

January 14, 2022

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission
v.
Columbia Gas of Pennsylvania, Inc.

Docket No. R-2021-3024296

Dear Secretary Chiavetta:

Enclosed please find the Richard C Culbertson's Petition for Reconsideration in the above-referenced proceeding. I certify that the facts presented are true and correct to the best of my knowledge, information and belief based upon 52 Pa. Code Section 1.36.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,



Richard C. Culbertson
1430 Bower Hill Road
Pittsburgh, PA 15243

Enclosures:

cc: The Honorable Mark Hoyer (**email only**)
Office of Special Assistants (**email only**):
Certificate of Service

**THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission

v.

Columbia Gas of Pennsylvania, Inc.

Docket No. R-2021-3024296

January 14, 2022

PETITION OF RICHARD C CULBERTSON FOR RECONSIDERATION

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Preface: As a pro se complainant, this document may not be up to legal standards in form as a trained person of law, please provide me with the courtesy of liberal construction, *per PA Title 52 Chapter 1§ 1001.3. Liberal construction.* Please focus on the substance of this document and our mission, as presented, as difficult as it may be. We do this for the benefit of rate payers, Columbia Gas of Pennsylvania Inc. and The Pennsylvania Public Utility Commission.

In early 2016 Richard C. Culbertson purchased two residential properties on McFarland Road, Dormont, PA from Fannie Mae. The homes had gone through foreclosure as the prior owners had died. Foreclosure, at the time was not unusual. The foreclosure process takes time. When Culbertson tried to restore gas service, the technician the utility company showed how he tested the line prior to installing a new meter. Twice he tested the customer's service line, and the test equipment showed the line held no pressure. He instructed; the customer's service line had to be replaced before receiving gas service. Culbertson was being forced to replace his customer's service line with a qualified plumber. Culbertson asked the technician does he fail customer's service lines frequently – about half the time. That winter he worked in a cold house with makeshift heat – it was miserable. The test and the frequency of failure did not seem right. All lines, unless severed, will have pressure for a short period. Later Culbertson tested his line the test pressure held steady. Eventually Culbertson's opinion did not count the gas company's did. And Culbertson had to replace his customer's service line. From digging up the old customer's service line, there were actually two lines, a plastic line inside a plastic covered cathode protected steel line. Both of these looked in great condition – it was unbelievable these lines were failed because they would not hold a half pound of pressure. When the gas company came to connect the new customer's service line the worker changed the utility owned curb valve. Culbertson's belief – he had been duped and so had a prior owner.

Now comes Columbia Gas of Pennsylvania, when we tried to turn on the gas of at 1608 McFarland Road. This time, the story was “we can not turn on the gas because we abandoned your line” [customer's service line]. This issue is ownership and control of property. Culbertson is an expert having been Lockheed Martin's leading subject matter expert in the management and accounting of company and Government property (billions of dollars). Abandonment is an asset disposition – owners can only do abandonment.

When and how did Columbia assume ownership of Culbertson's purchased real property? Eventually having gone up the management chain to the President and CEO of the parent company, NiSource Culbertson had to replace another customer's service line. Columbia encouraged, if I was not satisfied – go to the Pennsylvania Public Utility Commission. From those early experiences in 2016, Culbertson knew he was dealing with serious improprieties. Now having gone through two formal complaints with Columbia and getting into the facts with the Pennsylvania Public Utility Commission, Culbertson has not moved from that opinion.

The people of Pennsylvania should relentlessly in seeking justice and right until we have justice and right, that is our entitlement as Americans. Some of us have sworn an oath to that. The Commission is at a crossroad, will the Commission invest in justice and right for customers or will the Commission continue to invest injustice and wrong of this utility?

This is the question before the Commission.

Has the Commission changed its initial opinion and commitments made to customers on May 6, 2021¹, based upon hidden feelings and prognostications in the Black Box settlement?

“Investigation and analysis of the proposed tariff filing, and the supporting data indicate that the proposed changes in rates, rules, and regulations may be unlawful, unjust, unreasonable, and contrary to the public interest. It also appears that consideration should be given to the reasonableness of the Columbia Gas of Pennsylvania, Inc.'s existing rates, rules, and regulations...”

Does Columbia really deserve a 12 percent rate increase from Customers after the utility spent money unnecessarily on accelerated pipeline replacements? Money spent by a utility must be necessary – money spent unnecessarily is unreasonable – unreasonable cost is unallowable cost for recover purposes. Now who should suffer for this unnecessary spending -- customers or the utility? In dealing with large amounts of money going from customers to Columbia, it is important the participants use the utmost care.

