

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

In the Matter of:

Howard A. Connell,
Complainant

vs.

Columbia Gas of Pennsylvania Inc. : Docket No. C-20030867
Respondent

Wants natural gas in home, pipe
line 3/4 mile away. initial
Telephonic Prehearing Conference.

DOCKETED
MAR 10 2004

Pages 1 through 26

Hearing Room No. 3
Pittsburgh State Office Building
300 Liberty Avenue, Suite 1112
Pittsburgh, Pennsylvania 15222

Wednesday, February 11, 2004

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

ADMINISTRATIVE LAW JUDGE FRED R. NENE

APPEARANCES:

HOWARD A. CONNELL, Pro Se (Via Telephone)
110 McCoy Road
Slippery Rock, Pennsylvania 16058
(For the Complainant)

THEODORE J. GALLAGHER, Esquire (Via Telephone)
100 South Third Street
Columbus, Ohio 43215
(For the Respondent)

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WITNESS INDEX

WITNESSES: DIRECT CROSS REDIRECT RECROSS

Complainant's:

None

Respondent's:

None

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P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE FRED R. NENE: This is the time
3 scheduled for a pre-hearing conference on a complaint filed by
4 Howard A. Connell against Columbia Gas of Pennsylvania, Inc.,
5 at Docket Number C-20030867.

6 My name is Fred Nene. I'm the Administrative Law Judge
7 assigned to conduct this pre-hearing conference and to have a
8 hearing, if necessary, concerning this complaint.

9 Mr. Connell wants natural gas service for his residence.

10 Mr. Gallagher, I have an answer here filed on the
11 complaint, filed by Mark Kempic.

12 MR. GALLAGHER: Yes.

13 JUDGE NENE: And it doesn't really say anything at all.

14 MR. GALLAGHER: Hmm.

15 JUDGE NENE: Sort of disappointed in that. Mr. Connell
16 is saying he wants service, but your answer doesn't say whether
17 or not he's in your territory even or----

18 MR. GALLAGHER: Well, then, let me flush out the
19 details.

20 And, just so you know, we have discussed this with Mr.
21 Connell, so I don't think he's completely in the dark with
22 respect to Columbia's position, even though you may be, based
23 on the answer that we filed, and I apologize for that.

24 We have run the cost of providing service consistent
25 with Columbia's tariffs, and we are willing to provide service

1 to Mr. Connell if he provides a deposit to cover the costs that
2 are beyond the economic justification for extending the main
3 consistent with this tariff. That deposit figure is just shy
4 of \$37,000. And that's what Columbia's position is.

5 JUDGE NENE: So you're saying that the Complainant is in
6 your service territory?

7 MR. GALLAGHER: To the best of my knowledge, yes. But
8 that the nearest main is some -- as described in the
9 complaints, some three-quarters of a mile away perhaps. I see
10 that, according to my information, it's approximately 4,628
11 feet.

12 JUDGE NENE: And you're saying that this amount that
13 you've calculated, this \$37,000, is consistent with your
14 tariff?

15 MR. GALLAGHER: Yes.

16 JUDGE NENE: Is----

17 MR. GALLAGHER: According to our tariffs.

18 JUDGE NENE: Pardon me?

19 MR. GALLAGHER: Applicants for service will be required
20 to provide a refundable cash deposit to the company equal to
21 the difference between the minimum capital investment required
22 to serve the applicant's gas requirements and the amount of
23 capital that the company can justify investing in the project,
24 based on the anticipated gas requirements of the applicant.

25 We ran figures assuming that there would be a furnace, a

1 water heater, a dryer, a clothes dryer, and a stove, and that
2 thirty-seven--or just shy of the \$37,000 figure, that I quoted
3 to you, is the gap between the -- that minimum capital that
4 they need -- a justifiable minimum capital investment and the
5 actual cost.

6 JUDGE NENE: Does your calculation include any other
7 applicants in his neighborhood?

8 MR. GALLAGHER: We're not aware of any other applicants
9 in the neighborhood.

10 JUDGE NENE: Mr. Connell, you said in your complaint
11 that there are some other people nearby.

12 THE COMPLAINANT: Yes. There's three -- there's two
13 between my place and the Columbia Gas line that have expressed
14 their concern for getting gas also.

