

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT

Equitable Gas Company, a Division of
Equitable Resources, Inc.

v.

The Peoples Natural Gas Company d/b/a
Dominion Peoples

C-20031128

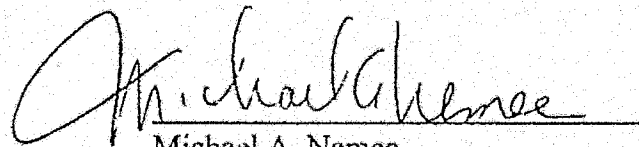
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FEB 19 2004

INTERIM ORDER DENYING MOTION TO COMPEL

The Peoples Natural Gas Company has moved to compel Equitable Gas Company to provide more complete answers to interrogatories 1 and 22 of its first set. After reviewing Peoples' motion and the answer filed by Equitable, I conclude that the questions have been answered satisfactorily. I note that the motion to compel does not contain a certification as required by the prehearing order. Further, I note that both parties are sending me copies of cover letters related to discovery matters that I specifically asked they not do. To quote the prehearing order: "The parties should not send me discovery material *or cover letters unless attached to a motion to compel. All motions to compel must contain a certification from counsel setting forth the informal sets taken to resolve the dispute.*" Sending me material I do not need is wasteful and adds to an already difficult record storage task. The motion to compel is denied.

Dated: January 22, 2004



Michael A. Nemecek
Administrative Law Judge

Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

ORIGINAL

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CHARLES E. THOMAS, JR.

Direct Dial. (717) 255-7615

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CHARLES E. THOMAS
(1913 - 1998)

JAN 22 2004

January 22, 2004

SECRETARY'S BUREAU

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James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

In re: Docket No. C-20031128
Equitable Gas Company, a Division of Equitable Resources, Inc., Complainant
v. The Peoples Natural Gas Company, d/b/a Dominion Peoples, Respondent

Dear Secretary McNulty:

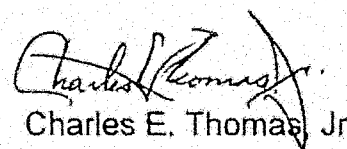
Enclosed for filing on behalf of the Equitable Gas Company Division ("Equitable") of Equitable Resources, Inc. are an original and three (3) copies of an Amendment to its Complaint against The Peoples Natural Gas Company, d/b/a Dominion Peoples, adding a Count V - Lack of Service Authority.

Copies of Equitable's Amendment to Complaint are being served upon the persons and in the manner set forth on the Certificate of Service attached to it.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By


Charles E. Thomas, Jr.

Encl.
cc: Certificate of Service
Daniel L. Frutchey (w/encl.)

D40122McNulty.wpd



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

January 23, 2004

C-20031128

THE PEOPLES NATURAL GAS COMPANY
SUSAN G. GEORGE, ESQUIRE
625 LIBERTY AVENUE
PITTSBURGH PA 15222

EQUITABLE GAS COMPANY
v.
THE PEOPLES NATURAL GAS COMPANY D/B/A PEOPLES

Dear Sir/Madam:

Attached is copy of an amended complaint filed on behalf of the complainant in the above titled proceeding.

Such answer as you desire to make to the amended complaint should be filed in this Office and served upon the complainant within twenty days from receipt of this letter.

Very truly yours,

James J. McNulty
Secretary

cc: ALJ - w/copy of amended complaint
OTS - w/copy of amended complaint

BUCKET

JAN 22 2004

KSB

DOCUMENT
FILED

RJP

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company, a Division	:	Docket No. C-20031128
of Equitable Resources, Inc.,	:	
Complainant	:	
	:	
v.	:	
	:	
The Peoples Natural Gas Company,	:	
d/b/a Dominion Peoples,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of January, 2004, served a true and correct copy of the foregoing Amendment to Complaint, upon the persons and in the manner set forth below:

HAND DELIVERY

William T. Hawke, Esquire
Norman James Kennard, Esquire
Hawke McKeon Sniscak & Kennard LLP
100 North Tenth Street
Harrisburg, PA 17101

FIRST CLASS MAIL, POSTAGE PREPAID

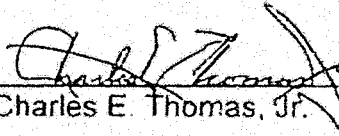
Susan G. George, Esquire
The Peoples Natural Gas Company
d/b/a Dominion Peoples
625 Liberty Avenue
Pittsburgh, PA 15222

Johnnie E. Simms, Senior Prosecutor
Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

Dennis S. Shilobod, General Counsel
PACT
806 Law & Finance Building
Pittsburgh, PA 15219

Anthony P. Picadio, Esquire
Picadio Sneath Miller & Norton, P.C.
Suite 4710 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

Daniel C. Clearfield, Esquire
Kevin J. Moody, Esquire
Wolf, Block, Schorr and Solis-Cohen, LLP
212 Locust Street
P. O. Box 3265
Harrisburg, PA 17101


Charles E. Thomas, Jr.

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ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company, a Division	:	Docket No. C-20031128
of Equitable Resources, Inc.,	:	
Complainant	:	
	:	
v.	:	
	:	
The Peoples Natural Gas Company,	:	
d/b/a Dominion Peoples,	:	
Respondent	:	

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**AMENDMENT TO COMPLAINT
ADDING COUNT V - LACK OF SERVICE AUTHORITY**

AND NOW, comes Equitable Gas Company, a division of Equitable Resources, Inc., and amends its Complaint at Docket No. C-20031128 against The Peoples Natural Gas Company, d/b/a Dominion Peoples, to add a Count V - Lack of Service Authority, as follows:

Background

1. On August 29, 2003, Complainant Equitable Gas Company ("Equitable"), the regulated utility division of Equitable Resources, Inc., filed the above captioned Complaint against The Peoples Natural Gas Company, d/b/a Dominion Peoples ("Dominion Peoples"). Equitable's Complaint concerns Dominion Peoples service to Pittsburgh Allegheny County Thermal ("PACT") and contains the following four counts: Count I - Duplication of Facilities; Count II - Predatory Pricing; Count III - Unfair Competition; and Count IV - Rate Discrimination. Equitable incorporates the averments of its Complaint herein by reference as if fully set forth and amends its Complaint to set forth the following Count V - Lack of Service Authority.

Count V - Lack of Service Authority

2. Subsequent to the filing of its Complaint, Equitable has become aware that more than 30 years ago Dominion Peoples abandoned its service to the downtown area of the City of Pittsburgh known as the Golden Triangle ("Golden Triangle Area").

3. Prior to 1971, Equitable and Dominion Peoples provided natural gas distribution service in the Golden Triangle Area. In 1971, Dominion Peoples' service in the Golden Triangle Area included as many as 60 accounts.

4. In 1971, Dominion Peoples abandoned its service in the Golden Triangle Area and transferred its Golden Triangle Area customers to Equitable. Following the transfer of the Dominion Peoples customers to Equitable, Dominion Peoples ceased providing public utility service to the Golden Triangle Area and for the next 32 years, until its displacement of Equitable's service to PACT, provided no service whatsoever in the abandoned area.¹

5. Although Dominion Peoples indicated to Equitable in writing in 1971 (See Attachment A hereto) that it would be filing an Application to Abandon service in connection with the transfer of its customers to Equitable, to the best of Equitable's knowledge, no application was ever filed by Dominion Peoples. It is noteworthy that Dominion Peoples had earlier in May, 1968, filed an Application for Commission approval of the abandonment of Dominion Peoples' service to 34 customers in the downtown section of the City of Pittsburgh. The Application was granted and on May 9, 1968, the Commission issued a Certificate of Public Convenience approving the abandonment. A copy of Dominion Peoples' Application and the Order dated May 9,

¹Dominion Peoples is presently serving the Mellon Client Services building on Ross Street, a former customer of Equitable's, which is located on the fringe of the area previously abandoned. Service to the Mellon building was established by Dominion Peoples in 1999

1968 is attached hereto as Attachment B. In this earlier instance, as in 1971, Equitable agreed to serve the downtown customers abandoned by Dominion Peoples.

6. Following the transfer of customers and the cessation of Dominion Peoples' public utility service to the Golden Triangle Area in 1971 as set forth above, Equitable became the sole provider of natural gas distribution service to the Golden Triangle Area. Equitable continued to be the exclusive provider of natural gas distribution service to the Golden Triangle Area for more than 30 years. Equitable presently has approximately 700 customers in the Golden Triangle Area.

7. A public utility that voluntarily abandons its customers and ceases to offer or provide service for more than 30 years abandons its authority to serve. Having voluntarily transferred its entire customer base in the Golden Triangle Area and having ceased all service of any kind to this area, Dominion Peoples abandoned its authority to provide public utility service in the Golden Triangle Area of the City of Pittsburgh.

8. Dominion Peoples cannot now claim that having violated the Public Utility Law in 1971 by its failure to file an Application and obtain approval of the abandonment of its service to the Golden Triangle Area, its authority to serve this area has somehow survived. The violation of the law cannot be a basis for the continuance of service rights for which there has been a 32 year de facto abandonment.

9. Both Section 1102 of the Public Utility Code, 66 Pa. C.S. §1102 and Section 1122 of the predecessor Public Utility Law, 66 P.S. §1122, prohibit a public utility from abandoning service in whole or in part without first having obtained a certificate of public convenience. Similarly, both Public Utility Code Section 1102 and Public Utility Law Section 1122 prohibit a public utility from offering, rendering, furnishing or supplying public utility service to a different territory until it first obtains a certificate of public convenience. Since abandoning its service authority in the Golden

Triangle Area, Dominion Peoples has received no certificate from the Public Utility Commission authorizing it to offer, render, furnish or supply natural gas distribution service in the area abandoned.

