
Lindsay A. Berkstresser

lberkstresser@postschell.com
717-612-6021 Direct
717-731-1985 Direct Fax
File #: 193132

July 25, 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.**

Dear Secretary Chiavetta:

Attached for filing please find the Answer of Columbia Gas of Pennsylvania, Inc. to the Motion to Compel of Richard C. Culbertson in the above-referenced proceedings. Copies will be provided per the attached Certificate of Service.

Respectfully submitted,



Lindsay A. Berkstresser

LAB/kl
Attachment

cc: Honorable Christopher P. Pell (w/att.)
Honorable John M. Coogan (w/att.)
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).

VIA E-MAIL ONLY

Erika McLain, Esquire
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
ermclain@pa.gov

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov

Aron J. Beatty, Esquire
Lauren E. Guerra, Esquire
Barrett C. Sheridan, Esquire
Harrison W. Breitman, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
abeatty@paoca.org
iguerra@paoca.org
bsheridan@paoca.org
hbreitman@paoca.org

John W. Sweet, Esquire
Ria M. Pereira, Esquire
Lauren N. Berman, Esquire
Elizabeth R. Marx, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org
Counsel for CAUSE-PA

Jerome D. Mierzwa
Exeter Associates, Inc.
10480 Little Patuxent Parkway
Suite No. 300
Columbia, MD 21044
jmierzwa@exeterassociates.com

Robert D. Knecht
Industrial Economics Incorporated
5 Plymouth Road
Lexington, MA 02421
rdk@indecon.com

Mark D. Ewen
Industrial Economics, Incorporated
2067 Massachusetts Avenue
Cambridge, MA 02140
mewen@indecon.com

Joseph L. Vullo, Esquire
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrrlaw.com
*Counsel for PA Weatherization Providers
Task Force, Inc.*

Todd S. Stewart, Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com
Counsel for RESA/NGS Parties

Thomas J. Sniscak, Esquire
Whitney E. Snyder, Esquire
Phillip D. Demanchick, Jr., Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com
wesnyder@hmslegal.com
pddemanchick@hmslegal.com
Counsel for The Pennsylvania State University

Andrew J. Karas, Esquire
Fair Shake Environmental Legal Services
600 Superior Avenue East
Cleveland, OH 44114
akaras@fairshake-els.org

Jennifer E. Clark, Esquire
Fair Shake Environmental Legal Services
100 South Juniper Street, 3rd Floor
Philadelphia, PA 19107
jclark@fairshake-els.org

Mark C. Szybist, Esquire
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005
mszybist@nrdc.org

Charis Mincavage, Esquire
Kenneth R. Stark, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108
cmincavage@mcneeslaw.com
kstark@mcneeslaw.com
Counsel for Columbia Industrial Intervenors

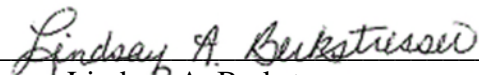
James L. Crist, P.E.
Lumen Group, Inc.
4226 Yarmouth Drive, Suite 101
Allison Park, PA 15101
JLCrist@aol.com

Constance Wile
922 Bebout Road
Venetia, PA 15367
cjazdrmr@yahoo.com

Jose A. Serrano
2667 Chadbourne Drive
York, PA 17404
Serranoj2@upmc.edu

Richard C. Culbertson
1430 Bower Hill Road
Pittsburgh, PA 15243
richard.c.culbertson@gmail.com

Date: July 25, 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 THE MOTION TO COMPEL OF RICHARD C. CULBERTSON – SET I,
QUESTIONS 1-20, SET II, QUESTIONS 10, 14-18 AND 26, AND SET III, QUESTIONS
1-10**

Columbia Gas of Pennsylvania, Inc. (“Columbia”) hereby submits this Answer to the Motion to Compel of Richard C. Culbertson regarding Set 1, Questions 1-20, Set II, Questions 10, 14-18 and 26, and Set III, Questions 1-10, pursuant to 52 Pa. Code § 5.342(g)(1).¹ As explained below, Mr. Culbertson’s Motion to Compel should be denied because Set 1, Questions 1-20, Set II, Questions 10, 14-18 and 26, and Set III, Questions 1-10, (1) do not comply with the Commission’s discovery regulations; (2) are untimely, unreasonable and vague; (3) seek information that is confidential customer-specific information and irrelevant; and (4) seek legal interpretations and opinion.