The Commission must determine if in rate cases if utilities no longer have the legally required burden of proof that costs and rates are just and reasonable – that the legal requirement is displaced or substituted by the Commission with an expression of feelings in a black box settlement? Concurrently in the rate case, can the Commission transfer the burden of proof from utilities on to other complainants as if not in a rate case?

Really?

Petition:

Pursuant to 52 Pa. Code Sections 5.41 and 5.572,² Richard C Culbertson hereby submits this Petition for Reconsideration of the Opinion and Order entered by the Pennsylvania Public Utility Commission (the Commission) approving a not to exceed \$58.5 5 million annual revenue increase (~12%) for Columbia Gas of Pennsylvania, Inc. (Columbia Gas or the Company) on December 16, 2021,³ Richard C. Culbertson respectfully requests that the Commission reconsider

¹ PUC to Investigate Rate Increase Request by Columbia Gas <https://www.puc.pa.gov/press-release/2021/puc-to-investigate-rate-increase-request-by-columbia-gas>

² 52 Pa. Code §§ 5.41 and 5.572.

³ Pa. PUC v. Columbia Gas of Pennsylvania, Docket No. R-2021-3024296, Opinion and Order at p.56 (Dec. 16, 2021) (Columbia Order).

its decision to award the ~12% increase of revenue to Columbia. invalidate the JOINT PETITION FOR [Black Box] SETTLEMENT⁴ written by the utility and some of the participants of this rate case and go back and address the procedural requirements of burden of proof of utilities in a rate case and address the omission of internal and external investigations required in of this complaint.⁵

What we learned – The stated objectives in law and regulations were not met. No one was served or served others well. Rate payers will not get good value in comparison with other gas utilities. The rate case does not solve systemic weakness and deficiencies. This has been very destructive process. No one should lift their head high with self-assurance and pride of doing a good job. The wrong lessons were learned. Shameful and dishonorable! The better angels were not at play. The process needs redemption with a plan and do over, using the intent and requirements of law, and regulations. Culbertson being a pro se and a first-time complainant but with a lot of knowledge and experience of business operations at a high level, has concluded the basics in business operations have not been install or fixed.⁶

Public utilities, public utility commissions and rate cases are for the sole benefit of customers, little consideration was given to the victims of this process – customers.

The commission should not limit its reconsideration of what is in the record but include what was deliberately and aggressively left out of the record. Culbertson believes Columbia and Judge Hoyer shaped the record to not investigate, address and determine if the proposed and existing rates were just, reasonable, lawful and in the public interest. There seemed to be favoritism of Columbia in this rate case.

This rate case does not fix problems it makes problems worse and harms the Commission, utilities and customers.

The order of this rate case is not just, reasonable and in the public interest. For customers and other observers, it does and will not pass the smell test.

We knew from the outset there Columbia's financials were highly suspicious – From the Commissions initial order:⁷

“Investigation and analysis of the proposed tariff filing, and the supporting data indicate that the

⁴ JOINT PETITION FOR SETTLEMENT <https://www.puc.pa.gov/pcdocs/1718570.pdf>

⁵ 52 Pa § 59.13. Complaints. (a) *Investigations. Each public utility shall make a full and prompt investigation of complaints made to it or through the Commission by its customers.*

⁶ Example: The Federal Pipeline Safety Regulation for the testing plastic pipe is 50 psi (since 1970), Columbia has been using 90 psi since then. This is dangerous to people and harmful to pipelines. This caused or increased an injury to a worker on July 24, 2013 <https://archive.triblive.com/local/pittsburgh-allegheeny/columbia-gas-to-pay-50k-fine-under-proposal-to-settle-alleged-safety-violations/> This incident caused a severe injury to the worker's leg if it had been his head it would have been fatal. How can something be so wrong for so long? Who has the responsibility to fix? There have been multiple layers of failure.

⁷ <https://www.puc.pa.gov/pcdocs/1702741.doc>

proposed changes in rates, rules, and regulations may be unlawful, unjust, unreasonable, and contrary to the public interest. It also appears that consideration should be given to the reasonableness of the Columbia Gas of Pennsylvania, Inc.'s existing rates, rules, and regulations; THEREFORE, IT IS ORDERED..."

1. That an investigation on Commission motion be, and hereby is, instituted to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in Columbia Gas of Pennsylvania, Inc.'s proposed Supplement...