10. PACT is the largest end user of natural gas in the Golden Triangle Area consuming approximately 900,000 Mcf on an annual basis. A pipeline approximately 4,000 feet in length was constructed to connect PACT with the existing facilities of Dominion Peoples outside of the area earlier abandoned by Dominion Peoples

11. Without first obtaining a certificate of public convenience authorizing renewed service, Dominion Peoples' service to PACT in the Golden Triangle Area, which it abandoned more than 30 years ago, is a violation of Chapter 11 of the Public Utility Code, 66 Pa. C.S. §1101, *et seq.* Dominion Peoples' cherry picking of the largest Golden Triangle Area natural gas user through the construction of a 4,000 foot connecting pipeline under the circumstances set forth above is, moreover, contrary to the public interest.

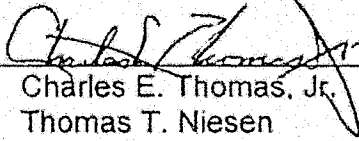
12. The amendment of the Complaint at Docket No. C-20031128, as aforesaid, will not prejudice the public interest or the rights of any participant in the proceeding, as hearings are not scheduled in the matter until May 18, 19 and 20, 2004. Nevertheless, with the deadline for the propounding of preliminary discovery being January 30, 2004 and further discovery concerning new Count V being appropriate, and with Dominion Peoples' failure to provide responses to discovery already propounded, Equitable will, by separate motion to be filed with Judge Nemeec, propose that all dates on the discovery and litigation schedule established by Judge Nemeec's Prehearing Order, dated November 21, 2003, be extended by approximately 60 days with the actual dates to be determined at a further prehearing conference called for that purpose.

WHEREFORE, Equitable Gas Company, a division of Equitable Resources, Inc., prays that the Pennsylvania Public Utility Commission sustain this Amendment to Complaint Adding Count V - Lack of Service Authority and:

- a. Prohibit Dominion Peoples from providing public utility service, including natural gas transportation service, to PACT;
- b. Declare the Agreement between Dominion Peoples and PACT to be contrary to the public interest and void;
- c. Order Dominion Peoples to file, nunc pro tunc, an Application for the abandonment of service to the Golden Triangle Area or in lieu thereof that Dominion Peoples be fined for not having done so in the first place; and
- d. Provide for such other relief as may be appropriate and reasonable under the circumstances

Respectfully submitted,

By



Charles E. Thomas, Jr.
Thomas T. Niesen
THOMAS, THOMAS, ARMSTRONG & NIESEN
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500

Daniel L. Frutchey
Senior Vice President and General Counsel
EQUITABLE GAS COMPANY,
a division of Equitable Resources, Inc.
200 Allegheny Center Mall
Pittsburgh, PA 15212

Attorneys for
Equitable Gas Company,
a division of Equitable Resources, Inc.

DATED: January 22, 2004
Amendment to Complaint.wpd

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ATTACHMENT A

EQUITABLE GAS COMPANY

Engineering Department

Messrs: W. C. Washburn
J. K. Finn
J. F. Cummings ✓

August 16, 1971

Transfer of Peoples Natural Gas Company
Downtown Customers to
Equitable Gas Company

SECRETARY'S BUREAU

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Enclosed is a tabulation of the downtown customers of the Peoples Natural Gas Company that are to be transferred and connected to our facilities. The list consists of sixty(60) active meters and two idle meters.

Thursday, August 12, 1971, arrangements were made for the immediate transfer of two customers, Allegheny County Court House and the County Office Building. Transfer was completed Sunday, August 15, 1971; however, Peoples meters will be used until final interconnection is completed. This action was required because of an emergency condition in their system.

Commercial Department is requested to contact Mr. J. Roy Houston of The Peoples Company to initiate the signing of an Equitable contract for gas service. Division "A" upon receipt of signed contracts will exchange the meters. Peoples will continue their billing until this is accomplished.

Peoples Gas Company has agreed to dig, backfill, repave and install pipe required to interconnect the two systems. Until the time our meters are set, they will also maintain a record of the gas used and will return the accumulated quantity at a place and time agreed upon by the two dispatching offices.

Please advise if additional information is required.

1/19/71 = told WCT to hold everything until Peoples have Dept. back work off. not question on PUC approval. JFC.

W. F. Goffe, Jr.
W. F. Goffe, Jr.
Manager, Eng'r. Dept.

whb:tb
cc: D. P. Sutton
J. R. DiVittorio

M. M. Pears
H. R. Shively

THE PEOPLES NATURAL GAS COMPANY
INTER OFFICE MEMO

To: R. O. Roup

*This letter list going
to Customer Service for
Contracts.*
WR

From: E. Gage

Date: August 12, 1971

Subject: PEOPLES GAS ACCOUNTS TO BE TRANSFERRED TO EQUITABLE GAS COMPANY

<u>ACCOUNT NUMBER</u>	<u>INVESTMENT NUMBER</u>	<u>NAME - ADDRESS METER NUMBER</u>	<u>ANNUAL MCP</u>
185-34680	29653	M. B. Inc 604 Forbes Ave. 336-62563	190.0
185-35210	207	Grant Pub Inc. 429 Fourth Ave. 390-4584757	1120.0
185-35540	29364	B & G. Foods Inc. 420 Smithfield St. 391-15801	490.0
85-35570	22594	Kaufman Dept. Store Fifth & Smithfield St. 540-47163	1900.0
85-35800	22671	Young Men's Christian Assoc. 304 Wood Street 544-4233587	530.0
85-36030	185	Woods Restaurant 213 Wood St. 544-532080	2658.0
85-36260	185	Idle Meter 250 Third Avenue. 332-6766579	
35-36490	279	Bender the Grinder 330 Third Ave 310-899051	86.0
15-36500	279	L. C. Rosen & Co. 332 Third Ave. 330-6864517	47.0

<u>COUNT NUMBER</u>	<u>INVESTMENT NUMBER</u>	<u>NAME-ADDRESS METER NUMBER</u>	<u>ANNUAL MCP</u>
-36720	188	Wm. Richards ASSOC. INC. 344 Third Ave. 334-1333255	227.0
-36750	188	Pgh Council 491 K of C 342 Third Ave 332-319942	252.0
-36780	252	Lepar Inc. 211 Smithfield St 332-720413	97.0
-36810	251	Idle Meter 350 Third Ave. 315-5563488	
-36840	251	Dominick Costa 348 Third Ave. 315-4293270	186.0
36870	251	Globe Parcel Service 346 Third Ave. 315-4926594	43.0
36900	251	Carl Osterholm 215 Smithfield St 310-640659	67.0
36930	251	Ollie J. David 217 Smithfield St. 315-4056874	43.0
37360	250	Fort Pitt Federal Savings & Loan 349 Third Ave. 335-1215547	12.0
37590	22673	Salvation Army 425 Blvd. of the Allies 540-39566	374.0
37820	195	Sun Quong Yuen 510 Third Ave. 332-928191	293.0
37850	196	Chinatown Inn 520 Third Ave. 391-24562	519.0
37880	198	Gateway Studios Inc. 225 Ross Ave. 332-6767147	10.0

<u>ACCOUNT NUMBER</u>	<u>INVESTMENT NUMBER</u>	<u>NAME-ADDRESS METER NUMBER</u>	<u>ANNUAL MCF</u>
85-37910	92	Hip Sing Assoc. of Pgh. 529 Second Ave. 336-4541705	137.0
85-37940	92	Hip Sing Assoc of Pgh 529 Second Ave. 332-293811	44.0
85-37970	92	Hip Sing Assoc of Pgh. 529 Second Ave 332-1216126	81.0
85-38000	25288	Ukranian Nat. Mutal & Soc. 527 Second Ave 391-124773	451.0
85-38060	94	John J. Kassouf 521 Second Ave. 121-585529	230.0
85-38120	96	John J. Kassouf 515-A Second Ave. 391-19716	132.0
85-38150	97	Frank J. Zoppala 507 Second Ave 310-3101081	203.0
185-38380	99	Steel City Savings & Loan 200 Grant St. 332-1319080	152.0
85-38910	101	Dominic Palombo, Jr. 443 Blvd of the Allies 390-819752	54.0
85-38940	59045	The Salvation Army 441 Blvd of the Allies 332-895232	224.0
85-39300	85	Peter Avetta 430 Blvd. of the Allies 332-895232	223.0
85-39330	84	Pgh. Blue Print & Sup. Co. 424-6-0 Blvd. of The Allies 391-45975	74.0
85-39560	252	H1 Boy Restaurant Inc. 205 Smithfield St. 542-6344039	197.0

<u>ACCOUNT NUMBER</u>	<u>INVESTMENT NUMBER</u>	<u>NAME - ADDRESS METER NUMBER</u>	<u>ANNUAL MCF</u>
185-39590	252	Haren & Company 343 Blvd. of the Allies 315-4401601	120.0
185-39620	252	Bartek Tailors Ince. 211 Smithfield St 315-4485164	168.0
185-39880	107	Edlis Barber Supply Co 329-31 Blvd. of the Allies 336-74565	115.0
185-40210	83	Central Typsetting Co 342 Blvd of the Allies 332-629381	320.0
185-40240	83	Slavia Printing Co. 342 Blvd of the Allies 332-271024	162.0
185-40270	83	P. W. Gundelfinger 340-42 Blvd of the Allies 550-1246	1364.0
185-40500	82	Rutledge Equipment Co. 334 Blvd of the Allies 391-34472	1085.0
185-40730	80	Seiferth Sign Co. 310 Blvd. of the Allies 334-2413591	72.0
185-40760	81	Minsky Bros & Co. 310-12-14 Blvd. of the Allies 334-1655744	337.0
185-40790	81	Hamilton Price Inc. 310-12 Blvd. of the Allies 334-1199593	522.0
185-40820	81	Bunting Stamp Co. 310-12 Blvd. of the Allies 544-6593989	452.0
185-40850	81	Bernard Marks 310-12 Blvd of the Allies 391-62918	163.0
185-40880	81	Reigers Duplicating & Mailing Service Inc. 310-12 Blvd of the Allies 391-17150	591.0