I. BACKGROUND

On July 7, 2022, Mr. Culbertson issued his Sets I, II and III interrogatories.

¹ Columbia has provided responses to the remaining questions in Culbertson Set II.

On July 12, 2022, Columbia served objections to Set 1, Questions 1-20, Set II, Questions 10, 14-18 and 26, and Set III, Questions 1-10. A true and correct copy of Columbia’s objections is attached hereto as Appendix A.

On July 20, 2022, Mr. Culbertson filed an untimely Motion to Compel Columbia’s responses to Set 1, Questions 1-20, Set II, Questions 10, 14-18 and 26, and Set III, Questions 1-10.

II. LEGAL STANDARD

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). Relevant evidence is “that which, tends to establish some fact material to the case, or which tends to make a fact at issue more or less probable.” *Commonwealth v. Scott*, 389 A.2d 79, 82 (1978). Irrelevant or immaterial evidence is not admissible. 66 Pa. C.S. § 332(b). The Commission has excluded evidence on the basis that the evidence is not relevant to the scope of the proceeding. *See e.g., Investigation of the Philadelphia Area Taxicab Self-Insurance Program*, 1989 Pa. PUC LEXIS 206 (1989) (excluding evidence that was “not germane to the limited scope of the investigation...”).

The Commission’s regulations place limitations on the scope of discovery. Discovery that would cause unreasonable burden or expense or require an unreasonable investigation by a party is not permitted. 52 Pa. Code § 5.361(a)(2), (4). “The law is [] clear that the Commission has the right to limit discovery that would place an unreasonable burden upon a participant in litigation.” *Application of Newtown Artesian Water Company and Indian Rock Water Company*, Docket No. A-212070, 1990 Pa. PUC LEXIS 83 (June 20, 1990) *citing City of Pittsburgh v. Pa. PUC*, 526 A.2d 1243, 1249-50 (Pa. Cmwlth. 1987).

In addition, interrogatories that seek legal interpretations, legal strategy and information that is protected by attorney-client privilege are impermissible. *See, e.g. Pa. PUC, et al. v. Pennsylvania American Water Co.*, Docket Nos. R-2011-2232243, et al. 2011 Pa. PUC LEXIS 1523 (July 21, 2011) (interrogatories requesting privileged attorney-client communications, attorney work product, or an attorney’s mental impressions, analyses, or assessments as to legal matters are impermissible).

III. THE MOTION TO COMPEL SHOULD BE DENIED

A. The Motion to Compel is untimely.

Mr. Culbertson’s Motion to Compel is untimely and should be denied. On May 3, 2022, Administrative Law Judges Pell and Coogan issued Prehearing Order #1, which modified the timeframes set forth in the Commission’s regulations for discovery responses, objections, and certain discovery related pleadings. In accordance with Prehearing Order #1, motions to compel are due within three days of service of written objections. See Prehearing Order #1, p. 7. Columbia served its written objections to Sets I, II and III on July 12, 2022. Thus, any motion to compel the responses was due on July 15, 2022. Mr. Culbertson did not file his Motion to Compel until July 20, 2022. Therefore, Mr. Culbertson’s Motion to Compel is untimely and should be denied.

B. The Set I, II and III interrogatories are untimely, unreasonable, and violate the Commission’s regulations regarding discovery.