15 MR. GALLAGHER: I don't know whether those people are --
16 would be attached to the system before or after.

17 THE COMPLAINANT: They'd be before.

18 MR. GALLAGHER: Okay.

19 Obviously, if that were the case, then, you know, for
20 each person who came on the line, there would be a refund of a
21 portion of that deposit. I don't have that dollar figure with
22 me right now.

23 JUDGE NENE: Have you applied formally, Mr. Connell, for
24 service?

25 THE COMPLAINANT: From Columbia Gas?

1 JUDGE NENE: Yes.

2 THE COMPLAINANT: The only thing that -- that I asked
3 was -- one of their representatives was out here checking the
4 line or something one day, and I stopped the gentleman in the
5 truck and I asked him about it. And he said when he went back
6 to the office that he would check into it. And I never heard
7 anything from him. And so that's when I contacted the Public
8 Utility Commission.

9 JUDGE NENE: Okay. So, you never really filed a formal
10 application for service to get any -- do you have anything in
11 writing from them about what it would cost you -- about this
12 deposit?

13 THE COMPLAINANT: They called me on December the 1st,
14 2003, and told me that the line would be 3,960 feet long at \$30
15 a foot with \$118,800 to lay the line. That was the Columbia
16 Gas attorney.

17 MR. GALLAGHER: That was me. And that was based on some
18 preliminary analysis that was done before they did a full-cost-
19 estimate.

20 THE COMPLAINANT: Uh-huh.

21 MR. GALLAGHER: Those were strictly preliminary figures.

22 JUDGE NENE: Have you sent Mr. Connell anything in
23 writing about this final estimate, Mr. Gallagher?

24 MR. GALLAGHER: Final estimate? No, I haven't.

25 JUDGE NENE: Has this matter been the subject of any

1 informal discussions under the Commission's auspices?

2 MR. GALLAGHER: One of the reasons I was contacting Mr.
3 Connell was to see if we could come to some sort of a
4 resolution of this matter.

5 JUDGE NENE: Did you propose any resolution?

6 MR. GALLAGHER: Yeah, I proposed that a -- that we get a
7 deposit consistent with the tariff. My position is that except
8 -- you know, providing service to him without getting that
9 requirement would subject the company to a fine by the
10 Commission for violating its tariff.

11 JUDGE NENE: Well, that's for sure. I mean you have to
12 comply with the tariff that the Commission has already approved
13 and there's no doubt about that. But, I think that if there
14 are other potential customers in the area, that should be
15 considered too; it should be determined.

16 Who would determine that?

17 MR. GALLAGHER: Um...

18 JUDGE NENE: Would the other customers or potential
19 customers have to apply for service before you would
20 incorporate their----

21 MR. GALLAGHER: Yes. I mean it's one thing for Mr.
22 Connell to say that some neighbors have represented to him that
23 they'd be interested in service; but, until they apply for
24 service, I don't think that they can be considered within the
25 calculation. And I also don't -- I mean, if Mr. Connell is at

1 the end of the line, the entire deposit is going to be the
2 same; it's just a matter of who shares in that deposit.

3 JUDGE NENE: Mr. Connell, what sort of area do you live
4 in -- obviously, it's a rural area.

5 THE COMPLAINANT: Yes, it is.

6 Columbia Gas has -- I live right, we'll say, close to a
7 crossroads, and they are on two roads away from my house. I
8 mean, the one of -- McCoy Road, I figured was the handiest.
9 The other one is Baron Road [phonetic] and they are just a mile
10 from my house down Baron Road. So, they're within a mile of my
11 house in two directions.

12 MR. GALLAGHER: Your Honor, my information is that
13 National Fuel has a line in that area and one of these lines
14 that he's just talked about may be one of them.

15 THE COMPLAINANT: No. No, they're line is a 12-inch
16 line, which is a transmission line. You folks have gas on
17 Baron Road where Swope Road [phonetic] comes onto Baron Road.
18 At that intersection, you have gas there.

19 JUDGE NENE: Did you----

20 THE COMPLAINANT: And I measured that with my truck.
21 And, as near as I can tell, it's about a mile.

22 MR. GALLAGHER: Which would be farther away than the
23 three-quarters of a mile that----

24 THE COMPLAINANT: Yeah, it would be a little farther
25 away, but there would be potential customers on that road also.

