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September 3, 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 Columbia Gas of Pennsylvania, Inc.'s electronically filed Reply to Complainant's Exceptions to Initial Decision in the above-referenced 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

ra-OSA@pa.gov

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 Pa., Inc.
Respondent.

Reply to Exceptions to Initial Decision

AND NOW comes Respondent, Columbia Gas of Pa., Inc., (Columbia Gas), and replies to exceptions filed by Complainant in the above proceeding. Complainant has filed exceptions to the Initial Decision by Administrative Law Judge Ember S. Jandebeur dated July 24, 2012 dismissing his complaint for lack of Commission jurisdiction over the subject matter of the formal complaint. Columbia Gas maintains that the exceptions should be denied for the following reasons:

1. Complainant makes a number of factual assertions regarding the Columbia Gas facilities and the Pennsylvania American Water Company facilities that support the summary dismissal of his complaint. None of the assertions are new. The assertions were contained in the formal complaint he previously filed and have been fully considered by the Administrative law Judge who rightly concluded that the factual issues were matters to be considered by an appropriate court with jurisdiction to decide the issues. The factual assertions are as follows:

A. Complainant maintains that the water company right-of-way is an “exclusive” right-of-way. This assertion is a factual question. A cursory review of the water company right-of-way document reveals that the document contains no such exclusive language. Interpretation of the right-of-way document is a matter to be considered by an appropriate court with jurisdiction to decide the issue and make an appropriate determination.

B. Complainant believes that the roadway has been abandoned and that the Township and the public have no right to use the roadway. Whether the roadway has been abandoned is a factual question. While Complainant may believe the roadway has been abandoned, the roadway obviously currently exists and is apparently used by the public and maintained by the Township. Whether the use of the roadway by the public and maintenance of the Roadway by the Township has negated any possible abandonment of the roadway is a factual matter that should be considered by an appropriate court with jurisdiction to decide the issue and make an appropriate determination.

C. Even if the Roadway has been abandoned and Complainant now owns to the center of the abandoned Roadway, there is a factual question as to whether the gas line is located on Complainant's property. The location of the gas line and Complaint's property boundary are factual matters that should be considered by an appropriate court with jurisdiction to decide the issue and make an appropriate determination.

2. Complainant now attempts to raise possible safety issues in his Exceptions regarding the construction of the gas line, but provides no specifics beyond a recitation of certain water and gas line facilities that may be in the area. Columbia Gas is certainly aware of all applicable gas pipeline safety regulations. Further, the Commission regularly inspects Columbia Gas pipeline facilities. Complainant did not raise the matter of safety in his original complaint. The safety issue raised by Complainant in his Exceptions could be equally applicable to just about all utility facilities since gas, water, telephone, sewer and CATV facilities, etc., are located in streets and roadways throughout the Commonwealth. The belated concern by Complaint for safety is a make weight argument supported only by conjecture and should be ignored.

Wherefore, Columbia Gas requests that Complainant's Exceptions be denied and that the Commission affirm without modification the Initial Decision of Administrative Law Judge Ember S. Jandebour.

Respectfully submitted,

Columbia Gas of Pa., Inc.

By: 
Larry R. Crayne, Esq.

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
1965 National Pike
Washington, PA 15301

Dated this 3rd day of SEP, 2013


Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
Columbia Gas of Pennsylvania, Inc.