Mr. Culbertson’s Set I, II and III interrogatories are untimely, unreasonable and violate the Commission’s regulations regarding discovery. *See* 52 Pa. Code §§ 5.331, 5.261. Section 5.331(b) requires that a “party shall initiate discovery as early in the proceedings as reasonably possible.” 52 Pa. Code § 5.331(b). “The right to discovery commences when a complaint, protest or other adverse pleading is filed or when the Commission institutes an investigation or on the record proceeding, whichever is earlier.” *Id.* Columbia submitted its proposed tariff supplement and direct testimony in this case on March 18, 2022. The Commission suspended Columbia’s

proposed filing and opened an investigation into the proposed rate increase on April 14, 2022. *See Order Suspending Supplement No.337*, Docket No. R-2022-3031211 (Order entered April 14, 2022). Mr. Culbertson had several months to issue interrogatories to Columbia regarding Columbia’s rate case filing. Instead, Mr. Culbertson did not issue any interrogatories prior to the due date for other parties’ direct testimony and waited until after the date for rebuttal testimony to submit three sets of interrogatories.

Mr. Culbertson’s decision to delay asking any interrogatories until after the submission of other parties’ direct testimony and rebuttal testimony is unreasonable. The Commission’s regulations also provide as follows:

(d) In a rate proceeding, initial discovery directed to data or information supplied by the public utility at the time of the initiation of the proceeding shall be submitted to the utility within 10 working days following the first prehearing conference. The presiding officer may establish reasonable limitations upon the timing of discovery.

52 Pa. Code § 5.331(d).

Mr. Culbertson should be prohibited from asking interrogatories that could have been asked before this late stage of the proceeding.² The Commission’s regulations prohibit discovery that is sought in bad faith or that would cause unreasonable annoyance or burden. 52 Pa. Code § 5.361(a). To wait until after rebuttal testimony has been submitted to issue three sets of discovery, much of which is improper, irrelevant and requires the submission of objections and discovery motions, should not be permitted. Furthermore, although Mr. Culbertson has not submitted any testimony in this proceeding to date, no new issues can be raised during the surrebuttal phase of the proceeding.³ Therefore, Mr. Culbertson could not use any information gained from the Company’s

² Columbia recognizes that some of Mr. Culbertson’s interrogatories are based on the public input hearing testimony. However, the public input hearing occurred on June 1, 2022.

³ *See, e.g., Pa. PUC v. UGI Utilities, Inc. (Electric Division)*, 1994 Pa. PUC LEXIS 137 (July 27, 1994).

responses to the Sets I, II and III discovery to raise new issues at this stage of the proceeding. This fact makes Mr. Culbertson's Sets I, II and III interrogatories even more unreasonable.

C. Culbertson Set I, Questions 1-20 are improper and do not comply with the Commission's discovery regulations.

Culbertson Set I, Questions 1-20 are directed to George Milligan, a non-party to this case. Mr. Milligan testified as a public input hearing witness. He is not a party to this proceeding, nor is he a witness for the Company. In the Set I interrogatories, Mr. Culbertson asks the Company to "Please distribute these interrogatories to George Milligan . . ." See Culbertson Set 1, page 1. Columbia cannot be directed to facilitate discovery of a non-party. The Commission's discovery regulations provide the proper procedure for discovery directed at a non-party. See 52 Pa. Code § 5.321, et seq. The Commission's discovery regulations also prohibit unreasonable discovery. 52 Pa. Code § 5.361. It would be unreasonable to require Columbia to compel a public input hearing witness to answer interrogatories from another party to the case. Further, Columbia does not have the authority to require a non-party to answer interrogatories asked by another party in the case.

In his Motion to Compel, Mr. Culbertson argues that the Set I interrogatories comply with the Commission's regulations. However, the Commission's regulations contain specific instructions regarding discovery of a non-party, and Mr. Culbertson's interrogatories fail to comply with these requirements. See 52 Pa. Code § 5.423. Mr. Culbertson's Motion to Compel also argues that the Set I interrogatories comply with the Pennsylvania Rules of Civil Procedure. However, the Commission's regulations, not the Pennsylvania Rules of Civil Procedure, govern the discovery procedure in this regulatory proceeding before the Commission. Finally, Mr. Culbertson cites to the U.S. Sentencing Guidelines as support for his Motion to Compel. However, the Commission does not apply the U.S. Sentencing Guidelines, and this is not a federal criminal case. Therefore, Mr. Culbertson's reference to the U.S. Sentencing Guidelines is irrelevant.

