



Kimberly S. Cuccia
Counsel
Legal Department

121 Champion Way, Suite 100
Canonsburg, PA 15317
Office: 724.416.6347
Fax: 724.416.6384
kscuccia@nisource.com

December 5, 2011

VIA ELECTRONIC FILING AND OVERNIGHT MAIL

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265

Re: *Joseph Lucey v. Columbia Gas of Pennsylvania, Inc.*
Docket No. C-2011-2248370

Application for Approval of Abandonment of Service by Columbia Gas of Pennsylvania, Inc. to One (1) Natural Gas Service Customer Located in Greene County, Pennsylvania
Docket No. A-_____ (filed electronically on December 5, 2011)

Dear Ms. Chiavetta:

Enclosed please find the Motion to Consolidate of Columbia Gas of Pennsylvania, Inc. to consolidate Abandonment Application with Complaint. Copies will be provided as indicated on the certificate of service.

Sincerely,


Kimberly S. Cuccia

enclosures

cc: Honorable Katrina L. Dunderdale
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joseph Lucey	:	
	:	
v.	:	Docket No. C-2011-2248370
	:	
Columbia Gas of Pennsylvania, Inc.	:	
	:	
Application for Approval of Abandonment of Service by Columbia Gas of Pennsylvania, Inc. to One (1) Natural Gas Service Customer located in Greene County, Pennsylvania	:	Docket No. A-

**MOTION OF COLUMBIA GAS OF PENNSYLVANIA, INC. TO CONSOLIDATE
FORMAL COMPLAINT WITH ABANDONMENT APPLICATION**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Columbia Gas of Pennsylvania, Inc. (“CPA” or the “Company”), by and through its attorneys, hereby moves, pursuant to 52 Pa. Code § 5.81, for consolidation of the above-captioned matters. CPA respectfully requests that the Pennsylvania Public Utility Commission (“Commission”) consolidate these proceedings for purposes of hearings and adjudication. In support of this Motion, CPA states as follows:

1. CPA is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. CPA is engaged in the business of selling and distributing natural gas to retail customers within the Commonwealth, and is therefore a “public utility” within the meaning of Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, subject to the regulatory jurisdiction of the Commission. CPA provides natural gas service to approximately 414,000 customers in 26 counties of Pennsylvania, pursuant to certificates of public convenience granted by the Commission.

2. The names, addresses and telephone numbers of CPA's attorneys are:

Kimberly S. Cuccia
Theodore J. Gallagher
NiSource Corporate Services Company
Southpointe Industrial Park
121 Champion Way, Suite 100
Canonsburg, PA 15317
Phone: 724-416-6347
E-mail: kscuccia@nisource.com
E-mail: tjgallagher@nisource.com

3. On June 24, 2011, CPA was served with a Formal Complaint filed against the Company by Mr. Joseph Lucey ("Formal Complaint"). Mr. Lucey's Formal Complaint contains a number of allegations—namely that CPA terminated service to Mr. Lucey's residence unlawfully. Mr. Lucey's Formal Complaint is docketed at C-2011-2248470.

4. On July 14, 2011, CPA filed its Answer to Mr. Lucey's Formal Complaint. In its Answer, CPA submits that Mr. Lucey's service was terminated in accordance with 52 Pa. Code § 56.98 as a result of multiple recurring gas leaks on a 100 year-old bare steel interstate transmission line from which Mr. Lucey is served. Per the New Matter raised in CPA's answer, it remains undisputed that Mr. Lucey is not served from a CPA distribution line, but is in fact served directly from an interstate transmission pipeline owned and operated by Columbia Gas Transmission, LLC ("TCO"), an interstate pipeline, or a "natural gas company," as defined in the Natural Gas Act ("NGA").¹ Also per the New Matter, it remains undisputed that all pipeline facilities bringing natural gas to the Lucey Residence are owned and operated by TCO, and CPA owns only the gas meter used for the purpose of measuring consumption. In its Answer, CPA indicated its intent to file an application to abandon service to Mr. Lucey's residence, and that upon filing such an application CPA would move to consolidate Mr. Lucey's Formal Complaint

¹ See 15 U.S.C. § 717(b) (2006).

with its abandonment application.