<u>ACCOUNT NUMBER</u>	<u>INVESTMENT NUMBER</u>	<u>NAME- ADDRESS METER NUMBER</u>	<u>ANNUAL MCF</u>
185-41210	238	Pittsburgh Motor Club 113-15 Wood Street 542-3972915	651.0
185-41440	79	McPeak Fire & Accessory 240 Blvd. of the Allies 332-136305	520.0
185-41470	78	T & T Parking Lot 234-36 Blvd of the Allies 335-1241058	36.0
185-41560	26347	H. J. Mollerus Co. 222-24 Blvd. of the Allies 390-4523307	457.0
185-41590	77	Pgh. Office Furniture 216 Blvd. of the Allies 391-11795	876.0
185-41620	33	Temple Gate 114 Market St. 315-215994	206.0
185-41920	109	Olson Engineering Co. 207-9 Blvd of the Allies 390-48100	745.0
185-41950	36	John Derenzo 216-18 Market St. 335-690371	61.0
185-41980	36	The New Quo Vadis Rest. 218 Market St. 542-4593743	386.0
185-42010	180	City Service Cleaning Cont. 210 Third Street 332-319953	27.0
185-42040	181	Duquesne Hotel Bar & Grill Market & Third Ave. 335-624537	497.0
200-6000	22802	City of Pgh. (City County Building) Grant & Diamond St EM 0 4401427	40.0
2006030	22790	Allegheny County Court House Diamond St. EM 1 42512	24.0

<u>ACCOUNT NUMBER</u>	<u>INVESTMENT NUMBER</u>	<u>NAME- ADDRESS METER NUMBER</u>	<u>ANNUAL MCF</u>
200-6060	22789	County Office Building Diamond & Fourth Avenue AM 250 6962746	50.0

Total MCF 21,393.0

cc
W. Baillie
E. DiPietro
E. Havey
R. Lobaugh

Earl Cage
Earl Cage

THE PEOPLES NATURAL GAS COMPANY
TWO GATEWAY CENTER



PITTSBURGH, PA. 15222

J. B. LIVINGSTON, Chief Engineer

March 22, 1971

Mr. William F. Goffe, Jr.
Manager, Engineering Department
Equitable Gas Company
420 Boulevard of the Allies
Pittsburgh, Pennsylvania 15219

Dear Mr. Goffe:

We have discussed with you and others of your company on a number of occasions the desirability of eliminating service by Peoples in the downtown area of Pittsburgh. The purpose of this letter is to determine your company's willingness to take on our customers in the area and to outline in a general way the basis upon which this would be done.

At the end of 1970, we were rendering service to 76 customers in the area through approximately 12,000 feet of variously sized pipe. Total consumption for the year amounted to 30,000 MCF. We propose that service to these customers be transferred to your company and that our facilities be abandoned. At locations where it would be practical for your company to use our facilities, we will transfer title for \$1.00.

The affected area is essentially triangular in shape bounded on one side by the Monongahela River, on the second side by the Allegheny River, and on the third side by the following streets: Eleventh Street to the intersection of Eleventh, Liberty and Grant, along Grant Street to Forbes Avenue, along Forbes to the Liberty Bridge ramp system and from there to the Monongahela River, as shown on the attached sketch map.

The discontinuance of service by Peoples will require approval of the Pennsylvania Public Utility Commission of an application by Peoples for a certificate of public convenience and necessity. We will make that application as soon as possible. An expression by your company of its willingness to render service to our customers in this area will materially aid the securing of approval.

The transfer of facilities by Peoples and the acquisition thereof by Equitable, where customers are involved, will require a joint certificate application by Peoples and Equitable. We will prepare and file the joint application as soon as the planning personnel of the two companies can determine the facilities of Peoples that would be desired by Equitable.

If you agree to this proposal, we would appreciate your so indicating by signing in the space provided below and returning to us the copy of this letter enclosed herewith.

Very truly yours,

J. B. Livingston
J. B. Livingston

for THE PEOPLES NATURAL GAS COMPANY

JEL:njb

Enclosure

Agreed ^{April 20} March, 1971

W. F. Goffe, Jr.
Equitable Gas Company

OK on when sent back to people.

RECEIVED

2004 JAN 22 PM 4:19

SECRETARY'S BUREAU

ATTACHMENT B

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 94594

Application of THE PEOPLES NATURAL GAS COMPANY for approval of the abandonment of gas service to 34 certain customers, in the City of Pittsburgh, Allegheny County.

REPORT AND ORDER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of THE PEOPLES NATURAL GAS COMPANY, dated May 1, 1968, for approval of the abandonment of gas service to 34 certain customers, in the City of Pittsburgh, Allegheny County, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that applicant proposes to abandon a portion of its distribution system in the downtown section of the City of Pittsburgh but that Equitable Gas Company has distribution facilities in the same streets affected and serves customers at locations in and among the locations serviced by applicant, and it further appearing that Equitable Gas Company has received signed applications for gas service from 33 of the 34 customers of applicant involved and is willing to serve said customers of applicant, the Commission finds and determines that approval of the said application is necessary or proper for the service, accommodation, convenience or safety of the public, and that a certificate of public convenience issue evidencing the Commission's approval thereof:

NOW, to wit, May 9, 1968, IT IS ORDERED: That a certificate of public convenience issue evidencing the Commission's approval of the said application, as above determined, subject to the following condition:

That applicant, The Peoples Natural Gas Company, give notice by certified mail to the 34 customers affected by the abandonment of service not less than one day prior to the cessation of gas service.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

George Bloom
Chairman

J. W. Leuchter
Secretary

RECORDED
FOLDER

DOCKETED
APPLICATION DOCKET
MAY 2 1968
ENTRY No. _____

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAY 1 10 01 AM '68

In re: Application of The Peoples Natural Gas Company for approval of the abandonment or discontinuance of service in a portion of the City of Pittsburgh.

Application Docket No. 6044-5

POOR ORIGINAL

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

5/19/68 cc - 2/10/39% - J.H. Payne & Son, Inc. - J.S. - J.H. Payne & Son, Inc. - J.S.

1. The name and address of applicant is The Peoples Natural Gas Company, Two Gateway Center, Pittsburgh, Pennsylvania 15222.

2. The names and addresses of applicant's attorneys are Henry A. Jackson, Jr., and William A. Jones, Two Gateway Center, Pittsburgh, Pennsylvania 15222.

3. The Peoples Natural Gas Company is a corporation formed under the Act of May 29, 1885, P. L. 19 and is the successor of a series of corporations of the same name, the first of which was incorporated on June 26, 1885. Applicant owns properties for the production, gathering, transmission, storage and distribution of natural gas, and renders service to consumers in the City of Pittsburgh and to other communities in parts or all of Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Fayette, Greene, Indiana, Lawrence, Mercer, Somerset, Venango, Washington and Westmoreland Counties, Pennsylvania. Applicant is a wholly-owned subsidiary of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10020.

4. Applicant proposes to abandon a portion of its distribution system in the downtown section of the City of Pittsburgh. The distribution mains involved are located along the length of Market Street which runs from Liberty Avenue to Fort Pitt Boulevard, crossing Fifth Avenue, Forbes Avenue, Fourth Street

RECORDED
INDEXED
APPROPRIATE DOCKET

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Street, Boulevard of the Allies and First Street. Short lateral distribution facilities also to be abandoned are located between Market Street and Wood Street on Fourth Avenue, First Street and Fort Pitt Boulevard. Thirty-four customers have been receiving service from these facilities which have been in place for approximately 70 years.

Equitable Gas Company has distribution facilities in the same streets and serves customers at locations in and among the locations served by applicant, as well as most other locations in the downtown area of Pittsburgh. In order to maintain safe and adequate service to its customers, Equitable Gas Company is about to renew its mains located beneath the surface of Market Street. Equitable is willing to serve the 34 customers of applicant, 33 of whom have signed applications for gas service from Equitable to be effective when Equitable's new facilities are completed.

The City of Pittsburgh is planning to resurface a short section of Market Street from Liberty Avenue to Fifth Avenue, and to completely reconstruct the rest of Market Street on to Fort Pitt Boulevard with reinforced concrete slab base. Applicant and Equitable have been informed that the deadline for commencement of work by the City is May 13, 1968, at which time Equitable must be ready to proceed with its pipeline work. Under street opening regulations of the City any person finding it necessary to open the street within five years after the reconstruction job will be required to completely replace each section of concrete slab (24' x 14') in any way damaged by such opening. It is therefore extremely urgent that all foreseeable work within the street be done at this opportunity.

5. One customer presently served by applicant, Mr. Irving Steinsapir, the owner of Standard Emblem Jewelers, 245 Fourth Avenue, was advised along with the rest of applicant's customers in the area of the proposed change but has expressed an unwillingness to enter into an application for service from Equitable Gas Company.