D. Culbertson Set II, Question 10 is vague, overly broad and calls for speculation.

Set II, Question 10 provides:

Does management and the public have assurance that Columbia conforms or complies with its own applicable requirements regarding curb valves? Please explain.

As Columbia explained in its objections, it would be impossible for Columbia to provide an accurate answer to Set II, Question 10 because the request is vague and overly broad. It is not clear what is meant by “management” and the questions appears to be lacking the necessary context. Further, Set II Question 10 calls for speculation because Columbia cannot speak for the public or speculate as to what members of the public do or do not believe regarding curb valves.

E. Culbertson Set II, Questions 14-17 improperly request irrelevant, customer-specific information.

Culbertson Set II, Questions 14-17 pertain to the service that Columbia provides to another customer, “Mr. Rae.” As Columbia explained in its objections, Columbia does not provide customers with information about the service that Columbia provides to another customer without the customer’s consent. The Commission’s regulations require that Columbia maintain customers’ privacy and not share a customer’s confidential information to a third party without consent. See 52 Pa. Code 62.78. Furthermore, information about another customer’s service from Columbia is irrelevant to Mr. Culbertson’s service.

In his Motion to Compel, Mr. Culbertson argues that the participants to this rate case need to know if and when Columbia installs and maintains curb valves. See Culbertson Motion to Compel, pp. 9-10. Columbia already provided this information in response to other interrogatories from Mr. Culbertson. Information regarding the installation and maintenance of curb valves can be obtained, and has been obtained in this proceeding, without revealing customer-specific information. Mr. Culbertson’s Motion to Compel Set II, Questions 14-17 should be denied

because Columbia has already provided its policy with respect to the installation and maintenance of curb valves, and Mr. Culbertson is not entitled to receive information regarding another customer's service without that customer's consent.

F. Culbertson Set II, Question 18 improperly seeks a legal conclusion.

Set II, Question 18 asks Columbia to provide a legal opinion as to compliance with the Commission's regulations. Set II, Question 18 provides:

Was the curb valve at 266 Park Avenue, Washington, PA in compliance with PA PUC Regulation, 52 Pa. Code § 59.33. Safety?

"52 Pa. Code § 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, including all subsequent amendments thereto. Future Federal amendments to 49 CFR Parts 191—193, 195 and 199, as amended or modified by the Federal government, shall have the effect of amending or codifying the Commission's regulations with regard to the minimum safety standards for all natural gas and hazardous liquid public utilities.

...

(e) Records. Each public utility shall keep adequate records as required for compliance with the code in subsection (b). The records shall be accessible to the Commission and its staff" ?

In his Motion to Compel, Mr. Culbertson attempts to characterize Set II, Question 18 as operational in nature, but the question clearly asks for a legal conclusion. Whether the Company complied with the Commission's regulations requires a legal opinion to answer, which is impermissible for discovery purposes. The question does not ask for factual information about operations, as Mr. Culbertson contends in the Motion to Compel.

Mr. Culbertson claims that Columbia cannot invoke the 5th Amendment to avoid answering the question. Mr. Culbertson’s reference to the 5th Amendment is irrelevant – this is not a criminal case.

Mr. Culbertson also claims that the question is asking about monitoring controls, and according to Mr. Culbertson, compliance with the law is part of monitoring controls. Mr. Culbertson’s attempt to characterize the question as a monitoring control does not change the fact that the question is asking for a legal opinion and does not make it permissible for discovery purposes.

Finally, Mr. Culbertson argues that the question is proper under the GAO Green Book and Pennsylvania Management Directives. The references to the GAO Green Book and Pennsylvania Management Directives are irrelevant because Columbia is not a government entity, and therefore the referenced standards do not apply.

G. Set II, Question 26 is vague and calls for speculation.

Set II, Question 26 provides:

There was a media report on November 11, 2021 “More than 200 Columbia Gas workers authorize strike” <https://www.wtae.com/article/columbia-gas-workers-authorize-strike/38221293#>

“The workers said they are concerned over unsafe work by contractors.

Union members said there have been at least 50 safety incidents caused by contractors over the last 13 months involving equipment not being installed properly, leading to gas leaks in homes.”

