

DOCKETED
SEP 24 2001

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gary J. & Amy L. Seraly :
v. : Docket No. C-2001-5964
Columbia Gas of Pennsylvania, :
Inc. :

**DOCUMENT
FOLDER**

INTERIM ORDER
SETTING SETTLEMENT CONFERENCE

KJR

025466

On or about July 27, 2001, Gary J. & Amy L. Seraly ("Complainants") filed a complaint against Columbia Gas of Pennsylvania, Inc. ("Respondent"), at the above-captioned docket number. On or about September 6, 2001, Respondent filed a pleading including an "Answer," "Preliminary Motion to Dismiss," and "New Matter."

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ST. CLAIR COUNTY BUREAU
SEP 23 AM 9:29

Based upon a review of the pleadings, the parties are hereby directed to attempt to settle this matter. Respondent shall contact Complainants, on or before October 8, 2001, concerning a time, date and place for Respondent and Complainants to hold a conference. The conference shall take place on or before October 22, 2001, unless this is not possible.

Within ten (10) days following the conference, Respondent shall file a short report with Herbert R. Nurick, Mediation Coordinator ("Coordinator"), setting forth:

- (a) The time, date and place of the settlement conference;
- (b) Who participated for each party;

(c) A statement whether a full settlement, including withdrawal of complaint, was achieved, and, if not, whether the parties consent to have this case set for mediation by the mediation staff of the Commission; and

(d) A statement of any issues which have been resolved, if a full settlement was not achieved.

If an agreement has not been reached, and the parties do not consent to mediate, the parties are entitled to have a hearing. A hearing is a formal procedure in which an administrative law judge will make a decision to resolve the case. Mediation is an informal procedure in which the parties themselves attempt to resolve the case through a voluntary agreement. The mediator is a neutral person who helps the parties in their efforts to come to an agreement. The Commission encourages mediation.

If it is not possible to have the conference by the date set for that purpose, Respondent shall file a report with the Coordinator, on or before ten (10) days following the conference due date, giving the reason(s) why the due date could not be met.

In either situation, a report must be filed with the Coordinator by the applicable due date set forth above.

If you have any questions, you should contact the Coordinator. His address and phone number are:

Mediation Coordinator
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 783-5428
Email: nurick@puc.state.pa.us

Robert A. Christianson
ROBERT A. CHRISTIANSON
Chief Administrative Law Judge

Date: 9/31/81



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

IN REPLY PLEASE
REFER TO OUR FILE

OCTOBER 10, 2001

C-20015964

COLUMBIA GAS OF PA INC
LAWRENCE NOWICKI
950 SMILE WAY
YORK PA 17404

DOCUMENT
FOLDER

GARY J. & AMY L. SERALY
v.
COLUMBIA GAS OF PA INC

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

DOCKETED
OCT 10 2001

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

JJH

REP

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

GARY J. & AMY L SERALY,

Complainant

v.

COLUMBIA GAS OF PENNSYLVANIA,
INC. and COLUMBIA GAS
TRANSMISSION

Respondent.

Complaint Docket
No. C-20015964

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SECRETARY'S OFFICE
01 OCT 10 AM '01

AMENDED COMPLAINT

NOW comes Complainant, Gary J. and Amy L. Seraly, by and through the undersigned attorney, and states the following:

1. Paragraph 1. shall remain the same.
2. Paragraph 2. shall be amended to include Columbia Gas of Pennsylvania, Inc. The original complaint identifies Columbia Gas Transmission as the Respondent. Columbia Gas Transmission is an affiliate of Columbia Gas of Pennsylvania, Inc.
3. Paragraph 3. remains the same. As noted therein, the Complainants were denied natural gas service at their home. A public utility may decline service to an applicant only if certain conditions are present, in accordance with 66 Pa.C.S § § 501, 1501, 1504, 1507 and 1508. None of these conditions are present.
4. Paragraph 4. remains the same.

WHEREFORE, Complainants request that the Respondent provide natural gas service to their residence.

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OCT 10 2001

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ANSWER TO RESPONDENT'S MOTION TO DISMISS

In their Formal Complaint, Complainants have alleged an act or failure to act by Respondent which would serve as a basis for the Commission's jurisdiction in this matter. The Complainants were denied natural gas service at their home after requests were made in June 1990 and in October 2000. All of their surrounding neighbors have acquired natural gas service during this period of time. This includes a neighbor who has a sister who is employed by Columbia Gas Transmission.