POOR ORIGINAL

Applicant's representatives have been unable to ascertain any practical reason for the refusal, particularly since the rates of Equitable Gas Company are slightly lower than the rates of applicant. Mr. Steinsapir has indicated that he would like to supply some of the service awards which applicant gives to its employees from time to time. However, the purchasing of these emblems is handled on a Consolidated Natural Gas System basis. Mr. Steinsapir's consumption for the 12 months through March of this year was 457.6 Mcf, for which he paid bills aggregating \$398.76. If applicant's lines are not abandoned as proposed, they will have to be replaced because of age at a cost which applicant estimates would run between \$81,000 and \$96,000.

6. For the reasons set forth in Paragraphs 4 and 5 of this Application, applicant believes that approval of this Application is necessary and proper.

Wherefore, applicant prays your Honorable Commission to grant temporary authority to proceed immediately with the abandonment of service to Mr. Steinsapir in order that the necessary transfer of service can be made within the street before the City of Pittsburgh's reconstruction work has progressed too far and to issue a certificate of public convenience in due course.

THE PEOPLES NATURAL GAS COMPANY

By

R. E. DuVall

Vice President

POOR ORIGINAL

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY

SS:

R. E. DuVall being duly sworn, deposes and says that he is Vice President of THE PEOPLES NATURAL GAS COMPANY; that he is authorized to and does make this affidavit for it; and that the facts set forth above are true and correct to the best of his knowledge, information and belief, and he expects the said The Peoples Natural Gas Company to be able to prove the same at the hearing hereof.

R. E. DuVall

Vice President

Sworn to and subscribed before me this 30th day of
April, 1968.

Mary Lou Houston
Notary Public

MARY LOU HOUSTON, Notary Public
PITTSBURGH, ALLEGHENY CO., PA.
MY COMMISSION EXPIRES
JULY 19, 1971

POOR ORIGINAL

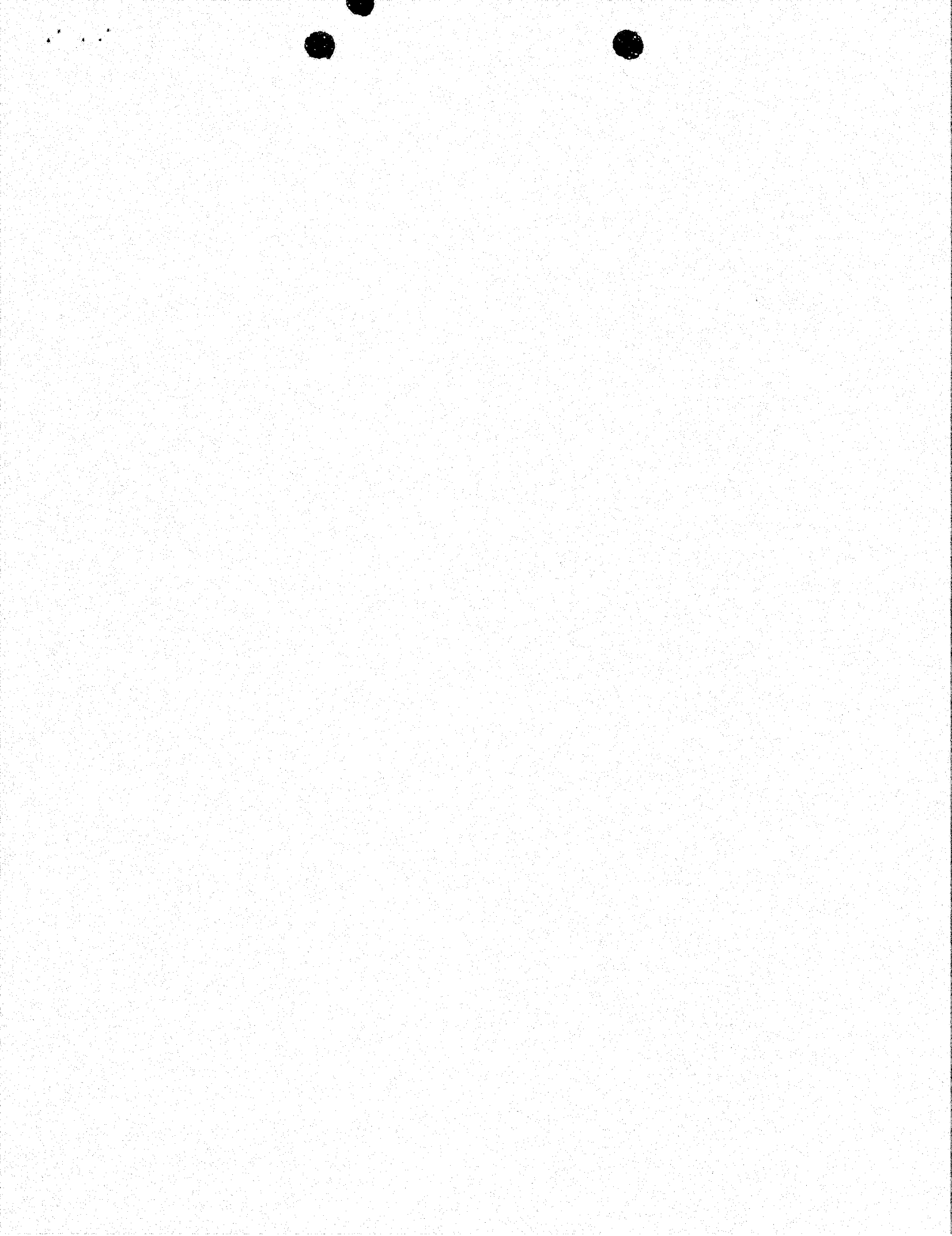
VERIFICATION

I, FREDRICK K. DALENA, Senior Vice President – Commercial Operations for Equitable Gas Company, a division of Equitable Resources, Inc., hereby state that the facts above set forth in the foregoing Amendment to Complaint 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 herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



FREDRICK K. DALENA
SENIOR VICE PRESIDENT –
COMMERCIAL OPERATIONS

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Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

ORIGINAL

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CHARLES E. THOMAS
(1913 - 1998)

January 23, 2004

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
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In re: Docket No. C-20031128
Equitable Gas Company, a Division of Equitable Resources, Inc., Complainant
v. The Peoples Natural Gas Company, d/b/a Dominion Peoples, Respondent

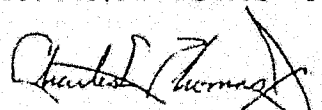
Dear Secretary McNulty:

Enclosed for filing on behalf of the Equitable Gas Company Division ("Equitable") of Equitable Resources, Inc. are an original and three (3) copies of Equitable's Motion to Extend Discovery and Litigation Schedule. Copies of Equitable's Motion are being served upon the persons and in the manner set forth on the Certificate of Service attached to it.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By


Charles E. Thomas, Jr.

Encl.
cc: Certificate of Service
Daniel L. Frutchey (w/encl.)
John M. Quinn (w/encl.)

040123-McNulty.wpd

ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company, a Division
of Equitable Resources, Inc.,
Complainant

v.

The Peoples Natural Gas Company,
d/b/a Dominion Peoples,
Respondent

Docket No. C-20031128

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MOTION TO EXTEND DISCOVERY
AND LITIGATION SCHEDULE

AND NOW, comes Equitable Gas Company, a division of Equitable Resources, Inc. ("Equitable"), and, pursuant to 52 Pa. Code §5.103, moves to extend the discovery and litigation schedule for the above captioned matter. In support thereof, Equitable submits as follows:

BACKGROUND

1. This proceeding concerns Equitable's formal Complaint against The Peoples Natural Gas Company, d/b/a Dominion Peoples ("Dominion Peoples") concerning Dominion Peoples' displacement of Equitable's service to Pittsburgh Allegheny County Thermal ("PACT"). The Complaint, as originally filed with the Public Utility Commission ("Commission") on August 29, 2003, set forth the following four counts: Count I - Duplication of Facilities; Count II - Predatory Pricing; Count III - Unfair Competition; and Count IV - Rate Discrimination.

2. Dominion Peoples filed an Answer on or about September 23, 2003, denying the material allegations in the original Complaint. PACT intervened in the proceeding and also filed an Answer. NRG Energy Center - Pittsburgh LLC has also intervened in the proceeding.¹

3. The matter was assigned to Administrative Law Judge Michael A. Nemecek and a prehearing conference was held on November 20, 2003, at which a discovery and litigation schedule was established and memorialized in a Prehearing Order dated November 21, 2003. Pursuant to that schedule, preliminary discovery is to be completed by January 30, 2004. Testimony is to be distributed in February, April and May and evidentiary hearings are to be held on May 18, 19 and 20, 2004.

4. On January 22, 2004, Equitable filed an Amendment to Complaint to include a Count V - Lack of Service Authority. In its Amendment to Complaint, Equitable avers that Dominion Peoples, by 1971, had abandoned service to the Golden Triangle Area of the City of Pittsburgh and had transferred all of its downtown Golden Triangle Area customers to Equitable. Dominion Peoples' Answer to the Count V Amendment is due for filing on or about February 11, 2004.

5. The discovery and litigation schedule established at the prehearing conference on November 20, 2003 will not allow sufficient time for full disclosure of relevant and material facts. As this matter has evolved since the prehearing conference, the Commission will be asked in this proceeding to address the appropriateness of Dominion Peoples' unilateral, self help action to reassert service in an area to which it had voluntarily abandoned service more than 30 years ago and its

¹The intervention of NRG Energy Center - Pittsburgh LLC was opposed by both Equitable and PACT. By Order dated January 21, 2004, Judge Nemecek granted NRG's petition allowing it to intervene as a party to the proceeding.

use of a pattern of below cost, predatory and uncompetitive pricing and other practices to accomplish that and other similar results.