- a) Was the media report accurate?
- b) Please provide the written and verbal of contractor safety concerns of the union members.
- c) Were these concerns submitted into the CAP system or the NiSource Ethics system?
- d) Were there any “off the record” concerns, if so, what were these concerns?
- e) What needed corrective actions were recognized, corrected and in process?

f) Are the union members now satisfied with improvements made? Please explain.

Set II, Question 26 subparts (a) through (f) are vague and inappropriately ask Columbia to speculate as to the views of others, including the media and union members. The referenced media report speaks for itself. Columbia cannot speak for the media or speculate as to the basis for the media's statements. It is also unclear what Mr. Culbertson means by "off the record" concerns. Further, Columbia cannot speak for the union members or speculate as to the views of union members.

In his Motion to Compel, Mr. Culbertson states that the public needs to know information about safety. See Culbertson Motion to Compel, pp. 14-15. Columbia is willing to answer, and has provided several answers, to discovery questions regarding safety in this case. However, the interrogatory must still be appropriate and comply with the Commission's discovery rules. Mr. Culbertson's Motion to Compel does not address the problems with Question 26 that Columbia explained in its objections.

H. Culbertson Set III, Questions 1-10 are improper and do not comply with the Commission's discovery regulations.

Set III is directed at Donald Brown, the Executive Vice President and Chief Financial Officer of NiSource, Inc. NiSource, Inc. is a separate corporate entity from Columbia. Mr. Brown is not a witness in this case, and the level of information sought in Culbertson Set III is not information that Mr. Brown would be aware of in the normal course of his job duties and responsibilities as Chief Financial Officer of NiSource, Inc. For example, Culbertson Set III asks detailed questions regarding Columbia's pipeline replacement expenditures, reasonable costs for cost recovery purposes, and employee compensation as it relates to Columbia's rate base. In the Motion to Compel, Mr. Culbertson states that these questions are seeking clarity on Columbia's

rate base. Culbertson Objections, p. 19. As Chief Financial Officer, Mr. Brown's job duties include overall responsibility for NiSource Inc.'s finance and accounting organizations, but he is not a Columbia employee with responsibility for day-to-day operations of Columbia.

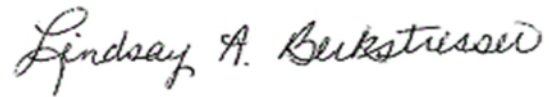
The Commission's regulations prohibit discovery that is unreasonable. 52 Pa. Code § 5.361. Mr. Culbertson's interrogatories to Mr. Brown are misdirected and improper. Asking NiSource, Inc.'s Chief Financial Officer to answer specific questions regarding Columbia's costs, capital expenditures and rate base is an unreasonable request. Moreover, Mr. Brown does not have the personal knowledge necessary to answer the questions in Culbertson Set III.

In his Motion to Compel, Mr. Culbertson references the Sarbanes-Oxley Act. Culbertson Motion to Compel, p. 16. However, the Sarbanes-Oxley Act is irrelevant to the examination of Columbia's rate base in this case. Mr. Culbertson also cites to the NiSource 10-K. Culbertson Motion to Compel, pp. 17-18. As Columbia explained in its objections, Columbia is a separate entity from NiSource, Inc., and Mr. Brown is employed by NiSource, Inc.

IV. CONCLUSION

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Motion to Compel be denied.

Respectfully submitted,



Theodore Gallagher (ID # 90842)
Columbia Gas of Pennsylvania, Inc.
121 Champion Way, Suite 100
Phone: 724-416-6355
Fax: 724-416-6384
E-mail: tjgallagher@nisource.com

Michael W. Hassell (ID # 34851)
Lindsay A. Berkstresser (ID # 318370)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: mhassell@postschell.com
E-mail: lberkstresser@postschell.com

Amy E. Hirkakis (ID # 310094)
800 North 3rd Street
Suite 204
Harrisburg, PA 17102
Phone: 717-233-1351
E-mail: ahirkakis@nisource.com

Date: July 25, 2022

APPENDIX A

Lindsay A. Berkstresser
Principal

lberkstresser@postschell.com
717-612-6021 Direct
717-731-1985 Direct Fax
File #: 193132

