

LARRY R. CRAYNE, PC
Attorney at Law

238 Johnston Road
Pittsburgh, PA 15241

lrcrayne@comcast.net

(412) 831-5462
(412) 425-4029

July 23, 2014

Hon. Mary D. Long
301 Fifth Avenue
Suite 220, Piatt Place
Pittsburgh, PA 15222

Re: John Ombres v. Columbia Gas of Pennsylvania
Complaint Docket No. C-2013-2393183

Dear Judge Long:

Enclosed please find a Second Motion for Sanctions in the above-captioned complaint. A copy of the Motion is being served on Complainant's attorney electronically and by first class mail.

Sincerely,



Larry R. Crayne

cc: Robert J Taylor, Esq.
337 Merchant Street
Ambridge, PA 15003

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

John Ombres,
Complainant,

Complaint Docket
No. C-2013-2393183

VS.

Columbia Gas of Pennsylvania, Inc.,
Respondent.

Second Motion for Sanctions

AND NOW comes Respondent, Columbia Gas of Pennsylvania, Inc. (Columbia Gas), pursuant to 52 *Pa. Code*, Section 5.371 and 5.372, and renews its Motion for Sanctions:

1. On May 5, 2014, Respondent in this proceeding served interrogatories on Complainant's attorney. A copy of the Interrogatories and the Certificate of Service was attached to an earlier Motion for Sanctions as Exhibit A.
2. The Interrogatories relate to proposed expert testimony to be presented on behalf of Complainant at the scheduled August 28, 2014 hearing of this Complaint.
3. On June 2, 2014, Respondent filed the First Motion for Sanctions by reason of Complainant's failure to file timely objections or responses to the Interrogatories.
4. By letter dated June 24, 2014 Complainant filed a response to the Interrogatories. A copy of the response to the Interrogatories is attached as **Exhibit B**.
5. The response to the Interrogatories is inadequate. Complainant provided no information regarding the educational background and professional experience of his proffered witness Daniel Klapiec. Further, Complainant provided no information regarding the substance of the testimony proposed to be presented by the proffered witness. Instead, Complainant merely provided a recitation of the already known facts regarding the dual feed gas line connection.
6. Respondent's counsel has endeavored to amicably resolve this matter prior to seeking judicial resolution. A series of emails from counsel to Complainant's attorney are attached hereto as **Exhibit C**. Complainant has not been forthcoming regarding the qualifications and substance of Mr. Klapiec's testimony.
7. As of the date of this Motion, Complainant and his attorney have failed to adequately respond to the discovery requests in a timely manner.

8. An initial In Person Hearing of this Complaint is scheduled for Tuesday, August 28, 2014 beginning at 10:00 a.m.

9. The Commission's regulations at 52 *Pa. Code*, Section 5.371 (a) provide that the Commission or presiding officer may, on motion, make an appropriate order for sanctions if a party fails to answer or otherwise respond to discovery requests.

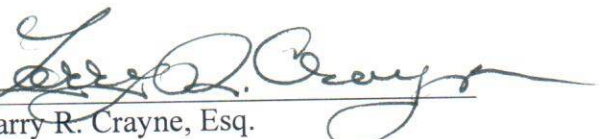
10. 52 *Pa. Code*, Section 5.372 (a) (2) provides that the presiding officer may issue an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony.

11. Complainant's failure to adequately respond to the Interrogatories prevents Respondent from having sufficient time to evaluate the possible responses, conduct possible further discovery and adequately prepare for hearing.

Wherefore, Columbia Gas moves that Complainant be prohibited at the hearing of this Complaint from introducing into evidence any documents or testimony by Mr. Daniel Klapec related to the safety of the dual natural gas service and that Mr. Klapec's testimony be limited solely to the configuration and operation of the dual feed gas line connection.

Respectfully submitted,

Columbia Gas of Pennsylvania, Inc.

By: 
Larry R. Crayne, Esq.

COMMONWEALTH OF PENNSYLVANIA
Before the Pennsylvania Public Utility Commission

In the Matter of:

John Ombres,

Complainant,

VS.

Columbia Gas of Pennsylvania, Inc.,

Respondent.