6. Full disclosure of Dominion Peoples' pricing and other practices, particularly the waiving of retainage to attract customers generally and with respect to PACT specifically, is more important than rushing to a judgment. Unlike a Chapter 13 rate proceeding, this matter of commercial litigation has no statutory deadline for its completion. For the reasons set forth hereinafter, Equitable submits that the period for preliminary discovery should be extended by an additional 60 days until March 31, 2004, and a second prehearing conference should be scheduled for March 15, 2004, at which time the status of the matter will be reviewed with Judge Nemec and a modified litigation schedule established thereafter as appropriate.

**JUSTIFICATION FOR EXTENSION OF DISCOVERY
AND LITIGATION SCHEDULE**

Preliminary Discovery Is Not Completed

7. Under the existing schedule, preliminary discovery is to be completed by January 30, 2004. Preliminary discovery will not, however, be completed by that date.

8. Equitable has served the following Interrogatories on Dominion Peoples and PACT related to the counts in its original Complaint:

**Equitable's Interrogatories to
Dominion Peoples**

**Date Served
On Dominion Peoples**

First Set

December 9, 2003

Second Set

December 12, 2003

Third Set

January 16, 2004

Equitable's Interrogatories to PACT

Date Served On PACT

First Set

December 16, 2003

9. Neither Dominion Peoples, nor PACT filed objections to Equitable's Interrogatories. Dominion Peoples answered Equitable's First Set of Interrogatories (with the exception of Set I Interrogatory No. 6) on December 24, 2003. It answered Equitable's Second Set of Interrogatories (with the exception of Set II Interrogatories Nos. 5 and 8) and Set I Interrogatory No. 6 on January 9, 2004. Set II Interrogatories Nos. 5 and 8 remain outstanding as do all of Equitable's Interrogatories to PACT. Answers to Equitable's Third Set of Interrogatories are due on or before January 31, 2004.

10. The answers which Dominion Peoples has provided and the failure to respond to Equitable's Set II Interrogatories Nos. 5 and 8 has required and will require further discovery in the form of additional Interrogatories and/or depositions of Dominion Peoples and PACT representatives. Notable in this regard are Equitable's Set II Interrogatories Nos. 4 and 5 which asked as follows:

4. Refer to page 52, provision (11) of the Rates and Rules Governing the Furnishing of Natural Gas Service to Retail Gas Customers. The provision states: The Company may retain 5.3 percent as gas used in Company operations and unaccounted-for gas of the total volume of gas received into its system on behalf of the ratepayer... Provide a complete list of examples and rationale where Dominion Peoples would agree to retain.

- a. 0%, and
- b. less than 5.3% but > 0%.

5. For each of the last five (5) calendar years, identify by Natural Gas Distribution Company ("NGDC") competitor (i.e Columbia Gas of Pennsylvania, T. W. Phillips, and Equitable) the number of transportation service agreements extended to customers where retainage was equal to 0%, the annual volumes underlying the offers, and the reason for waiving retainage.

11. In its response to Set II Interrogatory No. 4, Dominion Peoples stated that it may, "pursuant to its tariff," retain 5.3% as gas used in Company operations and unaccounted-for-gas and that it "negotiates the waiver/reduction of this and other components on a case-by-case basis with competitive customers on its system." "A complete list of examples and rationale" where Dominion Peoples would agree to levels of retainage was not, however, provided as requested in the Interrogatory. In addition, as explained above, as of the filing of this motion, no answer at all has been filed to Set II Interrogatory No. 5 which asked Dominion Peoples to identify by NGDC the number of transportation service agreements extended to customers where retainage was equal to 0%, the annual volumes underlying the offers and the reason for waiving retainage.²

12. Given the non-specific answer to Set II Interrogatory No. 4 and the lack of response to Set II Interrogatory No. 5, Equitable has followed up in its Third Set of Interrogatories with Set III Interrogatory No. 9 requesting the following information:

9. With respect to People's response to EGC-Set II-4, please:

²To "identify" or "state the identity of" a document means to state with respect thereto:

- a. the nature or type of the document (e.g., letter, contract, etc.) and the number of pages or units of which it consists;
- b. its date and if it bears no date, the date it was prepared or received;
- c. the identity of its author, each signatory or person over whose name it is issued, and each person who received, approved, or commented on it;
- d. the identity of all persons to whom the document was addressed or distributed;
- e. the last known physical location and address of the original and each duplicate copy, and the identity of its custodian; and
- f. the general subject matter or content of the document with sufficient particularity to enable it to be identified

- a. State the identity of each of People's customers for which it retains 0% "as gas used in Company operations and unaccounted for gas".
- b. State the identity of each of People's customers for which it retains greater than 0% but less than 5.3% "as gas used in Company operations and unaccounted for gas".

13. It, of course, remains to be seen what Dominion Peoples will provide in its response to Equitable's Set III Interrogatory No. 9. In addition to the foregoing, Dominion Peoples also disclosed in its answer to Equitable's Set II Interrogatory No. 7 that it has a "financial field model for making capital investments for large volume projects" and that the terms of the its agreement with PACT were negotiated based on the "financial field model." No further details of the "financial field model" were, however, provided in the answer to Equitable's Set II Interrogatory No. 7. In its follow up Set III Interrogatory No. 10, Equitable asked Dominion Peoples to provide a copy of the "financial field model" and assumptions and work papers used to perform the analysis shown in the answer to Set II Interrogatory No. 7.

14. Whatever Dominion Peoples provides, it is then Equitable's intention to depose those Dominion Peoples' marketing and other personnel who have knowledge of the waiver of retainage, the circumstances of waiver identified in the responses to the above Interrogatories and Dominion Peoples use of its "financial field model." Those individuals are presently thought to be Rodney Holmes and William McKeown. In regard to the waiver of retainage in respect to the PACT/Dominion Peoples Agreement in particular, Equitable also intends to depose William Barry, PACT's consultant.

15. In sum, preliminary discovery will not be completed by January 30, 2004. A reasonable 60 day extension of time is appropriate to allow the further discovery outlined above which hopefully will produce a full and fair disclosure of those facts that are relevant and material to the issue of Dominion Peoples' use of below cost, predatory and uncompetitive pricing and other practices in competition with Equitable. There is no statutory or other deadline for completion of this matter of significant commercial litigation which would preclude the proposed extension or which would require a rush to judgment before a full and fair disclosure of the relevant and material facts can be accomplished.

The Count V - Lack of Service Authority

16. In its Amendment to Complaint, Count V - Lack of Service Authority, Equitable avers that Dominion Peoples has no authority to provide utility service to PACT. By 1971, Dominion Peoples had transferred all of its downtown Golden Triangle Area customers to Equitable and had abandoned service to the Golden Triangle Area of the City of Pittsburgh. In effect, after transferring its customers to Equitable and abandoning the Golden Triangle Area for more than 30 years, Dominion Peoples has initiated service to the single largest customer in the Golden Triangle Area and done so through predatory and uncompetitive pricing practices.

17. The Amendment to Complaint adds a further dimension to this proceeding which also justifies an extension to the discovery and litigation schedule. In connection with the filing of its Amendment to Complaint, Equitable will today be serving its Fourth Set of Interrogatories on Dominion Peoples asking for a copy of its file concerning the transfer of its Golden Triangle customers and the abandonment of its service in the Golden Triangle Area. Further discovery may be warranted depending on Dominion Peoples' answers to Equitable's Set IV Interrogatories.

18. In addition, Dominion Peoples has reasserted service in the Golden Triangle Area through the use of below cost, predatory and unfair competitive pricing and other practices. The use of these practices for what amounts to an illegal purpose further warrants a full and fair disclosure of those practices. Again, there is no statutory or other deadline for completion of this matter of significant commercial litigation which would preclude the proposed extension or which would require a rush to judgment before a full and fair disclosure of the relevant and material facts can be accomplished.

NRG Energy Center - Pittsburgh LLC

19. The intervention of NRG Energy Center - Pittsburgh LLC ("NRG") was granted by Judge Nemeec just two days ago by Order dated January 21, 2004. Equitable will be propounding discovery requests to NRG. The original discovery and litigation schedule was established prior to NRG having filed its Petition to Intervene. NRG's participation likewise necessitates an extension of the discovery and litigation schedule.

No Harm Will Result From the Proposed Extension of the Discovery and Litigation Schedule

20. No harm or prejudice will result from the extension of the discovery and litigation schedule proposed herein. Unlike a Chapter 13 rate proceeding, this matter of commercial litigation has no statutory deadline for its completion. Dominion Peoples is serving PACT, the largest customer in the Golden Triangle Area. It accomplished that result by self help after having voluntarily transferred all of its Golden Triangle Area customers to Equitable and a 30-year absence of service. It obtained no Commission approval before initiating the service. Full and fair disclosure of what has occurred and is continuing to occur is warranted before this matter is submitted to the Commission. Equitable, on the other hand, could very well be harmed or prejudiced if the extension

is not granted. Equitable has not received full and fair disclosure in connection with its discovery requests. Equitable has, moreover, not yet initiated discovery to NRG which has just been allowed to intervene in the proceeding.

WHEREFORE, Equitable Gas Company, a division of Equitable Resources, Inc., prays that Administrative Law Judge Nemec and the Pennsylvania Public Utility Commission extend the discovery and litigation schedule in this proceeding by an additional 60 days until March 31, 2004, and schedule a second prehearing conference for March 15, 2004, at which time the status of the matter will be reviewed with Judge Nemec and a litigation schedule established thereafter as appropriate.

