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ELECTRONICALLY FILED

June 26, 2013

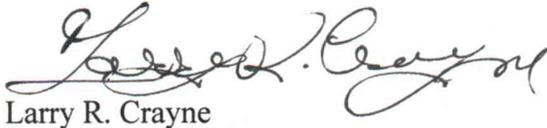
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**Re: Fred Wilson v Columbia Gas of Pennsylvania, Inc.**  
**Complaint Docket No. C-2013-2367375**

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: Fred Wilson  
1965 National Pike  
Washington, PA 15301

**Commonwealth of Pennsylvania**

**Before the Pennsylvania Public Utility Commission**

In the Matter of:

Fred Wilson,  
Complainant,

Complaint Docket  
No. C-2013-2367375

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) (1), and files the following Preliminary Objections:

**A. Lack of Commission Jurisdiction**

1. Complainant in this proceeding is demanding the removal of a Columbia Gas main gas line constructed in a township roadway pursuant to a Township Road Occupancy Permit issued by Canton Township, Washington County, Pennsylvania. See Attachment A. Complainant alleges no violation of any Statute, regulation or order which Columbia Gas has violated and which the Commission has jurisdiction to administer. Instead, Complainant is demanding the Commission adjudicate private property rights regarding the location of the main gas line.

2. The Complaint in this proceeding requests the Commission to mediate what amounts to a matter of property law between Complainant and Columbia Gas regarding the location of the main gas line constructed between 1995 and 1965, Old National Pike, Washington, PA 15301.

3. The Commission does not have the statutory jurisdiction to adjudicate and determine the private property rights regarding the location of the main gas line. See, *Jo Ann Nelson/Mary Snezak v. Columbia Gas of Pennsylvania, Inc.*, Case No. 20028763, Order entered April 21, 2003 and *Lou Amati/Amati's Service Station v. West Penn Power Company*, Case No. C-00945842. Also see, *Boczar v. PPL Electric Utilities Corp.*, Case No. C-20016332, Order entered February 10, 2003, which concludes: "...the question of whether utility facilities are located on private property pursuant to valid easements or rights-of-way is a substantive property rights issue which is within the exclusive jurisdiction of the courts". Further, if the Commission should conclude that Columbia Gas was responsible for damage to Complainant's property, the Commission does not have the power to grant monetary damages to Complainant. See, *Feingold v. Bell of PA.*, 777 Pa. 1; 282 A.2d 1191 (1977); 1977 Pa. LEXIS 957. For a more recent

Commission decision, see *Ronald A. Demorest v. Columbia Gas of Pennsylvania*, C-2011-2246848, Final Order entered September 2, 2011.

**Wherefore,** Columbia Gas moves that this Complaint be dismissed for the reason that this matter involves a determination of whether the main gas line is located on public or private property, a matter which should be adjudicated in a civil court which has the power to make a determination of the substantive property rights and responsibilities of the parties and award damages if appropriate.

### Notice to Plead

To: Fred Wilson

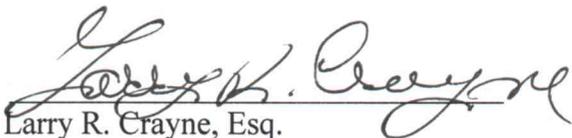
You are hereby notified to file a written response to the above Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you. The response must be mailed to the Secretary of the Public Utility Commission:

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.

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**Canton Township**  
Township Road Occupancy Permit

All work under this permit must be completed on or before:           /          /            
\* Permit is void after this date, immediately upon completion of the work, permittee should notify the Township.

Date Issued:           /          /            
Total Fees: \$ 300.00

Permission is hereby granted to

Columbia Gas of PA  
PERMITTEE

4000 Energy Dr  
ADDRESS

Bridgetown PA 15017  
CITY STATE ZIP

Township Route No., Road or Street (where work is to be done)

Under and subject to all the conditions, restrictions and regulations prescribed by the Township and on the general provisions and specifications, a true copy attached and made a part hereof, with the same force and effect as if written or printed herein and under and subject to the special conditions, restrictions and regulations hereinafter set forth.

DESCRIPTION AND PURPOSE OF WORK

Emergency permit for installing 160ft of 2" mainline  
in the alley roadway between 1995 and 1965 old national  
Pike. The mainline will supply a house in the rear (1995 1/2 old  
National Pike. (See the sketch attached)

The Township Board of Supervisors may at any time revoke or annul this permit for non-performance of, or non-compliance with any of the conditions, restriction and regulations hereof.

Approved this \_\_\_\_\_ day of \_\_\_\_\_

Susan Paul  
Township Secretary

IMPORTANT

The terms and conditions embedded in this permit require the permittee to complete this work by the date specified in the permit. Where permittee fails to comply with the conditions at to completion of the work by the time specified, the following rules will govern:

- (a) Failure to start work by date specified for completion.  
Permit will be cancelled unless the permittee desires an extension of time. In which case a supplemental permit will be issued.
  - (b) Work started and not completed by specified date.  
Permittee will notify the Township, prior to expiration of allotted time, of inability to complete the work on or before the date specified and request an extension of time. Such a request shall be accompanied by a prescribed fee.
  - (c) Permittee not desirous of carrying out proposed work on account of change in conditions affecting it.  
Permittee will notify the Township prior to the date specified for completion that work will not be carried forward, returning the permit with such notice. The fee for the inspection work will be refunded by the Township, provided that they have been notified of cancellation prior to the expiration date.
- The fees to be paid under the conditions in (a), (b), and (c) apply only to permits for which fees are collected in accordance with the fixed schedule.

issued by Mr. Beau

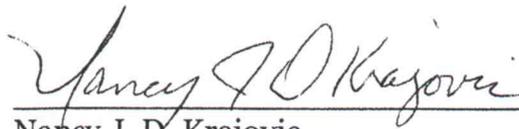
ATTACHMENT A

## 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:

6-26-2013



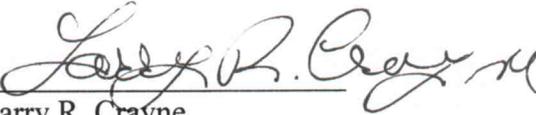
Nancy J. D. Krajovic  
Director, Rates & Regulatory Affairs  
Columbia Gas of Pennsylvania, Inc.

## 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).

Fred Wilson  
965 National Pike  
Washington, PA 15301

Dated this 26<sup>th</sup> day of June, 2013

  
Larry R. Crayne  
238 Johnston Road  
Pittsburgh, PA 15241

Counsel for  
Columbia Gas of Pennsylvania, Inc.