4. That this investigation shall include consideration of the lawfulness, justness, and reasonableness of the Columbia Gas of Pennsylvania, Inc.'s existing rates, rules, and regulations.

What has been known for a couple of years, based upon the public information from Columbia's (CPA) parent NiSource: <https://investors.nisource.com/company-information/default.aspx>

	~ No. of Customers (In 000)	Miles of Pipe	Calculated Miles of pipe per customer	Miles of Bare Steel and Cast Iron	Rate Base (\$ 000,000)	Calculated Rate Base Per Customer \$	
NIPSCO	840	17500	.020	23*	1700	*2024	
COH	1500	20200	.013	2000	3200	2133	
CKY	137	2600	.019	2600	327	2387	
CVA	274	5300	.019	140**	850	3102	
CMD	34	660	.018	50	149	4382	
SUB TOL	2785				6226	2236	Ave
CPA	433	7700	.018	1200	2400	** 5545	
	3548				8626		

The rate base per customer is 2.7 times more in Pennsylvania than in Indiana (NIPSCO) and 2.6 for Ohio (COH). This is prima facie evidence that the **rate base is unreasonable thus rates are unreasonable.**

\$5,545 is the proportional share of hidden debt each customer has for gas piping. Doing the math --If CPA had been operating as efficiently as NIPSCO (Indiana), CPA's rate base could be **~\$1,524,593,000 less.** This would be a big red flag in an investigation but was not investigated .

Now there is another chart that has come from a report of the Commission.

On August 25, 2021,⁸ the PUC issued a report that was required by law, which was due April 15, 2021.

Pennsylvania Gas Utility Peer Group This group excludes the government-run Philadelphia gas company and a smaller Peoples company the serves a rural area.	Residential Heating Monthly Distribution Charge (pipes to the property line or delivery point)
Columbia Gas of Pennsylvania Proposed	\$115.37/
Columbia Gas of Pennsylvania Granted (P.29)	\$109.10
National Fuel Gas Distribution Co. (P. 35)	\$43.80
PECO Energy Co. (P. 37)	\$56.80
Peoples Natural Gas Co. (P. 39)	\$59.41
UGI Utilities (P. 46)	\$59.20
Raw Average	\$54.80

The Commission had this data but did not publish it until evidence could no longer be submitted in this rate case. This data shows Columbia's peer group average monthly Residential Heating Distribution Charge of \$54.80 vs. Columbia's proposed \$115.37. Columbia's proposed rate increase was unreasonable but so is the \$109.10 black box agreement. If the joint petitioners had this data, it is reasonable to believe they may not have been a joint petitioner.

Why does Columbia, and perhaps others receive such favorable treatment by the Commission?

The raw data shows that this disparity may have been a result of a corrupt or slipshod processes.

It is important to contemplate the magnitude of \$109.10 per month for financially challenged individuals.

That is over **\$1,300 per year for the use of Columbia's pipe**, of that about \$600 appears to be form Columbia's accelerated replacement of pipe, of which was not necessary. Some customers that are financially challenged need that \$600.00 more than Columbia!

In the public JOINT PETITION FOR SETTLEMENT the joint petitioners cumulatively proclaimed the rate increase and new rate structure was in the **"public interest" 100 times.** Does any body believe that rate payers would have the same consensus? Particularly, not even worthwhile to investigate but settle in a black box settlement. The question is - who got or who is getting hoodwinked?

Diligent decision makers do not get that far off course when they have the available financial and

⁸ <https://www.puc.pa.gov/media/1609/rate-comparison-report-2021.pdf>

performance data. Did the Commission's Chief Financial Officer or the Commission's Director of Management Accounting or Financial Planning and Analysis or similar title, review these top-level financials and recommend approval? From an internet search, there does not appear to be a CFO of the Commission. Who among the joint petitioners, who had financial management and accounting expertise? Under the Sarbanes Oxley law of 2002 traded corporations were required to have an audit committee and some board of directors were required to have financial and accounting expertise. The Commission should have the same.

Culbertson has extensive financial management, accounting, operations, asset management, contracts, compliance, safety expertise and experience, with General Electric and Lockheed Martin, with years (starting in 1972) writing capital expenditure policy and capital decision making, but he was not made privy nor invited to participate in the Joint Petitioners Black Box Settlement Agreement.

As a result of that knowledge and experience, Culbertson sees and understands things that others do not.

Homogeneous groups do not perform as well as diverse groups – the joint petitioners final black box agreement shows that.⁹

Who is accountable for this disparity? Does anybody believe the contributive value to customers for service lines of Columbia is twice that of any of its peers?