Respectfully submitted,

By



Charles E. Thomas, Jr.
Thomas T. Niesen
THOMAS, THOMAS, ARMSTRONG & NIESEN
212 Locust Street, Suite 500
P. O. Box 9500
Harrisburg, PA 17108-9500

Daniel L. Frutchey
Senior Vice President and General Counsel
EQUITABLE GAS COMPANY,
a division of Equitable Resources, Inc.
200 Allegheny Center Mall
Pittsburgh, PA 15212-5352

Attorneys for Complainant
Equitable Gas Company,
a division of Equitable Resources, Inc.

January 23, 2004

Motion to Extend Discovery and Litigation Schedule.wpd

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company, a Division : Docket No. C-20031128
of Equitable Resources, Inc., :
Complainant :
v. :
The Peoples Natural Gas Company, :
d/b/a Dominion Peoples, :
Respondent :

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CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of January, 2004, served a true and correct copy of the foregoing Motion to Extend Discovery and Litigation Schedule, upon the persons and in the manner set forth below:

BY FAX AND FIRST CLASS MAIL

Honorable Michael A. Nemeec
Administrative Law Judge
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

William T. Hawke, Esquire
Norman James Kennard, Esquire
Hawke McKeon Sniscak & Kennard LLP
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Kevin J. Moody, Esquire
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212 Locust Street
P. O. Box 3265
Harrisburg, PA 17101



Charles E. Thomas, Jr.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company, a Division of
Equitable Resources, Inc.

v.

The Peoples Natural Gas Company d/b/a
Dominion Peoples

C-20031128

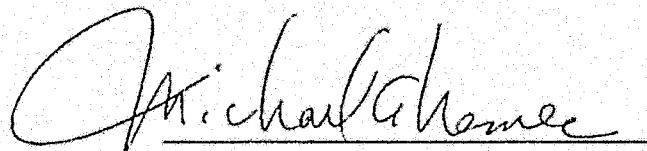
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NOTICE TO THE PARTIES

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FEB 19 2004

It has just come to my attention that Mr. Kennard was not included on the service list for the prehearing order and the two subsequent interim orders. An updated and hopefully correct service list is attached to this notice. The result of this oversight is that language in the interim order denying a Peoples motion to compel as directed to Mr. Kennard was unwarranted. I apologize for any confusion or concern that this oversight has caused the parties

Dated: January 26, 2004



Michael A. Nemecek
Administrative Law Judge

ORIGINAL

Hawke

McKeon

Sniscak &

Kennard LLP

ATTORNEYS AT LAW

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
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Scott T. Wyland

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January 26, 2004

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PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PA

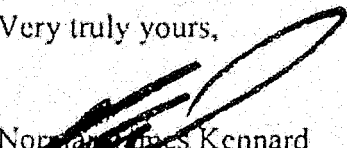
James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Second Floor, Commonwealth Keystone Building
PO Box 3265
Harrisburg, PA 17105-3265

Re: Equitable Gas Company, a Division Of Equitable Resources, Inc., v. The Peoples Natural Gas Company d/b/a Dominion Peoples; Docket No. C-20031128;
OBJECTION OF THE PEOPLES NATURAL GAS COMPANY D/B/A DOMINION PEOPLES TO EQUITABLE GAS COMPANY'S SET III INTERROGATORY NO. 9

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of The Peoples Natural Gas Company d/b/a Dominion Peoples' Objection to Equitable Gas Company's Set III Interrogatory No. 9 in the above-captioned proceeding.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Very truly yours,

Norman James Kennard
Counsel for Dominion Peoples

NJK/tap
cc: Administrative Law Judge Michael A. Nemeec

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

66

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company, a Division
Of Equitable Resources, Inc.,
Complainant

Docket No. C-20031128

v.

The Peoples Natural Gas Company,
d/b/a Dominion Peoples,

Respondent

DOCKETED
APR 23 2004

JAN 23 2004

PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

**OBJECTION OF THE
PEOPLES NATURAL GAS COMPANY,
D/B/A DOMINION PEOPLES
TO EQUITABLE GAS COMPANY'S
SET III INTERROGATORY NO. 9**

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FOLDER

NOW COMES The Peoples Natural Gas Company d/b/a Dominion Peoples, ("Dominion Peoples") by and through its counsel in the above-captioned matter and hereby objects to Equitable Gas Company's ("Equitable" or "EGC") Set III Interrogatory No. 9.

I. BACKGROUND

1. On or about August 29, 2003, Equitable filed the above-captioned Complaint, seeking, among other things, an order prohibiting Dominion Peoples from providing gas service to Pittsburgh Allegheny County Thermal, Ltd. ("PACT"), a non-profit corporation providing steam service to its Member/Owners. PACT, which uses gas in the production of steam, is a current customer of Dominion Peoples, and formerly was a customer of Equitable. The Complaint was served on Dominion Peoples by the Commission on September 3, 2003.

2 On January 16, 2004, Equitable served its Third Set of Interrogatories on Dominion Peoples.

3 Certification. The undersigned counsel has spoken with Mr. Thomas Niesen, representing Equitable, and the parties discussed possible alternative resolutions to this issue. Upon discussion, no negotiated solution appears possible and, therefore, this Objection is thereby submitted to Your Honor.

II. OBJECTION

4. Dominion Peoples objects to Equitable's Set III Interrogatory No. 9, which is as follows:

9. With respect to People's response to EGC-Set II-4, please:
- a. State the identity of each of People's customers for which it retains 0% "as gas used in Company operations and unaccounted for gas."
 - b. State the identify of each of People's customers for which it retains greater than 0% but less than 5.3% "as gas used in Company operations and unaccounted for gas."

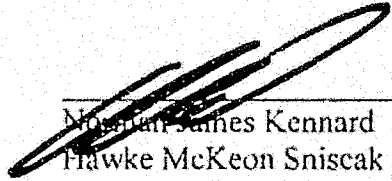
5. Dominion Peoples objects on grounds of both relevance and that it is burdensome.

6. Reference. This proceeding, as noted above, is a complaint brought by Equitable objecting to service provided by Dominion Peoples to a single customer located in Pittsburgh. Equitable's Interrogatory No. 9, asks Dominion Peoples to "state the identity" of other customers and rank them into two (2) categories chosen by Equitable. However, the scope of this proceeding, including any reasonable discovery, is limited to PACT and cannot be used to obtain the identity of other customers. Pricing of other customer accounts has no bearing on the merits of this case.

7. Burdensomeness. Dominion Peoples does not maintain records according to the categories requested by Equitable.

WHEREFORE, The Peoples Natural Gas Company d/b/a Dominion Peoples objects to the specified Equitable Gas Company discovery.

Respectfully submitted,



Norman James Kennard
Hawke McKeon Sniscak & Kennard LLP
Harrisburg Energy Center
100 North Tenth Street
Harrisburg, PA 17101

Counsel for Dominion Peoples

DATED: January 26, 2004

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the person(s) and in the manner indicated below.

BY HAND DELIVERY

Charles E. Thomas, Jr.
Thomas T. Niesen
Thomas, Thomas, Armstrong & Niesen
212 Locust Street, Suite 500
P. O. Box 9500
Harrisburg, PA 17108-9500

JAN 26 2004
PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

BY FIRST CLASS MAIL

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Office of Trial Staff
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Daniel L. Frutchey
Senior Vice President and General Counsel
Equitable Gas Company,
a division of Equitable Resources, Inc.
200 Allegheny Center Mall
Pittsburgh, PA 15212



Norman James Kennard

DATED: January 26, 2004

Hawke
 McKeon
 Sniscak &
 Kennard LLP
ATTORNEYS AT LAW

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Kevin J. McKeon
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Norman James Kennard
Lillian Smith Harris
Scott T. Wyland

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William E. Lehman
Rikardo J. Hull

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmsk-law.com

January 30, 2004

VIA FACSIMILE AND FIRST CLASS MAIL

Honorable Michael Nemeec
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

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MAR 01 2004

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2004 JAN 30 PM 4: 14

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Re: Equitable Gas Company, a Division Of Equitable Resources, Inc., v. The Peoples Natural Gas Company d/b/a Dominion Peoples; Docket No. C-20031128; LETTER OF STIPULATION IN LIEU OF AN ANSWER

Dear Judge Nemeec:

This letter sets forth the agreement of The Peoples Natural Gas Company d/b/a Dominion Peoples ("Dominion Peoples") and Equitable Gas Company, Division of Equitable Resources, Inc. ("Equitable"). Your approval of this agreement is requested.

Dominion Peoples is in the midst of a strike, which has affected its ability to respond to pre-trial discovery and prepare for hearings. Equitable, for its part, has filed a "Motion to Extend Discovery and Litigation Schedule" suggesting an extension by sixty (60) days of the scheduled dates set forth in your Prehearing Order and, further, requesting the scheduling of a second prehearing conference for March 15, 2004 to establish specific dates for the upcoming events.

Counsel for Dominion Peoples and Equitable have discussed this matter and have reached the following stipulations:

1. The two parties support a the general sixty (60) day extension of the various deadlines and occurrences that were originally set forth in your Prehearing Conference Order and further agree to the scheduling of a second prehearing conference for mid-March 2004.

