

Richard C. Culbertson
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June 18, 2021

Via Electronic Mail Only

Michael W. Hassell, Esquire
Lindsay A. Berkstresser, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601

Re: Pennsylvania Public Utility Commission
v.
Columbia Gas of Pennsylvania, Inc.
Docket No. R-2021-3024296

Dear Counsel:

Attached are my interrogatories for Set III in the above-referenced proceeding.

I am seeing a pattern ... the same pattern I experienced with Columbia Gas previously.
That is, objecting to reasonable, relevant information and documents during this discovery.

I am not a lawyer, but I espouse and understand relevant parts of PA Title 204 CHAPTER 81. RULES OF PROFESSIONAL CONDUCT particularly Rule 3.4. Fairness to Opposing Party and Counsel. *"A lawyer shall not: (a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value or assist another person to do any such act;"*

Comment:

(1) The procedure of the adversary system contemplates that the evidence in a case is to be marshalled competitively by the contending parties. Fair competition in the adversary system is secured by prohibitions against destruction or concealment of evidence, improperly influencing witnesses, obstructive tactics in discovery procedure, and the like.

(2) Documents and other items of evidence are often essential to establish a claim or defense. Subject to evidentiary privileges, the right of an opposing party, including the government, to obtain evidence through discovery or subpoena is an important procedural right. The exercise of that right can be frustrated if relevant material is altered, concealed or destroyed. Applicable law in many jurisdictions makes it an offense to destroy material for purpose of impairing its availability in a pending proceeding or one whose commencement can be foreseen.

Columbia has the burden of proof in this rate case ... that burden must not be lifted on to me to prove the burden is on Columbia to participate in discovery.

For the elements that are relevant in the scope of a rate case please refer to Katrina L. Dunderdale's Third Interim Order on Columbia's previous rate case. [R-2020-3018835 THIRD INTERIM ORDER DENYING OBJECTIONS OF COLUMBIA GAS OF PENNSYLVANIA INC TO PORTIONS OF PUBLIC INPUT TESTIMONY OF RICHARD C CULBERTSON.DOCX](https://www.puc.pa.gov/pcdocs/1673258.docx)
<https://www.puc.pa.gov/pcdocs/1673258.docx>

Let's play fairly as we all seek just and reasonable rates and operations for the benefit of ratepayers.

In accordance with the discovery modifications discussed at the May 17th Prehearing Conference, I request that the Company provide verified answers to these inquiries within ten (10) days of service. Also, please forward the verified answers as they are completed, rather than waiting until the responses to the full set are completed. I would appreciate it if you would communicate any objections you may have to these interrogatories as soon as possible.

If you have any questions, please call me. By copy of this letter, copies of these interrogatories have been served upon all parties. A certificate of service showing service of these interrogatories on all parties has been filed with Secretary Chiavetta of the Pennsylvania Public Utility Commission as required by 52 Pa. Code §5.341(b).

Sincerely,

Richard C. Culbertson

Enclosures:

cc: PUC Secretary Rosemary Chiavetta, (Letter and Certificate of Service only) Certificate of Service. eFiling Confirmation Number

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :
:
v. : Docket No. R-2021-3024296
:
Columbia Gas of Pennsylvania, Inc. :

I hereby certify that I have this day served a true copy of the following document, to
Columbia Gas of Pennsylvania, Inc., Richard C. Culbertson Set III, upon parties of record in this
proceeding in accordance with the requirements of 52 Pa. Code

§ 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 18th day of June 2021.

SERVICE BY E-MAIL ONLY

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Dated: June 18, 2021

eFiling Confirmation Number -----