66 Pa.C.S § § 501, 1501, 1504, 1507 and 1508, as amended, identifies the conditions by which a public utility may decline to service an applicant. These are set forth, as follows:

(a) A public utility may initially decline to serve an applicant if, in the judgment of the utility, any of the following conditions are present:

- (1) The applicant has not complied with Commonwealth and municipal regulations governing gas service, and with the rules and regulations of the utility.
- (2) The installation of piping or gas equipment of the applicant is hazardous or improper.
- (3) The service requested by the applicant is unreasonable and improper under the circumstances.

None of these conditions are present.

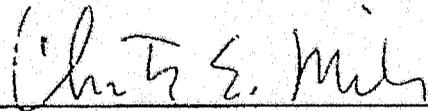
There is no reasonable basis by which the Complainants have been denied natural gas service at their residence while each and every one of their surrounding neighbors have able to enjoy the comforts of natural gas service. Respondent's denial in this regard has been arbitrary, capricious, and unconscionable.

In January 1994, the Complainant's neighbor, Mr. William F. McComas, filed a Formal Complaint with the Pennsylvania Public Utility Commission against Columbia Gas of Pennsylvania, Inc. at Docket No. C-00945501, as a result of which, Mr. McComas, who had been denied service, was permitted to tap in to Columbia Gas Transmission's Line No. 2757 for the purpose of providing residential service. The circumstances surrounding the Complaint filed by Mr. McComas are precisely the same

as those cited by the Complainants herein, Mr. and Mrs. Seraly. The Respondent has not proffered any justification as to why Mr. and Mrs. Seraly should be treated differently from their surrounding neighbors, as well as numerous other residents along Vaneal Road who also receive natural gas service from Columbia Gas Transmission's Line No. 2757

WHEREFORE, Complainants request that the Respondent's Motion to Dismiss be denied and that the Respondent provide natural gas service to their residence.

Respectfully submitted,



Christopher E. Miles, Esquire
Attorney for Complainants

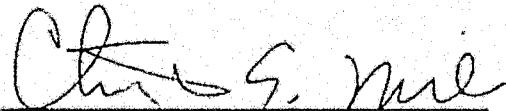
Date. September 28, 2001

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing COMPLAINANT'S AMENDED COMPLAINT and ANSWER TO MOTION TO DISMISS was sent by First Class U.S. Mail on September 28, 2001 to:

Theodore J. Gallagher
NiSource Corporate Services
200 Civic Center Drive
Columbus, OH 43215

Mark R. Kempic, Esquire
Senior Attorney
NiSource Corporate Services
200 Civic Center Drive
Columbus, OH 43215



Christopher E. Miles, Esquire
Attorney for Complainant

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

RECORDED
FEB 20 2002

DATE: February 15, 2002

SUBJECT: Gary J. & Amy L. Seraly v. Columbia Gas of Pennsylvania,
Inc.; C-20015964

TO: Commission Document Folder

FROM: Herbert R. Nurick *HRN*
Mediation Coordinator

The above-captioned case is still undergoing mediation-process review and progress reports are being made.

pc: OALJ file

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: March 11, 2002

SUBJECT: Gary J. & Amy L. Seraly v. Columbia Gas of Pennsylvania,
Inc.; C-20015964

TO: Commission Document Folder

FROM: Herbert R. Nurick *HRN*
Mediation Coordinator

Pursuant to Chief Administrative Law Judge Christianson's Interim Order dated September 21, 2001, a report has been submitted to the Mediation Unit.

Please include this memo in the official Commission document folder.

pc: OALJ File

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MAR 13 2002



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

March 21, 2002

In Re: C-20015964

(See attached list)

Gary J. and Amy L. Seraly v. Columbia Gas of Pennsylvania, Inc.

Disputing not be able to receive natural gas service.

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial telephone hearing
Date: Thursday, May 16, 2002
Time: 10:00 a.m.
Presiding: Administrative Law Judge Larry Gesoff
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

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MAR 26 2002

At the above date and time, the Presiding Officer will contact the parties as follows:

Gary J. and Amy L. Seraly	(724) 222-2082
Christopher E. Miles, Esquire	(724) 228-1138
Theodore J. Gallagher, Esquire	(614) 227-2384

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Gesoff
Herbert Nurick, Mediator
Judy Weaver, Scheduling
Beth Plantz
Docket Section
Calendar File