



Amy E. Hirakis  
Senior Counsel  
Legal Department

800 N. Third Street, Suite 204  
Harrisburg, PA 17102  
Phone: 717-210-9625  
ahirakis@nisource.com

December 7, 2021

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Candice Achenbach v. Columbia Gas of Pennsylvania, Inc.  
Complaint  
Docket No. C-2021-3029559**

Dear Secretary Chiavetta:

Enclosed for filing in the above referenced matter, please find Respondent, Columbia Gas of Pennsylvania, Inc.'s Preliminary Objection to Formal Complaint.

As indicated on the Certificate of Service, a copy has been served on the Complainant.

Should you have any questions, please do not hesitate to contact the undersigned at (717) 210-9625.

Very truly yours,

A handwritten signature in blue ink that reads "Amy E. Hirakis". The signature is written in a cursive, flowing style.

Amy E. Hirakis  
Counsel for  
Columbia Gas of Pennsylvania, Inc.

Enclosure

Cc Certificate of Service (w/enc)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

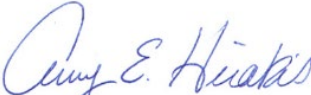
Candice Achenbach	:	
	:	
v.	:	Docket No. C-2021-3029559
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**NOTICE TO PLEAD**

TO COMPLAINANT CANDICE ACHENBACH:

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY ANSWER THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR COLUMBIA GAS OF PENNSYLVANIA, INC.

Date: December 7, 2021

  
\_\_\_\_\_  
Amy E. Hirkis  
Counsel for Columbia Gas of Pennsylvania, Inc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Candice Achenbach	:	
	:	
v.	:	Docket No. C-2021-3029559
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**PRELIMINARY OBJECTION OF  
COLUMBIA GAS OF PENNSYLVANIA, INC.  
TO THE FORMAL COMPLAINT OF CANDICE ACHENBACH**

Pursuant to 52 Pa. Code § 5.101(a)(4), Columbia Gas of Pennsylvania, Inc. (“Columbia” or the “Company”) files this Preliminary Objection to Complainant Candice Achenbach’s Formal Complaint (“Complaint” or “Ms. Achenbach)), and states as follows:

**I. INTRODUCTION**

1. Columbia seeks to dismiss the above-captioned Complaint disputing the Company’s actions related to its determination to relocate the meters serving 216 Stramm Avenue, Pittsburgh, (hereinafter, “the property”) to the front exterior of the premises instead of along the side of the property because Columbia’s actions do not constitute a violation of the Public Utility Code, the Pennsylvania Public Utility Commission’s (“Commission”) regulations, rules or orders.

2. On November 17, 2021, the Company was electronically served with the Formal Complaint in the above-captioned docket.

3. Columbia is timely filing its Answer to the Complaint contemporaneously with the present Preliminary Objection.

4. Columbia is a natural gas distribution company certificated as a public utility permitted to operate within the Commonwealth in Pennsylvania.

5. The Commission's Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in 52 Pa. Code § 5.101(a) as follows:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

6. The Commission's procedural regulations allow a party to file a Preliminary Objection to pleadings that are legally insufficient. *See* 52 Pa. Code § 5.101(a)(4).

7. To be legally sufficient, a complaint must set forth "an act or thing done or omitted to be done or about to be done or omitted to be done by the respondent in violation, or claimed violation, of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission." 52 Pa. Code § 5.22(a)(4).

## **II. BACKGROUND**

8. On May 12, 2021, Columbia began an infrastructure improvement project, referred to internally as the “Locust” project, which involved upgrading approximately 224 customers from being served from a low pressure system to a medium pressure system. Specifically, Columbia installed approximately 5,334 feet of medium density plastic pipe and will abandon 5,837 feet of bare steel pipe and one low pressure regulator station. The Locust project also involved relocating 78 meters. The Locust project was scheduled to be completed by the end of November 2021.

9. On June 30, 2021, Columbia sent a notice to the Complainant, Candice Achenbach (hereafter, Ms. Achenbach), advising that the meters serving her property at 216 Stramm Avenue would be relocated from the inside of the property to the outside of the property as part of the Locust Project.

10. On November 2, 2021, Columbia spoke with Ms. Achenbach and scheduled the meter relocation work to be performed on November 18, 2021.

11. On November 8, 2021, Ms. Achenbach submitted an Informal Complaint regarding the planned meter relocation scheduled to occur on November 18, 2021. The Informal Complaint was subsequently closed.

12. In the Complaint, Ms. Achenbach states that she is disputing Columbia’s determination to locate the meters serving the property along the front of the property instead of along the side of the property, which is where Ms, Achenbach would prefer them to be placed. Complaint ¶ 5. 14.

13. The location of gas meters is governed by the Company's Tariff. Section 4.6.1.2, of the Tariff provides the Company with the right to determine the location of its meters.

Specifically, Section 4.6.1.2 provides:

The Company shall have the right to determine the location of its meters, which must be placed where they will be easily accessible for meter reading, inspection, repairs, testing, changing and operation of the gas shut-off valve, and not exposed to outside forces such as extreme heat (as near steam pipes, boilers or furnaces), sudden changes of temperature, or liable to damage by having earth or objects thrown on or placed against them. Meters will not be set in coal cellars under any circumstances, nor under the deck of show windows, or in small closets, or other locations of a like character.

### **III. ARGUMENT**

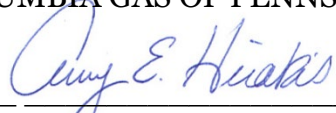
14. Even viewing the Complaint in light most favorable to the Complainant, the Complaint is legally insufficient because it fails to state any violation of Columbia's Tariff, and further fails to state a violation of the Public Utility Code, or any Commission regulation, rule, or order, and is therefore legally insufficient.

15. Indeed, the actions of Columbia that form the basis of Ms. Achenbach's Formal Complaint are specifically permitted by the Company's Tariff.

16. Given the foregoing, the Complaint must be dismissed in accordance with 52 Pa. Code § 5.101(a)(4).

**WHEREFORE**, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Commission sustain its Preliminary Objection and dismiss the above-captioned formal complaint with prejudice.

COLUMBIA GAS OF PENNSYLVANIA, INC.

By:  \_\_\_\_\_

Amy E. Hirkakis (ID # 310094)  
NiSource Corporate Services Company  
800 North Third Street, Suite 204  
Harrisburg, PA 17102  
Phone: 717-210-9625  
E-mail: [ahirakis@nisource.com](mailto:ahirakis@nisource.com)

Date: December 7, 2021

Attorney for Columbia Gas of Pennsylvania, Inc.


## CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### VIA ELECTRONIC AND FIRST CLASS MAIL

Candice Achenbach  
P.O. Box 40387  
Pittsburgh, PA 15210  
Email: [candice@susschen.com](mailto:candice@susschen.com)

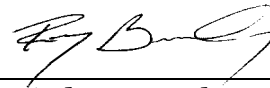
Date: December 7, 2021

  
\_\_\_\_\_  
Amy E. Hirkakis

## VERIFICATION

I, Raymond A. Brumley, Director for Construction for Columbia Gas of Pennsylvania, Inc. hereby state that the facts set forth above 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.

Date: December 7, 2021



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Raymond A. Brumley