July 12, 2022

VIA EMAIL (RICHARD.C.CULBERTSON@GMAIL.COM)

Mr. Richard C. Culbertson
1430 Bower Hill Road
Pittsburgh, PA 15243

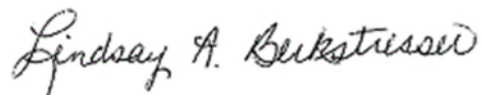
**Re: PA PUC v. Columbia Gas of Pennsylvania, Inc.
Docket No. C-2022-3031211**

Dear Mr. Culbertson:

Attached please find the Objections of Columbia Gas of Pennsylvania to your Interrogatories in the above-referenced proceeding, as follows:

- Set I, Questions 1-20;
- Set II, Questions 10, 14-18, 26; and
- Set III, Questions 1-10.

Very truly yours,



Lindsay A. Berkstresser
Principal

LAB/cls

cc: Rosemary Chiavetta, Secretary (*letter and Certificate of Service*)
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).

VIA E-MAIL ONLY

Erika McLain, Esquire
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
ermclain@pa.gov

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov

Aron J. Beatty, Esquire
Lauren E. Guerra, Esquire
Barrett C. Sheridan, Esquire
Harrison W. Breitman, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
abeatty@paoca.org
lguerra@paoca.org
bsheridan@paoca.org
hbreitman@paoca.org

John W. Sweet, Esquire
Ria M. Pereira, Esquire
Lauren N. Berman, Esquire
Elizabeth R. Marx, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org
Counsel for CAUSE-PA

Jerome D. Mierzwa
Exeter Associates, Inc.
10480 Little Patuxent Parkway
Suite No. 300
Columbia, MD 21044
jmierzwa@exeterassociates.com

Robert D. Knecht
Industrial Economics Incorporated
5 Plymouth Road
Lexington, MA 02421
rdk@indecon.com

Mark D. Ewen
Industrial Economics, Incorporated
2067 Massachusetts Avenue
Cambridge, MA 02140
mewen@indecon.com

Joseph L. Vullo, Esquire
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrrlaw.com
*Counsel for PA Weatherization Providers
Task Force, Inc.*

Todd S. Stewart, Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com
Counsel for RESA/NGS Parties

Thomas J. Sniscak, Esquire
Whitney E. Snyder, Esquire
Phillip D. Demanchick, Jr., Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com
wesnyder@hmslegal.com
pddemanchick@hmslegal.com
Counsel for The Pennsylvania State University

Andrew J. Karas, Esquire
Fair Shake Environmental Legal Services
600 Superior Avenue East
Cleveland, OH 44114
akaras@fairshake-els.org

Jennifer E. Clark, Esquire
Fair Shake Environmental Legal Services
100 South Juniper Street, 3rd Floor
Philadelphia, PA 19107
jclark@fairshake-els.org

Mark C. Szybist, Esquire
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005
mszybist@nrdc.org

Charis Mincavage, Esquire
Kenneth R. Stark, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108
cmincavage@mcneeslaw.com
kstark@mcneeslaw.com
Counsel for Columbia Industrial Intervenors

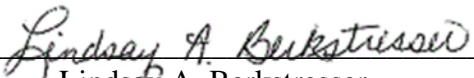
James L. Crist, P.E.
Lumen Group, Inc.
4226 Yarmouth Drive, Suite 101
Allison Park, PA 15101
JLCrist@aol.com

Constance Wile
922 Bebout Road
Venetia, PA 15367
cjazdrmr@yahoo.com

Jose A. Serrano
2667 Chadbourne Drive
York, PA 17404
Serranoj2@upmc.edu

Richard C. Culbertson
1430 Bower Hill Road
Pittsburgh, PA 15243
richard.c.culbertson@gmail.com

Date: July 12, 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
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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	:	

**OBJECTIONS OF COLUMBIA GAS OF PENNSYLVANIA, INC.
TO THE INTERROGATORIES PROPOUNDED BY
RICHARD C. CULBERTSON – SET I, QUESTIONS 1-20, SET II, QUESTIONS 10, 14-18
AND 26, AND SET III, QUESTIONS 1-10**

Columbia Gas of Pennsylvania, Inc. (“Columbia”) hereby submits these Objections to the Interrogatories Propounded by Richard C. Culbertson Set 1, Questions 1-20, Set II, Questions 10, 14-18 and 26, and Set III, Questions 1-10, pursuant to 52 Pa. Code § 5.342.

