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ELECTRONICALLY FILED

October 9, 2012

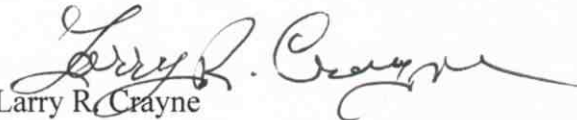
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Karla Hilliard v Columbia Gas of Pennsylvania, Inc.
Complaint Docket No. C-2012-2325269

Dear Ms. Chiavetta:

Enclosed is an electronically filed copy of the Preliminary Objections of Columbia Gas of Pennsylvania, Inc. to the above-captioned Formal Complaint. A copy of the document has been served on the Complainant.

Sincerely,


Larry R. Crayne

cc: Karla Hilliard
92 Swede Hollow road
Fairmount City, PA 16224

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

Karla Hilliard,
Complainant,

Complaint Docket
No. C-2012-2325269

VS.

Columbia Gas of Pennsylvania, Inc.,
Respondent.

Preliminary Objections

AND NOW comes Respondent, Columbia Gas of Pennsylvania, Inc., (Columbia Gas), pursuant to 52 Pa. Code, Section 5.101 (a) (4), and files the following Preliminary Objections:

A. Legal Insufficiency of Pleading

1. Complainant in this proceeding has filed a complaint opposing the Columbia Gas demand that Complainant decide whether to receive 100% of her natural gas service requirements from either Columbia Gas or a privately owned natural gas well.

2. Columbia Gas avers that the terms of the Columbia Gas tariff provide that Rate RSS is only available "...for the total requirements of any residential customer." Therefore, Columbia Gas avers Complainant must decide if she wishes to receive 100% of her natural gas requirements from Columbia Gas; otherwise, Columbia Gas plans to disconnect service to Complainant.

3. The language of the Columbia Gas Tariff Rate RSS is clear. A copy of Tariff Rate RSS is attached hereto as Exhibit A. A tariff is a set of operating rules imposed by the Commission that each public utility must follow in order to provide service to its customers. PPL Electric Utilities Corp. v. Pennsylvania Pub. Util. Comm'n, 912 A.2d 386 (Pa. Cmwlth. 2006) Each public utility must file a copy of its tariff with the Commission setting forth its rates, services, rules, regulations and practices so that the public may inspect its contents. 66 Pa. C.S. §1302; 52 Pa. Code §53.25; Philadelphia Suburban Water Co. v. Pennsylvania Pub. Util. Comm'n, 808 A.2d 1044 (Pa. Cmwlth. 2002). Public utility tariffs must be applied consistent with their language. Public utility tariffs have the force and effect of law and are binding on the public utility and its customers. Pennsylvania Electric Co. v. Pennsylvania Pub. Util. Comm'n, 663 A.2d 281 (Pa. Cmwlth. 1995).

4. The Commission has no authority to allow a public utility to deviate from its tariff even where the Commission concludes it is in the public interest. Philadelphia Suburban Water Co. v. Pennsylvania Pub. Util. Comm'n, 808 A.2d 1044 (Pa. Cmwlth. 2002). A public utility may not charge a rate other than the rates set forth in its tariff. 66 Pa. C.S. §1303. Since the filed and approved Rate RSS is a tariff provision, having the force and effect of law, the language of Rate RSS requiring Complainant to receive 100% of her natural gas service requirements from Columbia Gas if she desires the continuance of service does not violate any provision of the Public Utility Code and does not constitute unreasonable service.

5. Therefore, the averments of this Complaint fail to allege a violation of the Public Utility Code or Commission regulations as a matter of law. Since no factual issue pertinent to the resolution of this case exists, a hearing is unnecessary. The Respondent is entitled to judgment as a matter of law. Granting the Columbia Gas motion for dismissal of this Complaint is appropriate in these circumstances.

Wherefore, Columbia Gas moves that this Complaint be dismissed for legal insufficiency and that Columbia Gas be allowed to proceed to disconnect service to Complainant if she fails to elect to receive full requirements service from the Columbia Gas Tariff Rate RSS.

Notice to Plead

To: Karla Hilliard:

You are hereby notified to file a written response to the above Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you. The response must be mailed to the Secretary of the Public Utility Commission:

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

A copy of your response must also be mailed to:

Larry R. Crayne, PC
Attorney at Law
238 Johnston Road
Pittsburgh, PA 15241

Respectfully submitted,
Columbia Gas of Pennsylvania, Inc.

By: 
Larry R. Crayne, Esq.

RATE RSS - RESIDENTIAL SALES SERVICE

APPLICABILITY

Throughout the territory served under this Tariff.

AVAILABILITY

Available, at one location, for the total requirements of any residential customer.

RATE

The customers under this rate schedule shall be subject to a monthly customer charge, a natural gas supply charge and a distribution charge.

The rate information is detailed in the Rate Summary pages of this tariff.

If a customer transfers to this rate from Rate RDS-Residential Distribution Service then for a period of twelve months, the rate shall be adjusted to exclude the amount per thm equal to the "E" Factor for the twelve months ended September 30 included in the then applicable Purchased Gas Commodity Rate. (C)

The above distribution charge may be flexed in accordance with the Flexible Rate Provisions set forth in the Rules and Regulations of this Tariff.

The PGCC and Capacity Assignment Credit (aka the Price-to-Compare) will be increased by 1.52% to reflect the unbundling of uncollectibles related to gas costs.

MINIMUM MONTHLY CHARGE

The minimum monthly charge shall be the customer charge.

STATE TAX ADJUSTMENT SURCHARGE

The charges described in this rate schedule are subject to a State Tax Adjustment Surcharge as set forth in this tariff.

PURCHASED GAS COST RIDER

The distribution and natural gas supply charges include recovery of purchased gas costs pursuant to the Purchased Gas Cost Rider of this tariff.

USP COSTS AND CUSTOMER CHOICE COSTS


The distribution charge is subject to Rider Universal Services Plan and Rider Customer Choice as specified within Rider USP and Rider Customer Choice in this tariff.

(C) Indicates Change

VERIFICATION

I, Nancy J. D. Krajovic, hereby state that the facts set forth in the enclosed discovery responses 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: 10-9-2012



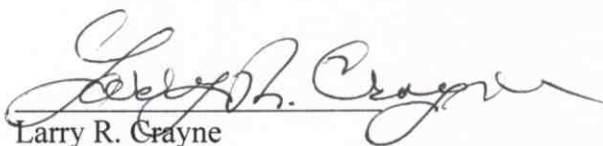
Nancy J. D. Krajovic
Director, Rates & Regulatory Affairs
Columbia Gas of Pennsylvania, Inc.

Certificate of Service

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the participant, listed below, in accordance with the requirements of Sec. 1.54 (relating to service by a participant).

Karla Hilliard
92 Swede Hollow road
Fairmount City, PA 16224

Dated this 9th day of Oct, 2012


Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
Columbia Gas of Pennsylvania, Inc.