The Commission has some perception, and appearance of impropriety issues. It appears the Commission has been improperly influenced by the Commission's budget funding mechanism. "PUC Funding and Budget -- *The PUC is funded by assessment of the regulated public utilities throughout the state. Subject to budget approval, the PUC assesses utilities up to three-tenths of one percent of gross intrastate revenue to cover the cost of regulation.* All assessments are paid into the General Fund of the State Treasury through the Department of Revenue for use solely by the Commission.

The budget for Fiscal Year 2020-21 is \$78,061,000 in state funds and \$5,022,000 in federal funds, for a total of \$83,083,000."¹⁰

So, what does that mean? Some math, "three-tenths of one percent of gross intrastate revenue" that is $.003 \times \$26,020,333,333$ (public utility revenue) = \$78,061,000, PUC state budget funding.

To the knowledgeable observer, the three-tenths of one percent of gross intrastate revenue puts the commission in conflict of interest or the appearance of conflict of interest, it can be termed as "*being on the take*" and viewed partially as a *commission, systemic bribe, or kickback* taken by the

⁹ <https://neuroleadership.com/your-brain-at-work/why-diverse-teams-outperform-homogeneous-teams/>

¹⁰ About the Commission <https://www.puc.pa.gov/pdocs/1702741.doc>

Commission. When a utility gets an approved increase rate of 12% for distribution charges, the Commission takes the same portion from the utility to increase the Commission's budget. If the Commission decided that a rate decrease was appropriate – then the Commission's budget would be decreased. In Culbertson's opinion and probably others, this all smacks of the appearance of public corruption. Financially -- What is good for a public utility is good for the Commission. What is bad for the public utility is bad for the Commission. Organizations tend to be self-serving and that certainly appears to be the case for the Commission. This was the second rate increase in 2021 for Columbia.

Ponder the \$26 Billion in annual revenue of state public utilities, as evidenced from Columbia Gas - - that is unaudited revenue. This revenue is unaudited per generally accepted audit standards for public utilities but should have been. Not only was there no due care from the auditors. There were no auditors to care or see what came from customer's pockets was actual legitimate cost of the utility. That is certainly not in the public interest and to not investigate, audit or fulfill the obligation to protect the public.

The Commission failed to protect consumers from Columbia's unreasonably high distribution cost. Freedom and happiness of people are largely determined by the extent they have spendable income over and above their monthly fixed expenses. This unreasonable monthly cost from Columbia, robs financially challenged customers and their families of money, freedom, happiness and dignity. Having to take public assistance to cover the cost takes dignity away from many. One of the challenged, or socially and economically disadvantaged individuals in this rate case was complainant Ronald Lamb C-2021-3027217. His complaint was dismissed along with Culbertson's, he was also not part of the joint petitioners. The Commission should give Ronald Lamb's formal complaint more consideration than Judge Hoyer and the joint petitioners.

The Commission should also give the public testimony of Michael Joseph Hicks Sr. of Uniontown on June 16, 2021, more consideration. Mr. Hicks's sworn testimony illustrates what happens when the Commission does not adequately address customer [Culbertson's 2017] Formal Complaint – Mr. Hicks is without the availability of his existing gas customer's line and has not been able to afford a new customer's service line. As a result Mr. Hicks tries to stay warm with more expensive makeshift heat – dangerous kerosene heaters and the like. This is the type of complaint heard in public testimony that the Commission should investigate and get to the bottom of and force necessary corrections. He testified that a Columbia technician came into his home and red tagged his furnace. What gives Columbia the legal authority to enter private property and service or inspect private property—after delivery of gas service at the street? Red Tag? Municipal code official's red tag private property. Columbia's employees are not municipal code officials. Inspecting and servicing furnaces is not one of Columbia's covered tasks per the Federal Safety Regulations. Where was the Commission's investigation of that sworn testimony? If the

Commission had acted properly with Culbertson's Formal Complaint of 2017, that action would have helped Mr. Hicks stay warm today.

Insistently lax enforcement, results in lax performance of the Commission and Public Utilities.

This rate case is tainted by improper influence and processes and must be reconsidered to have any chance of restoring the public trust of the Commission.

In 1968 the voters of Pennsylvania added the Constitution

*"ARTICLE VIII TAXATION AND FINANCE § 10. Audit. The financial affairs of any entity funded or financially aided by the Commonwealth, and all departments, boards, **commissions**, agencies, instrumentalities, authorities and institutions of the Commonwealth, **shall be subject to audits made in accordance with generally accepted auditing standards.**"*

Financial affairs would include utility rate cases, and the Commission's budget and revenue.