RJP

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

DOCUMENT

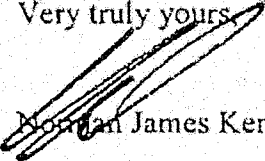
2. The parties support a thirty (30) day extension from the original due date for Dominion Peoples to reply to outstanding discovery posed by Equitable. The parties agree to an extension until March 5, 2004 for Dominion Peoples to answer Equitable's recently filed Count V. This thirty (30) day extension does not apply to discovery disputes, specifically objections and motions to compel.

Therefore, Dominion Peoples and Equitable respectfully request that Your Honor:

1. Generally extend the scheduled events set forth in your Prehearing Order by sixty (60) days;
2. Establish a second prehearing conference in mid-March, at which time the status of the case will be reviewed by Your Honor and the parties, and
3. Grant Dominion Peoples a thirty (30) day extension from the currently effective due date for its answers to discovery and pleadings generally, provided that an answer to Count V is filed no later than March 5, 2004, except that pleadings related to discovery disputes are not tolled.

I have attached a proposed Order for your approval.

Very truly yours,


Norman James Kennard

NJK/tap
cc: James J. McNulty, Secretary

RECEIVED
2004 JAN 30 PM 4:15
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company, a Division
of Equitable Resources, Inc.,

v.

The Peoples Natural Gas Company
d/b/a Dominion Peoples,

Docket No. C-200311

SECRETARY'S BUREAU

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INTERIM ORDER EXTENDING SCHEDULE

The Peoples Natural Gas Company d/b/a Dominion Peoples ("Dominion Peoples") and Equitable Gas Company, Division of Equitable Resources, Inc. ("Equitable") have reached an agreement to extend various events originally scheduled in my Prehearing Order dated November 21, 2003. Dominion Peoples is in the midst of a strike, which has affected its ability to respond to pre-trial discovery and prepare for hearings. Equitable, for its part, has filed a "Motion to Extend Discovery and Litigation Schedule" suggesting an extension by sixty (60) days of the scheduled dates set forth in the Prehearing Order and, further, requesting the scheduling of a second prehearing conference for March 15, 2004 to establish specific dates for the upcoming events.

These parties have reached agreement and I hereby approve the following:

1. The scheduled events set forth in my Prehearing Order dated November 21, 2003 are extended by sixty (60) days.
2. A thirty (30) day extension is granted from the original due date for Dominion Peoples to reply to outstanding discovery posed by Equitable and pleadings generally, provided that Dominion Peoples' answer to Equitable's recently filed Count V is due no later than March 5, 2004. The thirty (30) day extension does not apply to discovery disputes, specifically objections and motions to compel; and
3. A second prehearing conference will be scheduled in mid-March 2004, at which time the status of the case will be reviewed by myself and the parties.

Dated _____, 2004

Michael A. Nemeo
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the person(s) and in the manner indicated below.

BY HAND DELIVERY

Charles E. Thomas, Jr.
Thomas T. Niesen
Thomas, Thomas, Armstrong & Niesen
212 Locust Street, Suite 500
P. O. Box 9500
Harrisburg, PA 17108-9500

BY FIRST CLASS MAIL

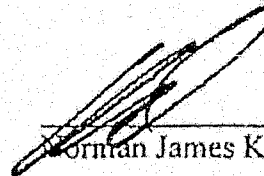
Johnnie E. Simms, Senior Prosecutor
Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Anthony P. Picadio, Esquire
Picadio, Sneath, Miller & Norton, P.C.
4710 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219-2702

Dennis S. Shilobod, General Counsel
PACT
806 Law & Finance Building
Pittsburgh, PA 15219

Daniel L. Frutchey
Senior Vice President and General
Counsel
Equitable Gas Company,
a division of Equitable Resources, Inc.
200 Allegheny Center Mall
Pittsburgh, PA 15212

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2004 JAN 30 PM 4:15
SECRETARY'S BUREAU



Norman James Kennard

DATED: January 30, 2004



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
1103 PITTSBURGH STATE OFFICE BUILDING
300 LIBERTY AVENUE
PITTSBURGH, PENNSYLVANIA 15222-1210

Telephone: 412 565-3550
Fax: 412 565-3692
IN REPLY PLEASE
REFER TO OUR FILE

DOCUMENT

February 3, 2004

DOCKETED
APR 07 2004

Norman James Kennard, Esq.
Hawke McKeon Sniscak & Kennard, LLP
P.O. Box 1778
Harrisburg, PA 17105

Re: *Equitable Gas Company, a Division of
Equitable Resources, Inc. v.
The Peoples Natural Gas Company d/b/a
Dominion Peoples
Docket No. C-20031128*

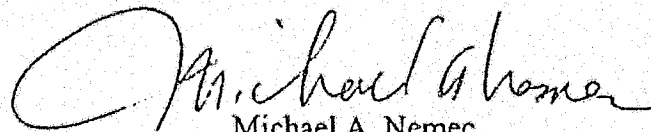
Dear Mr. Kennard:

I am replying to your letter dated January 30, 2004. In general I am quite willing to grant your request as it is helpful to my currently very tightly filled schedule.

I note that Mr. Moody representing NRG was not included on your service list.

Currently we have hearing dates set for May 18, 19 and 20, 2004. Under your proposal should dates be scheduled now for the week of July 26, 2004, or should we wait for the outcome of the next prehearing conference, to be held on or about March 15, 2004? Please let me know your thoughts at your earliest convenience.

Sincerely,


Michael A. Nemeč
Administrative Law Judge

cc: Per Service List
Wanda Zeiders, Docket Management ✓
Judy Weaver Springer, Scheduling Unit

SECRETARY'S BUREAU

04 FEB -6 AM 10:40

SECRET



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

ORIGINAL

February 3, 2004

IN REPLY PLEASE
REFER TO OUR FILE

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2004 FEB -3 AM 9:13

SECRETARY'S BUREAU

Honorable Michael A. Nemec
Administrative Law Judge
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA. 15222

DOCKETED
MAR 03 2004

Re: Equitable Gas Company, a Division of Equitable Resources, Inc.
v.

The Peoples Natural Gas Company, d/b/a Dominion Peoples
Docket No. C-20031128

LETTER IN SUPPORT IN LIEU OF AN ANSWER

Dear Judge Nemec:

DOCUMENT

On January 23, 2004, Equitable Gas Company Division ("Equitable") of Equitable Resources, Inc filed a Motion to Extend Discovery and Litigation Schedule for the above-captioned case. On January 30, 2004, counsel for The Peoples Natural Gas Company, d/b/a/ Dominion Peoples ("Dominion Peoples") filed a letter setting forth an agreement between Dominion Peoples and Equitable agreeing to an extension by sixty (60) days of the scheduled dates and requesting a second prehearing conference for March 15, 2004.

By this letter, the Office of Trial Staff wishes to express its agreement with Equitable's motion to extend the schedule and the agreement between Equitable and Dominion Peoples to establish a sixty (60) days' extension of the scheduled dates.

Very truly yours,

Johnnie E. Simms
Senior Prosecutor
Office of Trial Staff

JES:em

c: Parties of Record
Secretary McNulty

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company

v.

The Peoples Natural Gas Company,
d/b/a Dominion Peoples

:
:
:
:
:
:

Docket No.
C-20031128

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing Letter in Support of
the Office of Trial Staff, dated February 3, 2004, either personally, by first class
mail, electronic mail, express mail, or by fax upon the persons listed below:

William T. Hawke, Esquire
Norman James Kennard, Esquire
Hawke, McKeon, Sniscak & Kennard LLP
100 North 10th Street
P.O. Box 1778
Harrisburg, PA 17105

Susan G. George, Esquire
The Peoples Natural Gas Company,
d/b/a Dominion Peoples
625 Liberty Avenue, 19th Floor
Pittsburgh, PA 15222

Dennis S. Shilobod, General Counsel
Pittsburgh Allegheny County Thermal, LTD
806 Law & Finance Building
Pittsburgh, PA 15219

SECRETARY'S BUREAU

2004 FEB -3 AM 9:14

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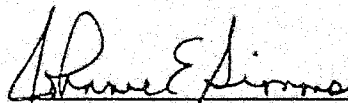
Charles E. Thomas, Jr., Esquire
Thomas T. Niesen, Esquire
Thomas, Thomas, Armstrong & Niesen
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500

Daniel L. Frutchey, Senior Vice President
and General Counsel
Equitable Gas Company
200 Allegheny Center Mall
Pittsburgh, PA 15212

Anthony P. Picadio, Esquire
Picadio Sneath Miller & Norton, PC
4710 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219-2702

Kevin J. Moody, Esquire
Wolf Block Schorr and Solis-Cohen LLP
Suite 300
212 Locust Street
Harrisburg, PA 17101

Honorable Michael A. Nemeč
Office of Administrative Law Judge
Pa. Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222



Johnnie E. Simms
Senior Prosecutor
Office of Trial Staff

Dated: February 3, 2004
Docket No. C-20031128

ORIGINAL

Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

SUITE 500
212 LOCUST STREET
P. O. BOX 9500
HARRISBURG, PA 17108-9500

CHARLES E. THOMAS, JR.
Direct Dial: (717) 255-7615
E-Mail: ethomasjr@ttanlaw.com

www.ttanlaw.com
FIRM (717) 255-7600
FAX (717) 236-8278

CHARLES E. THOMAS
(1913 - 1998)

RECEIVED
2004 FEB -5 PM 4:12
SECRETARY'S BUREAU

February 5, 2004

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

In re: Docket No. C-20031128
Equitable Gas Company, a Division of Equitable Resources, Inc., Complainant
v. The Peoples Natural Gas Company, d/b/a Dominion Peoples, Respondent

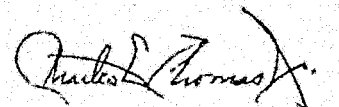
Dear Secretary McNulty:

Enclosed for filing on behalf of the Equitable Gas Company Division ("Equitable") of Equitable Resources, Inc. are an original and three (3) copies of Equitable's Motion to Compel a Response to Interrogatory No. 9 of its Third Set of Interrogatories propounded to Respondent in the above matter. Copies of Equitable's Motion are being served upon the persons and in the manner set forth on the Certificate of Service attached to it.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By


Charles E. Thomas, Jr.