1 I mean, once you would get gas in here, I think you could get
2 other customers, but I don't know.

3 JUDGE NENE: Well, you know, it's important to have
4 those customers lined up so that they could share the expense
5 of it.

6 How -- is there development going on in the area?

7 THE COMPLAINANT: Not right at the moment there isn't,
8 no.

9 JUDGE NENE: How long does Columbia Gas project into the
10 future -- suppose there were development coming, how long would
11 Mr. Connell and anybody else he signed up be eligible for a
12 rebate, Mr. Gallagher?

13 MR. GALLAGHER: I don't have that figure at my
14 fingertips. I've dealt with this issue years past and, for
15 some reason, 10 years is popping up in my mind. But, I
16 wouldn't set that down in stone.

17 THE COMPLAINANT: What was 10 years again?

18 JUDGE NENE: Sometimes if the gas company puts a line
19 in, extends a line----

20 THE COMPLAINANT: Uh-huh.

21 JUDGE NENE: and, eventually, after the person who has
22 paid for it maybe is complimented by other people in the area
23 wanting service from that line that the first person paid for,
24 he is entitled to a rebate for a certain period of time of the
25 money that the other people would have paid, had they been

1 there at the time that the line was initially constructed.

2 THE COMPLAINANT: Uh-huh.

3 JUDGE NENE: Do you understand?

4 THE COMPLAINANT: Yes. Yes.

5 JUDGE NENE: So, I mean, if there were development in
6 the area within a period -- and it sounds reasonable that it
7 would be 10 years -- the initial investors would have some sort
8 of consideration for their initiating the project.

9 THE COMPLAINANT: Well, I just kind of thought that the
10 gas company would be like the electric company. When the
11 electric company come in, they put their lines all through the
12 community. And then, as people got the money to wire their
13 houses and so on, they -- they got the electricians until now
14 everybody has electric in the neighborhood. But, when they put
15 the line in, they had very few customers to start with.

16 JUDGE NENE: Right.

17 THE COMPLAINANT: But now everybody has it. And I just
18 thought that this was an investment for utility companies.

19 JUDGE NENE: It is, it is an investment, but it's also a
20 drain on the other rate payers if they have to pay for a non-
21 profitable extension of the line.

22 THE COMPLAINANT: Well, isn't this just part of doing
23 business? You make a investment and then, over a period of
24 years, you get your money back plus? I mean...

25 JUDGE NENE: Well, utility companies have to provide the

1 Utility Commission with a tariff. The tariff sets forth what
2 the Commission looks at and sees whether or not it's
3 reasonable----

4 THE COMPLAINANT: Uh-huh.

5 JUDGE NENE: And they approve the tariff. And, in this
6 case, they have approved the tariff that Mr. Gallagher is
7 referring to.

8 How do you heat your house now?

9 THE COMPLAINANT: I've been using coal and wood for 45
10 years. And I'm 71 years old now, so I would like to change to
11 something else. And I'm just not able to do that stuff
12 anymore, so I'd like to change to something else.

13 JUDGE NENE: What do other people in your neighborhood
14 use? Does anybody use propane----

15 THE COMPLAINANT: Yes.

16 JUDGE NENE: or fuel oil?

17 THE COMPLAINANT: Yes, they do.

18 JUDGE NENE: Uh-huh.

19 THE COMPLAINANT: One of the persons that's on the road
20 coming from the Columbia Gas to my house is using propane and -
21 - I don't know. I didn't ask them, but, undoubtedly, if they
22 could get natural gas, they would switch over. I -- I didn't
23 ask them, you know.

24 JUDGE NENE: They probably wouldn't switch over if they
25 have to share this \$37,000 though.

1 THE COMPLAINANT: Exactly. No. No, I -- even potential
2 customers that I have talked to, I know they're not going to
3 want to share this kind of money. I mean, it's -- it's too big
4 of a burden for a private individual. I mean, you would --
5 well, \$37,000 would heat my house with about anything for the
6 next 10 years.

7 JUDGE NENE: Yeah.

8 THE COMPLAINANT: I mean...

9 JUDGE NENE: Yeah.

10 THE COMPLAINANT: And I'm 71 now, so that would be 81.
11 And I don't know how much longer I'll live, but for a 10-year
12 or so period here, it's kind of -- it's not feasible.

