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February 12, 2014

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

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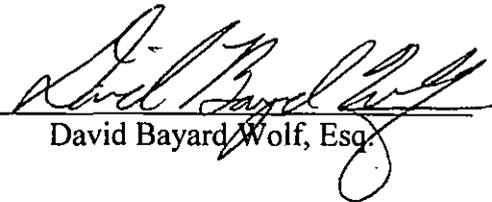
**Re: Mike Kusturiss, Jr., v. Columbia Gas of Pennsylvania, Inc.
Complaint Docket No. C-2013-2385910; C-2013-2391855**

Dear Ms. Chiavetta:

Enclosed please find the original Written Response to Motion for Summary Judgment prepared on behalf of Complainant Mike Kusturiss, Jr. Please file same. Copies of the original have also been served upon the Honorable Mary D. Long and counsel for Columbia Gas, Inc. Thank you very much for your assistance.

Very truly yours,

KUSTURISS, WOLF & KUSTURISS

By 
David Bayard Wolf, Esq.

DBW/bc
Enclosure
cc: Mike Kusturiss, Jr. (w/enclosure)
Larry R. Crayne, Esq. (w/enclosure)
Hon. Mary D. Long (w/enclosure)

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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In the Matter of:

DONNA & STEPHEN BECK; MIKE
KUSTURISS, JR.; MIKE KUSTURISS, JR.;
JOHN OMBRES; and RONALD SHERRARD,
Complainants,

Complaint Docket
Nos. C-2012-2328601
C-2013-2385910
C-2013-2391855
C-2013-2393183
C-2013-2394500

Vs.

COLUMBIA GAS OF PENNSYLVANIA, INC.
Respondent

WRITTEN RESPONSE TO MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the Complainant, Mike Kusturiss, Jr., by his attorney, DAVID BAYARD WOLF, ESQUIRE and KUSTURISS, WOLF & KUSTURISS, and files the following response to Respondent Columbia Gas of Pennsylvania, Inc.'s Motion for Summary Judgment as follows:

A. Legal Insufficiency of Pleading

1. Admitted.
2. The allegation contained in paragraph 2 is not an allegation of fact to which a response must be given.
3. The allegation contained in paragraph 3 as it relates to the written language of the gas tariff is neither admitted nor denied since the same being a writing speaks for itself. The further averments in the nature of legal argument consist of citations to Pennsylvania Commonwealth court cases. Again, these cases speak for themselves. The allegation being an argument is neither admitted nor denied.

4. The allegation contained in paragraph 4 again is a legal argument of the application of Pennsylvania Law to the Columbia Gas tariff rate RSS is neither admitted nor denied.
5. The allegation contained in paragraph 5 is not an averment of fact. It is a legal argument of Columbia Gas to which no responsive pleading is necessary. The *Gaskin* decision speaks for itself.
6. Paragraph 6 is a legal argument to which no responsive pleading is necessary. To the extent a response is necessary, Mike Kusturiss, Jr. is a longtime customer of Columbia Gas who has always paid his bill on time. He suffers from COPD and requires a warm environment. Columbia Gas' decision will force him to spend a significant amount of money to obtain gas from an alternative source. His dual feed configuration has existed for several years without incident. He has the right to be heard on this issue, and a hearing would not be a fruitless exercise.
7. The allegation contained in paragraph 7 is not an averment of fact. It is a legal conclusion to which no response is necessary.

WHEREFORE, Complainant prays this Honorable Court to overrule Respondent's Motion for Summary Judgment and to hold the telephone hearing on Tuesday, February 25, 2014 at 10:00 a.m.

KUSTURISS, WOLF & KUSTURISS

By


David Bayard Wolf, Esquire

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the original of this Written Response to Motion for Summary Judgment to the Secretary of the Public Utility Commission for filing:

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

I hereby certify that I have this day served copies of the original of this Written Response to Motion for Summary Judgment to the following:

Administrative Law Judge Mary D. Long
301 Fifth Avenue
Suite 220, Piatt Place
Pittsburgh, PA 15222

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

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Dated this 12th day of February, 2014



David Bayard Wolf, Esquire
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Counsel for Complainant Mike Kusturiss, Jr.

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