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ELECTRONICALLY FILED

October 15, 2013

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

**Re: Thomas Thornhill v. Columbia Gas of Pennsylvania, Inc.  
Complaint Docket No. C-2013-2384778**

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: Thomas Thornhill  
2435 Vodeli Street  
Pittsburgh, PA 15216

## Commonwealth of Pennsylvania

### Before the Pennsylvania Public Utility Commission

In the Matter of:

Thomas Thornhill,  
Complainant,

Complaint Docket  
No. C-2013-2384778

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 (4), and files the following Preliminary Objections

#### Lack of Commission Jurisdiction to Award Damages

1. Complainant in this proceeding is requesting the Commission to award Complainant additional compensation, in addition to the repair and replacement of his customer-owned service line at the expense of Columbia Gas, for alleged consequential and incidental damages he now claims resulted from a leak on his customer-owned service line. The damages claimed are for “electric heaters, many heavy blankets and ... heavy duty warm clothing ... and to order dinner a couple of times...”

2. Complainant alleges no violation of any Statute, regulation or order of the Commission which Columbia Gas has violated and which the Commission has jurisdiction to administer. Complainant is simply asking the Commission to make a determination that he should be paid for additional damages he now claims resulted from the leakage on his customer-owned service line for which he was responsible to maintain and repair. In short, his request asks for an adjudication of a matter of tort responsibility for claimed damages.

5. The Commission does not have the statutory jurisdiction to adjudicate and determine the responsibility of Columbia Gas to Complainant for alleged damages by reason of the outage that occurred on Complainant’s customer-owned service line. If the Commission should conclude that Columbia Gas was responsible for damages, the Commission does not have the power to enter a judgment for Complainant.

**Wherefore**, Columbia Gas is filing Preliminary Objections requesting that this Complaint against Columbia Gas be dismissed for the reason that this matter involves the determination of the responsibility of Columbia Gas under tort law for damages, a matter which

should be adjudicated in a civil court which has the power to make a determination of the parties rights and responsibilities and award damages if appropriate.

## Notice to Plead

To: Thomas Thornhill

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:

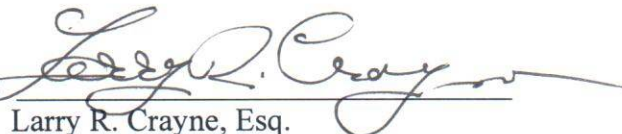
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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,

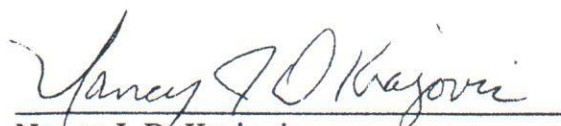
Columbia Gas of Pennsylvania, Inc.

By:   
Larry R. Crayne, Esq.

**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: 10-15-2013

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

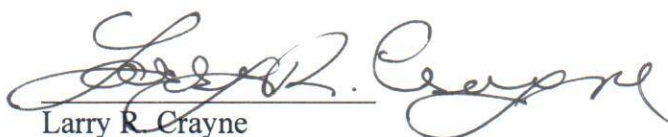
## Certificate of Service

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 (b)

(1) (relating to service by a participant).

Thomas Thornhill  
2435 Vodeli Street  
Pittsburgh, PA 15216

Dated this 14<sup>th</sup> day of Oct, 2013



Larry R. Crayne  
238 Johnston Road  
Pittsburgh, PA 15241

Counsel for  
Columbia Gas of Pennsylvania, Inc.