Complaint Docket
No. C-2013-2393183

Complainant's Response to Interrogatories

AND NOW, comes Complainant, John Ombres, and provides the following answers to Interrogatories to Complainant:

1. Please provide a copy of all documents that you intend to present at the hearing of this proceeding, including, but not limited to, any expert reports, studies or tests undertaken and/or any other documents.

Response: Daniel Klapiec's report to be submitted upon receipt

2. Please list all witnesses you expect to testify for Complainant at the hearing of this proceeding, including name, address, employment, education background and professional experience:

Response: John Ombres, 3080 Ridge Road Ext., Freedom, PA 15042
Daniel Klapiec, c/o Hundred Foot Production, LLC, 6985 US Highway
322, Box 563, Cranberry, PA 16319

3. Please state the substance of the testimony of each witness Complainant expects to testify for Complainant at the hearing of this proceeding, including the conclusions to be drawn from the testimony.

Response: In the late 50's, Columbia Gas installed a main gas line through my property at 3080 Ridge Road Ext. In 1993, a new home was built on the same property. At that time, there were two gas and oil wells on the same property. Mr. Ombres had a line installed from one of the wells to his house. In the meantime, Columbia Gas installed a meter above the main line and Mr. Ombres installed a gas line from the meter to his basement. Columbia Gas at that time did not put a gas line from the road approximately 750' to his house. Mr. Ombres had a registered plumber install two valves

Exhibit B
Pg 1 of 2

in his basement, one for Columbia Gas and one for his well and would only keep one valve open at a time. In the summer of 2013, Columbia Gas installed the new gas line along Ridge Road Ext. Columbia Gas abandoned the main line through his property. Mr. Ombres was informed by Columbia Gas to disconnect his well to his house or they would not put a new gas line and meter to supply Columbia Gas service to my house.

Exhibit B
Pg 2 of 2

From: Larry Crayne <lrcrayne@comcast.net>
Subject: Fwd: John Ombres Dual Feed Complaint
Date: July 14, 2014 at 2:41:28 PM EDT
To: "Robert J. Taylor, Esq." <rjt52@hotmail.com>

Dear Attorney Taylor - We are now eight days beyond July 4. Please provide a date certain when I will receive an adequate response to the Columbia Gas interrogatories.

Exhibit C
Pg 1 of 3

From: Larry Crayne <lrcrayne@comcast.net>
Subject: John Ombres Dual Feed Complaint
Date: June 27, 2014 at 9:57:47 AM EDT
To: "Robert J. Taylor, Esq." <rjt52@hotmail.com>

Dear Mr. Taylor - this email will confirm our discussion yesterday regarding the providing of additional information in response to the Columbia Gas interrogatories. The response I received in the mail yesterday was inadequate. I understand you have agreed to provide Mr. Klapec's report regarding the safety of the Ombres' dual feed service shortly after July 4. The report will include the information regarding Mr. Klapec's employment, educational background and professional experience. Now that we have a firm hearing date, we need to move this matter forward expeditiously. Please let me know promptly if this email is not consistent with your understanding.

Exhibit C
Pg 2 of 3

From: Robert Taylor <rjt52@hotmail.com>
Subject: RE: John Ombres v Columbia Gas Dual Feed Complaint
Date: June 17, 2014 at 3:16:26 PM EDT
To: Larry Crayne <lrcrayne@comcast.net>

Dear Mr. Crayne:

Please be advised that I am available all week from August 25, 2014 through August 29, 2014. I will be sending out the response to the interrogatories sometime this week. Thank you for your cooperation.

Very truly yours,

Robert J. Taylor, Esq.

> From: lrcrayne@comcast.net
> Date: Tue, 17 Jun 2014 08:20:13 -0400
> Subject: John Ombres v Columbia Gas Dual Feed Complaint
> To: rjt52@hotmail.com

>
> Dear Attorney Taylor - I recently sent you an email regarding August 25 through 29 for the rescheduling of a hearing of the John Ombres dual feed complaint. I have received no response from your office. Please advise promptly if you find the dates satisfactory. Columbia Gas is holding those dates open. Also, please advise me when you propose to respond to the Interrogatories that were served on May 5.

Exhibit C
Pg 3 of 3

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).

Robert J. Taylor, Esq.
337 Merchant Street
Ambridge, PA 15003

Dated this 23rd day of July, 2014



Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
Columbia Gas of Pennsylvania, Inc.