I. OBJECTIONS TO RICHARD C. CULBERTSON SET I, QUESTIONS 1-20

Columbia objects to Richard C. Culbertson Set I, Questions 1 through 20 because they are improper and do not comply with the Commission’s discovery regulations. Culbertson Set I is directed at George Milligan, a non-party to this case. Mr. Milligan testified as a public input hearing witness. He is not a party to this proceeding, nor is he a witness for the Company.

Mr. Culbertson asks the Company to “Please distribute these interrogatories to George Milligan . . .” See Culbertson Set 1, page 1. Columbia cannot be directed to facilitate discovery of a non-party. The Commission’s discovery regulations provide the proper procedure for discovery directed at a non-party. See 52 Pa. Code § 5.321, et seq. The Commission’s discovery

regulations also prohibit unreasonable discovery. 52 Pa. Code § 5.361. It would be unreasonable to require Columbia to compel a public input hearing witness to answer interrogatories from another party to the case. Further, Columbia does not have the authority to require a non-party to answer interrogatories asked by another party in the case.

II. OBJECTIONS TO RICHARD C. CULBERTSON SET II, QUESTIONS 10, 14-18, AND 26

Set II, Question 10 provides:

Does management and the public have assurance that Columbia conforms or complies with its own applicable requirements regarding curb valves? Please explain.

Objection: Set II, Question 10 is vague and overly broad. It is not clear what is meant by “management”. Further, Columbia cannot speak for the public or speculate as to what members of the public do or do not believe regarding curb valves.

Set II, Questions 14 through 17 provide as follows:

Question/ Discovery 14: A current example” Mr. Rae’s home at 266 Park Avenue in Washington, PA was damaged by the Columbia Gas explosion at 100 Park Lane, Washington, PA on July 31, 2019. These homes on Park Avenue and Park Lane sit about a hundred yards apart.

From the appearance in front of the home there is no curb valve to his home. When asked, Mr. Rae asserted there is a curb valve, but it is covered with dirt and grass as shown at the end of his feet.



How typical does Columbia currently have curb valves in such condition?

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Question 15: This is Mr. Rea's home.



Is Mr. Rae correct that there is a Columbia Gas curb valve hidden under the grass in front of his home at 266 Park Avenue, Washington?

Question 16: If there is a curb valve in front of the home – in an emergency, it is not readily accessible. Correct?

Question 17: Per Columbia's records, when was this curb valve serviced and is the service schedule current?

Objection: In Set II, Questions 14 through 17, Mr. Culbertson is asking for information specific to the service that Columbia provides to another customer, “Mr. Rae”. The questions also ask for information about Mr. Rae’s residence. The residence is not owned by Mr. Culbertson, and Mr. Culbertson’s is not associated with Mr. Rae’s Columbia Gas account. Columbia objects to providing Mr. Culbertson with information that is specific to the quality and manner of service that Columbia provides to another customer. The requested information regarding another customer’s service and residence is irrelevant to Mr. Culbertson’s service. Furthermore, Columbia does not disclose information related to a customer’s account or service to other customers without their consent.

Set II, Question 18 provides:

Was the curb valve at 266 Park Avenue, Washington, PA in compliance with PA PUC Regulation, 52 Pa. Code § 59.33. Safety?

“52 Pa. Code § 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, including all subsequent amendments thereto. Future Federal amendments to 49 CFR Parts 191—193, 195 and 199, as amended or modified by the Federal government, shall have the effect of amending or codifying the Commission’s regulations with regard to the minimum safety standards for all natural gas and hazardous liquid public utilities.

...

(e) Records. Each public utility shall keep adequate records as required for compliance with the code in subsection (b). The records shall be accessible to the Commission and its staff” ?