5. CPA filed an application to abandon service to Mr. Lucey's service location on December 5, 2011 ("Abandonment Application"). In its Abandonment Application, CPA requests approval to abandon gas service to Mr. Lucey because he is served through a mainline transmission tap on a 10,000 foot, 100 year old bare steel interstate transmission pipeline that has been rendered perpetually unsafe and permanently placed out of service by TCO. Since CPA has no distribution facilities in the vicinity from which it can serve Mr. Lucey, CPA is requesting to abandon service to this customer's residence.

6. As noted above, on June 24, 2011, CPA was served with Mr. Lucey's Formal Complaint. CPA filed its Answer to the Formal Complaint on July 14, 2011. On November 16, 2011, the Commission issued a Hearing Notice scheduling an initial telephonic hearing on this matter to take place on December 19, 2011.

7. On December 5, 2011, CPA filed its Abandonment Application and the instant Motion to Consolidate.

8. Both proceedings present issues relating to the service termination to Mr. Lucey's residence, which occurred on or about June 1, 2011. It will promote the efficiency of the resolution of these issues if they are considered in one consolidated proceeding. Otherwise, the parties and the Commission would have to engage in substantially duplicated efforts to litigate and adjudicate separately the Formal Complaint and the proposed abandonment set forth in the Company's Abandonment Application.

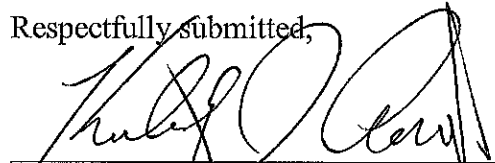
9. A copy of this Motion has been served upon the ALJ, Mr. Joseph Lucey, and Mr. Hook, who is Mr. Lucey's counsel in the Formal Complaint case.

10. To facilitate this request, if the Motion to Consolidate is granted, CPA requests that the presently scheduled telephonic hearing date scheduled in Docket No. C-2011-2248370 be converted into a prehearing conference setting a procedural schedule.

11. CPA has contacted counsel for Mr. Lucey, and counsel has authorized CPA to represent to the Commission that they do not oppose this Motion, and do not oppose CPA's request to convert the presently scheduled telephone hearing date into a prehearing conference setting a procedural schedule.

WHEREFORE, for the reasons set forth above, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Commission enter an order consolidating (1) Mr. Lucey's Complaint Case at Docket No. C-2011-2248370, and (2) CPA's Application for Abandonment of Service (filed on December 5, 2011) for purposes of hearing and adjudication. Columbia also requests that the order convert the presently scheduled telephone hearing in the Complaint case into a prehearing conference setting a procedural schedule.

Respectfully submitted,



Kimberly S. Cuccia, I.D. No. 308216
Theodore J. Gallagher, I.D. No. 90842
Columbia Gas of Pennsylvania, Inc.
121 Champion Way, Suite 100
Canonsburg, PA 15317
Phone: 724-416-6347
Fax: 724-416-6384
E-mail: kscuccia@nisource.com
E-mail: tjgallagher@nisource.com

Date: December 5, 2011

Attorneys for Columbia Gas of Pennsylvania, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion of Columbia Gas of Pennsylvania, Inc. to Consolidate Formal Complaint with Abandonment Application** has 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 & FIRST CLASS MAIL

Docket No. C-2011-2248370 (Formal Complaint)

Honorable Katrina L. Dunderdale
Administrative Law Judge
PA Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

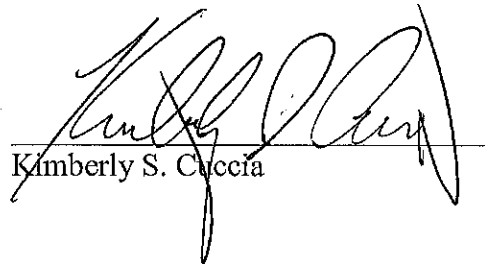
David C. Hook, Esquire
Law Offices of Hook and Hook
189 W. High Street
Post Office Box 792
Waynesburg, PA 15370

Docket No. A- _____ (Abandonment Application)

Joseph T. Lucey
107 W. Roy Furman Highway
Wind Ridge, PA 15380
(VIA FIRST CLASS MAIL ONLY)

David C. Hook, Esquire
Law Offices of Hook and Hook
189 W. High Street
Post Office Box 792
Waynesburg, PA 15370

Date: December 5, 2011



Kimberly S. Cuccia