13 JUDGE NENE: Right.

14 THE COMPLAINANT: If you see where I'm coming from.

15 JUDGE NENE: Oh, I absolutely do. Absolutely. But,
16 it's a difficult situation if you were to try to pursue this
17 complaint. You're going to have to show that the tariff that
18 Columbia has filed is unreasonable and the Commission has
19 pretty much already ruled on the reasonability because they had
20 to----

21 THE COMPLAINANT: That it's reasonable?

22 JUDGE NENE: Yeah. I mean the Commission has to
23 consider the impact of service to one customer up on top of a
24 mountain is going to have on the other customers. They're
25 going to have to, you know, they're -- the Commission is trying

1 to keep the costs reasonable for all customers.

2 THE COMPLAINANT: Uh-huh.

3 JUDGE NENE: And this is going to have a -- would have
4 an impact on the service provided to others.

5 THE COMPLAINANT: No, I figure everybody ought to be
6 responsible for the line from the road to their house. I feel
7 this is an individual's responsibility. I don't know what this
8 costs either, to come from the road to your house. It probably
9 would depend on how many feet of pipe and stuff you had to buy
10 and the ditch you'd have to dig and so on. But, this would be
11 a thing that each property owner would have to pay himself,
12 whether it be a couple thousand dollars or whatever it was to
13 lay it into the house. But, I don't think that anybody would
14 want to go for buying a pipeline -- buying into a pipeline. I
15 don't -- at this time, I don't think that they would go for it,
16 because it is a sizely cost.

17 JUDGE NENE: Oh, it's almost an impossible figure to----

18 THE COMPLAINANT: Yeah. I don't -- I don't have that
19 kind of money, so I don't -- and, uh...

20 JUDGE NENE: You see, it's not -- it doesn't look like
21 it's profitable for Columbia to run that line out there unless
22 they're going to build a Wal-Mart or a housing development out
23 there in -- a couple blocks past you.

24 THE COMPLAINANT: No, I----

25 JUDGE NENE: And----

1 THE COMPLAINANT: I -- I just don't foresee a big
2 establishment like that, no.

3 JUDGE NENE: Yeah.

4 THE COMPLAINANT: There'll be other houses built in the
5 future, I'm sure of that, but----

6 JUDGE NENE: Well, if there are, then the gas company
7 might say, "Well, it's profitable for us to run a line out
8 there."

9 THE COMPLAINANT: Uh-huh.

10 JUDGE NENE: But, initially, people are going to have to
11 share that expense. And, even then, until the gas company can
12 ensure itself that they're going to make a profit on this and
13 not just have to su----

14 THE COMPLAINANT: What do they -- what do they charge
15 100 cubic feet or whatever for their gas after you get the
16 line? They -- what -- what is the charge for gas right now?

17 JUDGE NENE: Mr. Gallagher?

18 MR. GALLAGHER: I'm not exactly sure what the rates are
19 right now.

20 JUDGE NENE: What's the average home owner paying for
21 gas? I mean, I wouldn't want to tell you what I'm paying. I'm
22 in the city; it's pretty high.

23 MR. GALLAGHER: You know, I live in Ohio. I have
24 Columbia Gas in Ohio. My average monthly bill is \$93. And I
25 have a 2,000 square foot house.

1 THE COMPLAINANT: \$93 a month?

2 MR. GALLAGHER: Uh-huh. And, again, those -- that's
3 Ohio rates. I couldn't begin to give you an estimate. I don't
4 know exactly what -- how those rates compare.

5 JUDGE NENE: Well, the purpose of this hearing today --
6 I mean, this pre-hearing conference is to discuss the situation
7 and to see if we're going to go ahead with a hearing and if we
8 are, what kind of witnesses we're going to need and who has the
9 burden of proof.

10 Now, of course, Mr. Connell, you have the burden of
11 proof because you're asking the Commission to do something here
12 and Columbia's coming in and saying, "Well, you've already
13 approved our tariff and this is what you said that we can
14 charge to run a line."

15 THE COMPLAINANT: Uh-huh.

16 JUDGE NENE: So it's a pretty heavy burden that you
17 would have if you proceed with the----

18 THE COMPLAINANT: Yeah. That figure would probably heat
19 my house with, per se, oil for the rest of my life. I mean
20 most people that are using oil are under \$1,000 a year and that
21 would be thirty -- even at \$1,000 a year, that would be 37
22 years just to lay the line.

