

LARRY R. CRAYNE, PC
Attorney at Law

238 Johnston Road
Pittsburgh, PA 15241

lrcrayne@comcast.net

412- 831-5462
412-425-4029

September 3, 2013

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

Re: Stephen J. Noll v Columbia Gas of Pennsylvania, Inc.
Complaint Docket No. C-2013-2353658

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: Stephen J. Noll
611 Main Street
North Huntingdon, PA 15642

ra-OSA@pa.gov

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

Stephen J. Noll,
Complainant,

Complaint Docket
No. C-2013-2353658

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 dated November 6, 2012 by Administrative Law Judge Mark A. Hoyer dismissing his complaint for the reason that Complainant failed to meet his burden of proof. Columbia Gas maintains that the exceptions should be denied for the following reasons:

1. Exception #1 - Columbia Gas is unable to understand the basis for Complainant's Exception No. 1. Complainant is apparently inaccurately referencing negotiations that are privileged. Nevertheless, Columbia Gas is willing to waive the privilege and state that apparently Complainant's confused reference is to the then current \$332.00 delinquent arrearage on his current budget payment plan, which with the then current monthly bill of \$166.00 totaled a current amount due of \$498.00. Complaint currently owes a total of \$1182.00 on his budget based payment plan and has a current arrearage on his account of \$943.48. Therefore, if Complainant wishes to remain on the budget based payment plan he must pay the \$1182.00 arrearage or, in the alternative, Complainant may pay the current account arrearage of \$943.48. In the event Complainant fails to pay one or the other of the two amounts, Columbia Gas requests authorization to proceed with termination of gas utility service.

2. Exception # 2 - Complainant fails to specify the documents that he believes should have been certified. Apparently Complainant is confused about the requirement to certify official government documents for admission into evidence. No such requirement exists for properly identified and authenticated corporate business records.

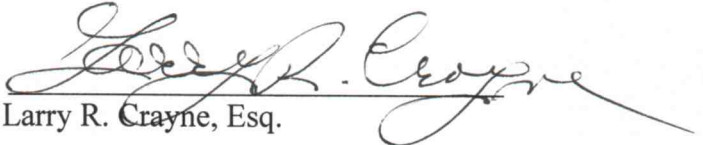
3. Exception # 3 - Although Complainant fails to provide any record citation for the Federal court case he references, and, consequently, Columbia Gas cannot comment specifically on the case, Columbia Gas wishes to note that corporate computer records properly authenticated are admissible as evidence. Apparently Complainant does not understand the authentication of corporate business records as was done in the hearing of his complaint.

4. Exception # 4 - Complainant apparently does not understand that documents properly mailed are legally presumed to have been received unless proven to the contrary. Complainant presented no such proof that he did not receive the hearing exhibits other than a bald denial. The Administrative Law Judge received the exhibits on a timely basis. Complainant received the Hearing Notice. Apparently he does get mail on a regular basis. Columbia Gas has no motive to not provide the documents to Complainant. Complainant receives monthly bills for gas utility service. Therefore, he knows each month for what he was billed and what he has paid. The interest of Columbia Gas is to expedite this proceeding and to require Complainant to pay his bills or, in the alternative, to suffer termination of gas utility service,

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

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).

Stephen J. Noll
611 Main Street
North Huntingdon, PA 15642

Dated this 3rd day of Sept, 2013



Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
Columbia Gas of Pennsylvania, Inc.