Encl.
cc: Certificate of Service
Daniel L. Frutchey (w/encl.)
John M. Quinn (w/encl.)

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company, a Division
of Equitable Resources, Inc.,
Complainant

v.

The Peoples Natural Gas Company,
d/b/a Dominion Peoples,
Respondent

Docket No. C-20031128

SECRETARY'S BUREAU

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**EQUITABLE GAS COMPANY'S
MOTION TO COMPEL A RESPONSE TO INTERROGATORY NO. 9
OF ITS THIRD SET OF INTERROGATORIES**

AND NOW, comes Equitable Gas Company, a division of Equitable Resources, Inc. ("Equitable"), by its attorneys, and, pursuant to 52 Pa. Code §5.342, moves to compel The Peoples Natural Gas Company, d/b/a Dominion Peoples, ("Dominion Peoples") to respond to Interrogatory No. 9 of Equitable's Third Set of Interrogatories. In support thereof, Equitable submits as follows:

Background

1. This proceeding concerns the Complaint of Equitable against Dominion Peoples regarding Dominion Peoples' displacement of Equitable's service to Pittsburgh Allegheny County Thermal ("PACT"). As originally filed and subsequently amended, the Complaint presents the following five counts: Count I - Duplication of Facilities; Count II - Predatory Pricing; Count III - Unfair Competition; Count IV - Rate Discrimination; and Count V - Lack of Service Authority. As addressed hereinafter, in Count III - Unfair Competition, Equitable avers, *inter alia*, that Dominion Peoples is engaged in a pattern of unfair competition which negatively impacts both Equitable and its customers.

2. On January 16, 2004, Equitable served its Third Set of Interrogatories on Dominion Peoples. Interrogatory No. 9 of the Third Set states as follows:

9. With respect to People's response to EGC-Set II-4, please:

- a. State the identity of each of People's customers for which it retains 0% "as gas used in Company operations and unaccounted for gas".
- b. State the identity of each of People's customers for which it retains greater than 0% but less than 5.3% "as gas used in Company operations and unaccounted for gas". Identify and provide a full and complete copies of any and all agreements, past or present between PACT and Equitable.

3. On January 26, 2004, Dominion Peoples filed an Objection to Interrogatory No. 9 alleging that the information requested is not relevant and that it would be burdensome to produce.

4. Prior to the filing of the Dominion Peoples Objection, counsel for the parties conferred by telephone as represented in the Objection. Upon discussion, no negotiated solution appears possible and Dominion Peoples has filed its Objection. Equitable moves herein to compel a response.

The Information Requested in Interrogatory No. 9 Is Relevant

5. Dominion Peoples contends that Equitable's Complaint concerns service to a single customer, PACT; that the scope of the proceeding is limited to PACT; and that the information requested in Interrogatory No. 9 concerning other customers has no bearing on the merits of this case. Equitable submits, however, that the information requested in Interrogatory No. 9 is directly relevant to the matters raised in its Complaint.

6. As set forth above, Equitable avers in Count III of the Complaint that Dominion Peoples is engaged in a pattern of unfair competition. A specific example of the alleged unfair competition is the consistent and continuing waiver of retainage for

customers, including customers currently served by Equitable whose contracts are about to expire.

7. Dominion Peoples does, in fact, waive retainage. Article I of Dominion Peoples Agreement with PACT provides that Dominion Peoples will waive "retainage of gas unaccounted for or used in [Dominion Peoples'] operations." It is legitimate and fair for Equitable to inquire concerning the extent of Dominion Peoples' waiver practices. Equitable's Complaint avers that the waiver practice is consistent and continuing. In its verified Answer to Equitable's Complaint, Dominion Peoples denied that it has waived retainage for certain customers on a consistent and continuing basis. Dominion Peoples should not be permitted to sidestep discovery concerning the veracity of Dominion Peoples assertions in its Answer. A full and fair response to Interrogatory No. 9 is relevant to the issues raised in Equitable's Complaint.

The Information Requested in Interrogatory No. 9 Is Not Burdensome to Produce

8. Dominion Peoples contends that the information requested in Interrogatory No. 9 would be burdensome to produce because it "does not maintain records according to the categories requested by Equitable." We would point out, however, that 52 Pa. Code §69.192 (5) requires each local distribution company to maintain a chronological log of tariff provisions for which it has granted waivers. Section 69.192 (5) provides that entries in the log are to include the name of the party receiving the waiver, the date and time of the request, the specific tariff provision waived and the reason for the waiver.¹ It would, thus, appear that Dominion Peoples should be

¹Equitable would respectfully note that 52 Pa. Code § 69.192 (4) indicates that even where a tariff provision is not mandatory or where a tariff provision may provide for a waiver, it is still considered the "granting of a waiver". The requirements of 52 Pa. Code § 69.192 (5) would apply in either case.

maintaining a record log which would at the very least allow it to begin to respond to Interrogatory No. 9 which merely asks for information concerning the waiver of retainage. Equitable recognizes that Dominion Peoples would have a proprietary/highly confidential interest in the log entries and Equitable would agree that the information from the log would be handled under the terms of the Protective Order dated December 4, 2003.

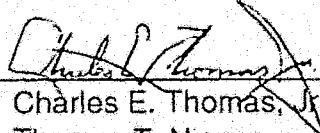
9. Equitable points out further that Interrogatory No. 9 would not be burdensome even if the required log is not maintained in contravention of 52 Pa. Code § 69.192 (5). Dominion Peoples has a "record" - a contract - for each and every one of the circumstances in which it has waived retainage.² The retainage waiver, for example, is a specific provision in the Dominion Peoples/PACT Agreement. Dominion Peoples could review its service agreements and provide copies of those agreements in which retainage is waived. As a starting point and in an attempt to compromise, Equitable would limit its request, preliminarily, to those agreements entered into in the last three calendar years through the present and if the number exceeds seventy-five (75), Equitable would limit the request to the most recent seventy-five (75) customers.

² In this respect, Equitable's inquiry is different from Dominion Peoples Interrogatory No. 22 which was the subject of Judge Nemeč's Order dated January 22, 2004. Equitable does not maintain a record indicating whether a customer has been served by another natural gas distribution company which would have allowed it to provide a further answer to Interrogatory No. 22 as requested by Dominion Peoples. That information is not part of the service agreement between Equitable and its customer.

WHEREFORE Equitable Gas Company, a division of Equitable Resources, Inc., prays that the Public Utility Commission dismiss the objection of The Peoples Natural Gas Company, d/b/a Dominion Peoples, and compel Dominion Peoples to respond to Interrogatory No. 9 of Equitable's Third Set of Interrogatories.

Respectfully submitted,

By



Charles E. Thomas, Jr.

Thomas T. Niesen

THOMAS, THOMAS, ARMSTRONG & NIESEN

212 Locust Street, Suite 500

P. O. Box 9500

Harrisburg, PA 17108-9500

Daniel L. Frutchey

Senior Vice President and General Counsel

EQUITABLE GAS COMPANY,

a division of Equitable Resources, Inc.

200 Allegheny Center Mall

Pittsburgh, PA 15212-5352

Attorneys for Complainant

Equitable Gas Company,

a division of Equitable Resources, Inc.

February 5, 2004

Motion to Compel A Response To Int 9 Set III wpc

SECRETARY'S BUREAU

2004 FEB -5 PM 4: 12

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Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Equitable Gas Company, a Division	:	Docket No. C-20031128
of Equitable Resources, Inc.,	:	
Complainant	:	
	:	
v.	:	
	:	
The Peoples Natural Gas Company,	:	
d/b/a Dominion Peoples,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 5th day of February, 2004, served a true and correct copy of Equitable Gas Company's Motion to Compel a Response to Interrogatory No. 9 of its Third Set of Interrogatories, upon the persons and in the manner set forth below:

FAX AND FIRST CLASS MAIL, POSTAGE PREPAID

Honorable Michael A. Nemeec
Administrative Law Judge
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

William T. Hawke, Esquire
Norman James Kennard, Esquire
Hawke McKeon Sniscak & Kennard LLP
100 North Tenth Street
Harrisburg, PA 17101

FIRST CLASS MAIL, POSTAGE PREPAID

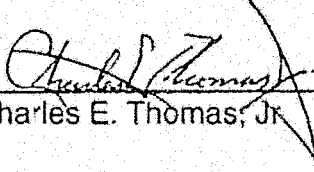
Susan G. George, Esquire
The Peoples Natural Gas Company
d/b/a Dominion Peoples
625 Liberty Avenue
Pittsburgh, PA 15222

Johnnie E. Simms
Acting Director
Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

Dennis S. Shilobod, General Counsel
PACT
806 Law & Finance Building
Pittsburgh, PA 15219

Anthony P. Picadio, Esquire
Picadio Sneath Miller & Norton, P.C.
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600 Grant Street
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Daniel Clearfield, Esquire
Kevin J. Moody, Esquire
Wolf, Block, Schorr and Solis-Cohen, LLP
212 Locust Street
Harrisburg, PA 17101



Charles E. Thomas, Jr.

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