, Inc	:	

**ANSWER OF COLUMBIA GAS OF PENNSYLVANIA, INC.
TO RICHARD C. CULBERTSON’S MOTION TO EXPEDITE**

**TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE CHRISTOPHER PELL AND
ADMINISTRATIVE LAW JUDGE JOHN COOGAN:**

Columbia Gas of Pennsylvania, Inc. (“Columbia”), by and through its attorneys, hereby files this Answer, pursuant to 52 Pa. Code § 5.61, to Richard C. Culbertson’s October 24, 2022 “Motion to the Commission to Expedite Determinations Regarding the Pipeline Safety Including the Regulatory Required Installation, Maintenance, and Use of Utility-Owned Curb Valves as Connected to Service lines” (hereinafter, “Motion”). Simultaneously with this Answer, Columbia is filing a Motion to Strike Mr. Culbertson’s Motion because Mr. Culbertson’s Motion is an improper attempt to introduce material that is not in the record. In the event that Columbia’s Motion to Strike is not granted, Columbia requests that Mr. Culbertson’s Motion be denied for the reasons explained herein. In support of its Answer, Columbia states as follows:

I. INTRODUCTION

1. In his Motion, Mr. Culbertson requests that the Commission expedite its determination on Mr. Culbertson's alleged safety concerns regarding the installation of curb valves. This issue is currently pending before the Commission as part of Columbia's 2022 Base Rate proceeding at this docket.

2. The installation of curb valves was addressed in the rebuttal testimony of Columbia witness Kempic. *See* Columbia St. No. 1-R, pp. 18-19. The Bureau of Investigation and Enforcement's ("I&E") witness Merritt also presented testimony on curb valves. *See* I&E St. No. 1-R, pp. 18-19. Mr. Culbertson did not present any testimony or exhibits or any evidence whatsoever for the record in this proceeding, including any evidence with respect to curb valves.

3. Columbia and Mr. Culbertson filed Main Briefs and Reply Briefs regarding the issues raised by Mr. Culbertson in this proceeding, including the issue of curb valves. I&E filed a Reply Brief regarding the curb valve issue.

4. On September 30, 2022, Deputy Chief Administrative Law Judge Pell and Administrative Law Judge Coogan (the "ALJs") issued a Recommended Decision ("RD") recommending that the Commission deny Mr. Culbertson's Complaint in its entirety. Specifically, the RD rejected Mr. Culbertson's alleged safety concerns regarding the installation of curb valves. *See* RD, p. 116.

5. On October 14, 2022, Mr. Culbertson filed Exceptions to the RD addressing, *inter alia*, the issue of curb valves. On October 21, 2022, Columbia and I&E filed Replies to Mr. Culbertson's Exceptions. Mr. Culbertson's Exceptions and Columbia's and I&E's Replies are currently pending before the Commission.

II. MR. CULBERTSON'S REQUEST FOR AN EXPEDITED RULING ON THE CURB VALVE ISSUE SHOULD BE DENIED.

6. In his Motion, Mr. Culbertson argues that the Commission should expedite its determination on the curb valve issue and make a ruling on this issue prior to ruling on the remaining issues in the base rate case because the curb valve issue pertains to an alleged safety concern. Motion, p. 14. Mr. Culbertson's request should be denied because the record is clear that no safety issue exists, and therefore, an expedited ruling is not necessary.

7. The sole basis for Mr. Culbertson's request for an expedited ruling is his concern with respect to Columbia's practice of installing of curb valves. However, Mr. Culbertson's concern is not supported by any evidence. To the contrary, the unrebutted evidence in this case clearly demonstrates that no safety issue exists on Columbia's system. Both Columbia witness Kempic and I&E witness Merritt explained that Columbia's practice complies with the applicable safety regulations. *See* Columbia St. No. 1-R, pp. 18-19 and I&E St. No. 4-SR, pp. 10-11. Specifically, Mr. Kempic testified that a meter valve enables quicker shutoff during priority situations since it is located above ground and next to the meter, which makes it easy to locate for a quick resolution. A curb valve, on the other hand, is not in plain sight or near the meter, and often requires Company personnel to be called out to locate it. *See* Columbia St. No. 1-R, pp. 18-19. No party, including Mr. Culbertson, presented any evidence in response to Mr. Kempic's and Mr. Merritt's testimony on curb valves.

8. As explained in Columbia's Replies to Exceptions, the RD correctly rejected Mr. Culbertson's position on curb valves because Mr. Culbertson failed to present any evidence to support his claims that a safety issue exists. *See* Columbia Replies to Exec., p. 22. Given that Mr. Culbertson has failed to substantiate his claims regarding curb valves with any evidence whatsoever, his request for an expedited ruling on the basis of safety concerns is not justified.

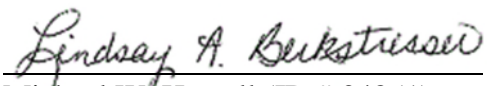
9. In his Motion, Mr. Culbertson attempts to support his request for expedited treatment with various material that is not part of the record and that is irrelevant to Columbia's system. Mr. Culbertson cites several news articles, material regarding an incident on the system of an unrelated gas utility, various photos of a property that Mr. Culbertson claims he "may try to purchase," the Plumber's Guide, and a PHMSA letter from 1989. Motion, pp. 1-14. As Columbia explained in its Motion to Strike, none of this material should be relied on in reaching a determination in this case because it is not part of the record. Moreover, none of this material is relevant to Columbia's system, nor does it support Mr. Culbertson's position that there is an existing safety issue on Columbia's system that would warrant an expedited ruling by the Commission.

10. If the Commission considers any of the extra-record material identified in Paragraph 9 of this answer in ruling upon Mr. Culbertson's late-filed Motion, Columbia respectfully requests, as a matter of due process, that it be provided an opportunity to present evidence to rebut this material.

III. CONCLUSION

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that Deputy Chief Administrative Law Judge Pell and Administrative Law Judge Coogan deny Mr. Culbertson's Motion to expedite the Commission's ruling on the curb valve issue.

Respectfully submitted,



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