23 JUDGE NENE: Yeah.

24 THE COMPLAINANT: And so, I don't feel, at this time,
25 that's it's feasible to spend that kind of money.

1 JUDGE NENE: No, I agree with you.

2 You do have some other alternatives though. Have you
3 looked into electric heating?

4 THE COMPLAINANT: Yes. Central Electric has an electric
5 heat pump system that they have. Then you've always got the
6 alternative of liquids, petroleum, propane, whatever.

7 JUDGE NENE: Gas.

8 THE COMPLAINANT: And I'm -- all I can say, it's just in
9 no way is feasible for any individual to even look at that kind
10 of money and, uh...

11 JUDGE NENE: No, no, that's----

12 THE COMPLAINANT: I mean----

13 JUDGE NENE: That's out of sight.

14 THE COMPLAINANT: It is. I mean, for a private
15 individual, there's no way that you can do this. I mean, I've
16 worked all my life, but I have never acquired no big money and
17 unless you had a lot of big money, why, this would be an
18 investment for somebody that was, say, 30 years old, and maybe
19 over the next 10 to 15 years he could pick up enough customers
20 to get it back, but...

21 JUDGE NENE: Right.

22 THE COMPLAINANT: As old as I am, it would be silly to
23 think I was going to get that back.

24 JUDGE NENE: Well, now suppose somebody comes out there
25 and builds a big mansion up there on the hill somewhere and

1 they say, "Well, the cost is no object, we're going to get a
2 gas line run in here," and they put out the \$37,000. Then if
3 you go and you ask Columbia, "Now, can I tap into that line?" -
4 - well, they might say, "Sure, you can tap in, but you're going
5 to have to pay some of the money that this millionaire spent."

6 THE COMPLAINANT: Uh-huh.

7 JUDGE NENE: So the possibility is there that in the
8 future the installation -- the lion's share -- would be
9 lowered. But, as it is now, I don't know what you're going to
10 do. I think----

11 THE COMPLAINANT: Well, it just kind of looks like to me
12 that I'm going to have to forget it; that's all. I just -- you
13 know, those figures are just not feasible.

14 JUDGE NENE: Yeah.

15 THE COMPLAINANT: I will have to reconsider my other
16 options and try to work out something else because I -- I know
17 by investing that much money, that's more money than what my
18 total heating bill ought to be the rest of my life.

19 JUDGE NENE: Yeah, I know. It would probably add some
20 value to your property, but----

21 THE COMPLAINANT: Maybe.

22 JUDGE NENE: Pardon me?

23 THE COMPLAINANT: I said, "Maybe." It's a possibility.

24 JUDGE NENE: Yeah, but not that amount; I don't think.

25 THE COMPLAINANT: Yeah. So, I -- I don't see -- like I

1 say, at this point, I just don't see where it's feasible.

2 JUDGE NENE: Do you have anything to add there, Mr.
3 Gallagher?

4 MR. GALLAGHER: Your Honor, I just -- just to say that,
5 you know, I understand. For Mr. Connell -- this is a
6 frustrating situation because it's counter-intuitive when you
7 call up the gas company and say, "Well, I want to buy your
8 product," and they tell you, "Well, you got to pony up a bunch
9 of money in order to do that." I understand that it's counter-
10 intuitive.

11 I just want to stress that the company is willing to
12 provide the service that's being requested, but it can't do it
13 in violation of the tariff. That's where we're coming from. I
14 apologize for the frustration that it's causing, but -- I hate
15 to sound like I'm throwing up roadblocks without suggesting
16 solutions, but that's kind of where we are with this.

17 THE COMPLAINANT: Well, okay. I appreciate your time
18 and your effort and so on for the information. I had no
19 information when I started and I've been enlightened very much
20 so. And so, I thank both of you for your time and...

21 JUDGE NENE: Well----

22 THE COMPLAINANT: And at this -- apparently, at this
23 time, it's not going to happen.

24 JUDGE NENE: No, it doesn't look like it, but now I've
25 got a problem. I've got this case here that I've got to do

1 something with it. I've either got to have a hearing or it
2 would be -- it would probably save -- would save me a lot of
3 trouble if you would be willing to withdraw the complaint, Mr.
4 Connell.