Objection: Set II, Question 18 improperly seeks a legal conclusion. Columbia objects to this question on the basis that it is asking for Columbia to provide a legal opinion as to compliance with the Commission's regulations.

Set II, Question 26 provides:

There was a media report on November 11, 2021 "More than 200 Columbia Gas workers authorize strike" <https://www.wtae.com/article/columbia-gas-workers-authorize-strike/38221293#>

"The workers said they are concerned over unsafe work by contractors.

Union members said there have been at least 50 safety incidents caused by contractors over the last 13 months involving equipment not being installed properly, leading to gas leaks in homes."

- a) Was the media report accurate?
- b) Please provide the written and verbal of contractor safety concerns of the union members.
- c) Were these concerns submitted into the CAP system or the NiSource Ethics system?
- d) Were there any "off the record" concerns, if so, what were these concerns?
- e) What needed corrective actions were recognized, corrected and in process?
- f) Are the union members now satisfied with improvements made? Please explain.

Objection: Columbia objects to Set II, Question 26 subparts (a) through (f) because the requests are vague and call for speculation. The referenced media report speaks for itself. Columbia cannot speak for the media or speculate as to the basis for the media's statements. It is also unclear what Mr. Culbertson means by "off the record" concerns. Further, Columbia cannot speak for the union members or speculate as to the views of union members.

III. OBJECTIONS TO RICHARD C. CULBERTSON SET III, QUESTIONS 1-10

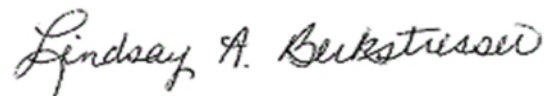
Columbia objects to Richard C. Culbertson, Set III, Questions 1-10 because they are improper and do not comply with the Commission's discovery regulations. Set III is directed at Donald Brown, the Executive Vice President and Chief Financial Officer of NiSource, Inc. NiSource, Inc. is a separate corporate entity from Columbia. Mr. Brown is not a witness in this case, and the level of information sought in Culbertson Set III is not information that Mr. Brown would be aware of in the normal course of his job duties and responsibilities as Chief Financial Officer of NiSource, Inc. For example, Culbertson Set III asks detailed questions regarding Columbia's pipeline replacement expenditures, reasonable costs for cost recovery purposes, and employee compensation as it relates to Columbia's rate base. As Chief Financial Officer, Mr. Brown's job duties include overall responsibility for NiSource Inc.'s finance and accounting organizations, but he is not responsible for day-to-day operations of Columbia.

The Commission's regulations prohibit discovery that is unreasonable. 52 Pa. Code § 5.361. Mr. Culbertson's interrogatories to Mr. Brown are misdirected and improper. Asking NiSource, Inc.'s Chief Financial Officer to answer specific questions regarding Columbia's costs, capital expenditures and rate base is an unreasonable request. Moreover, Mr. Brown does not have the personal knowledge necessary to answer the questions in Culbertson Set III.

IV. CONCLUSION

WHEREFORE, Columbia Gas of Pennsylvania, Inc. specifically objects to Richard C. Culbertson Set 1, Questions 1-20, Set II, Questions 10, 14-18 and 26, and Set III, Questions 1-10.

Respectfully submitted,



Theodore Gallagher (ID # 90842)
Columbia Gas of Pennsylvania, Inc.
121 Champion Way, Suite 100
Phone: 724-416-6355
Fax: 724-416-6384
E-mail: tjgallagher@nisource.com

Michael W. Hassell (ID # 34851)
Lindsay A. Berkstresser (ID # 318370)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: mhassell@postschell.com
E-mail: lberkstresser@postschell.com

Amy E. Hirakis (ID # 310094)
800 North 3rd Street
Suite 204
Harrisburg, PA 17102
Phone: 717-233-1351
E-mail: ahirakis@nisource.com

Date: July 12, 2022

VERIFICATION

I, Nicole Paloney, 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 made herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: July 12, 2022

Nicole Paloney
Nicole Paloney
Director of Rates and Regulatory Affairs
Columbia Gas of Pennsylvania, Inc.