5 THE COMPLAINANT: Can I do that over the phone?

6 JUDGE NENE: You can do it right now. We're tape
7 recording everything here.

8 THE COMPLAINANT: Well, I -- I would have to say yes on
9 that behalf because I -- I just can't do it; that's all.

10 JUDGE NENE: Okay. Withdrawing it doesn't prejudice you
11 from filing another one in the future, if you think that things
12 have changed; it doesn't prejudice you in any way. The
13 Commission is happy to look at any complaint that you might----

14 THE COMPLAINANT: Further down the road, you're saying?

15 JUDGE NENE: Yes.

16 THE COMPLAINANT: Okay.

17 JUDGE NENE: Yes. Any time, you know----

18 MR. GALLAGHER: You know if -- Mr. Connell, you
19 mentioned that you do have some neighbors around. If you can
20 formally get commitments from these people, that they're
21 interested in natural gas, and the more people that you can get
22 that will formally indicate an interest like that----

23 THE COMPLAINANT: Uh-huh.

24 MR. GALLAGHER: You have my contact information based on
25 the things that I have -- I think anyways -- that have been

1 filed in this case. If not----

2 THE COMPLAINANT: I -- I don't have anything from you.
3 You're name is Gallagher?

4 MR. GALLAGHER: Yeah.

5 THE COMPLAINANT: I have nothing from you.

6 MR. GALLAGHER: All right. Can you take down my phone
7 number then?

8 THE COMPLAINANT: Uh, yes, I can.

9 MR. GALLAGHER: I'm at 614...

10 THE COMPLAINANT: 614.

11 MR. GALLAGHER: 227...

12 THE COMPLAINANT: 227.

13 MR. GALLAGHER: 2384.

14 THE COMPLAINANT: 2384.

15 MR. GALLAGHER: And, you know, it -- to the -- you know,
16 if you can get a few people that would indicate that, it would
17 kind of defray these costs and make it more economically
18 feasible for people -- now I'd be happy to, you know, bring
19 this issue back to the company for you.

20 THE COMPLAINANT: But this is -- this \$37,000 is the
21 figure?

22 MR. GALLAGHER: Yeah. Yeah.

23 THE COMPLAINANT: I mean, they have to be willing to
24 split this?

25 MR. GALLAGHER: Yeah, tney -- yeah.

1 THE COMPLAINANT: That would be, basically, where I was-

2 ---

3 MR. GALLAGHER: As the Judge is suggesting, you know,
4 maybe in a few -- couple of years, there may be some
5 development in that area so that you're not looking at three
6 people; maybe you're looking at 20 people who----

7 THE COMPLAINANT: Oh, I'm -- I'm sure there's more on
8 past my place, even.

9 MR. GALLAGHER: Well, if they're past your place, that
10 would probably increase the cost----

11 THE COMPLAINANT: Oh, that would increase that fee.
12 Yeah, but, you know, there's lots of people around here that
13 would like to have it. They would -- or have talked to me very
14 favorable; that, if it was available, they would have it.

15 MR. GALLAGHER: Okay. I mean, if you can get some sort
16 of, you know, formal acknowledgement from them that they'd like
17 to join in a joint application for a line extension----

18 THE COMPLAINANT: Uh-huh.

19 MR. GALLAGHER: you know, that might be more favorable
20 for you. And I would be happy to run some interference for you
21 with the company on that issue.

22 THE COMPLAINANT: What's your first name?

23 MR. GALLAGHER: Ted.

24 THE COMPLAINANT: Huh?

25 MR. GALLAGHER: Ted Gallagher is my name.

1 THE COMPLAINANT: Ted?

2 MR. GALLAGHER: T-E-D.

3 THE COMPLAINANT: T-E-D.

4 JUDGE NENE: Mr. Connell, do you have the answer that
5 was filed by the Columbia Gas Company in this case?

6 THE COMPLAINANT: Uh...

7 JUDGE NENE: It's called "Answer to the Formal
8 Complaint."

9 THE COMPLAINANT: Probably, I do, in some of the stuff
10 here I have from the Public Utility Commission.

11 JUDGE NENE: Yeah. The----

12 THE COMPLAINANT: I have a letter from them.

13 JUDGE NENE: Do you have a hearing notice; notice of
14 today's conference?

15 THE COMPLAINANT: Yes, I -- yes, I've got it right here
16 in front of me.

17 JUDGE NENE: All right. And there's an answer filed by
18 Columbia to your complaint.

19 THE COMPLAINANT: On that sheet, you mean?

20 JUDGE NENE: Yeah. It should have been sent with that;
21 yeah.

22 MR. GALLAGHER: Also, the notice of today's pre-hearing
23 conference has my phone number on it.

24 JUDGE NENE: Yeah, the notice that you're looking at has
25 Mr. Gallagher's phone number on it, on the front page.

1 THE COMPLAINANT: Okay. Okay. I do see that on here.

2 JUDGE NENE: Okay. And then the----

3 THE COMPLAINANT: And, uh...

4 JUDGE NENE: The answer that they filed has his address
5 also and phone number.

6 THE COMPLAINANT: Yeah, I have a Theodore J. Gallagher's
7 phone number here. Yep, I do have that. I wasn't aware that
8 was on that sheet, but I see it now.

9 JUDGE NENE: Yeah.

10 THE COMPLAINANT: Well, okay. I'll just have to, like
11 you said, forget it for now and see if maybe in the future
12 something will come along.

13 JUDGE NENE: Yeah. And I would suggest you, you know,
14 inquire about the feasibility of the alternative -- you know,
15 gas or electric.

16 THE COMPLAINANT: Yeah. They do -- they sent me a --
17 the electric company sent me a thing here about a heat pump
18 furnace type thing they have. I mean, heat pumps are only good
19 down to, like, 25 degrees. Anything below that, then, they're
20 done. And they have to be a back-up system, which is electric
21 rods that get hot too -- heating going somehow.

22 JUDGE NENE: Uh-huh.

23 THE COMPLAINANT: I don't -- it's -- I don't know the
24 whole thing, but that's part of it anyway. But, no, I'm going
25 to have to look for something else; that's all, you know?

1 JUDGE NENE: Well, I hope the Commission was of some
2 benefit to you in explaining what----

3 THE COMPLAINANT: Yes, very much so.

4 JUDGE NENE: the law is.

5 THE COMPLAINANT: I -- I had no idea what, you know, how
6 to attack this situation or anything to start with. I just had
7 asked the man that was here and he was supposed to get in touch
8 with the company and somebody come back. Well, I never heard
9 anything, so then I thought, "Well, I'll contact the Public
10 Utility Commission and see what they can do." And so, I see
11 where you're all...

12 JUDGE NENE: Yeah, you see what we could do.

13 THE COMPLAINANT: Yeah, where you're standing right now.
14 I can see that it's just not feasible, so...

15 JUDGE NENE: Well, I appreciate you being reasonable on
16 this. Like I say, you can feel free to get in touch with us
17 again, at any time----

18 THE COMPLAINANT: Okay.

19 JUDGE NENE: on any matter.

20 THE COMPLAINANT: All righty.

21 JUDGE NENE: And thank you for----

22 THE COMPLAINANT: Thank you guys for looking into the
23 situation and finding out the figures and one thing another and
24 it's been very informative.

25 JUDGE NENE: All right.

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THE COMPLAINANT: Thank you very much.

JUDGE NENE: Thank you, gentlemen.

MR. GALLAGHER: Thank you.

THE COMPLAINANT: Bye.

JUDGE NENE: Goodbye.

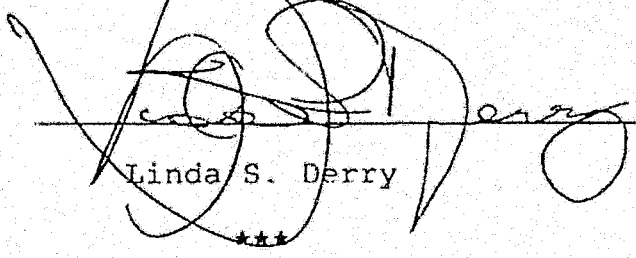
MR. GALLAGHER: Bye.

[Whereupon, at 10:30 a.m., on February 11, 2004, the hearing adjourned.]

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that, this transcript is a true and accurate record to the best of my ability.

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By: 
Linda S. Derry