The Commission does not really believe the annual \$26 billion paid by customers to public utilities is not sufficient or worthy in size to warrant PUC financial audits ... right?

The auditing standards now are provided in the U.S. GAO Yellow Book. <https://www.gao.gov/assets/files.gao.gov/assets/gao-18-568g.pdf> as required by Pennsylvania Government. The Pennsylvania Public Utility Commission is funded by and is part of Pennsylvania state government.¹¹

In spite of the Pennsylvania Constitutional requirements, the Commissioners have failed to live up to their oath, which is or similar to:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity." ¹²

Surely the operations and financials are worthwhile to perform the Constitutionally, and state required financial and performance audits?

There have been violations and omission of complying with the Pennsylvania Public Utility Code Title 66 that has caused harm to Culbertson and the people of Pennsylvania.

PA Public Utility Law -- Title 66 § 308. *Bureaus and offices.*

(a) Enumeration.--There shall be established within the commission the following bureaus and functions:

¹¹ About the Pennsylvania Public Utility Commission: <https://www.puc.pa.gov/about-the-puc/>

¹² Pennsylvania Constitution Article VI § 3. Oath of office.

(1) *Law Bureau.*

(3) *Bureau of Consumer Services.*

Title 66 § 308.2. *Other bureaus, offices and positions.*

(a) *Establishment of other bureaus, offices and positions.*--*In addition to the specific bureaus in this part, the commission may establish other bureaus, offices and positions to perform the following functions:*

(These are the functions that shall be performed by the Commission. Setting up separate organizational bureaus, offices and positions is discretionary; performing the listed functions is not discretionary.)

1) Review and provide advice regarding applications, petitions, tariff filings and other matters filed with the commission.

(2) Provide advice, review exceptions and prepare orders regarding matters to be adjudicated.

(3) Conduct financial reviews, earnings analyses and other financial studies.

(4) *Conduct economic research, forecasting, energy conservation studies, cost studies and other economic studies related to public utilities.*

(5) Monitor industry markets to detect anticompetitive, discriminatory or other unlawful conduct.

(6) Insure adequate maintenance, safety and reliability of utility networks.

(7) Insure adequate service quality, efficiency and availability at just and reasonable rates.

(8) Conduct financial, management, operational and special audits.

(9) *Provide* consumer information, consumer protection and informal resolution of complaints.

(10) Insure adequate safety, insurance, fitness and other requirements relevant to transportation utilities.

(11) **Take appropriate enforcement actions, including rate proceedings,** service proceedings and application proceedings, **necessary** to **insure compliance with this title, commission regulations and orders.**

It is important to dispel the arguments and reference of *SETTLEMENTS § 5.231. Offers of settlement. (a) It is the policy of the Commission to encourage settlements.*

Authority

The provisions of this § 5.231 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 504—506, 1301 and 1501.

The authority does not reference Title 66 § 308.2. Other bureaus, offices and positions. And requirement (11) Settlement does not come before audits, enforcement, safety, consumer protections, adequate service quality, efficiency and availability at just and reasonable rates and the rest of Title 66 § 308.2. After all those requirements are adequately performed then and only then can settlements be considered. The fundamental functions of the Commission cannot be omitted or ignored.

*Title 66 § 501. General powers. b) Administrative authority and regulations. --The commission shall have general administrative power and authority to supervise and regulate all public utilities doing business within this Commonwealth. **The commission may make such regulations, not inconsistent with law,** as may be necessary or proper in the exercise of its powers or for the performance of its duties.*

*PUC regulation § 5.231. Offers of settlement., does not supersede the Public Utility Law--Title 66 § 501. General powers. b) nor Title 66 § 308.2. **Right?***

From Culbertson's observations, the highlighted requirements, the Commission is not doing or not doing well. If these requirements were viewed as a bicycle wheel most of the spokes would be missing.

Pennsylvania law -- Title 66 § 319. *Code of ethics.*

(a) *General rule.--Each commissioner and each administrative law judge shall conform to the following code of ethics for the Public Utility Commission. A commissioner and an administrative law judge **must:***

(1) *Avoid impropriety and the appearance of impropriety in all activities.*

(2) *Perform all duties **impartially** and diligently.*

(5) ***Require** staff and personnel subject to his direction to observe the standards of fidelity and diligence that apply to the commissioner and administrative law judge.*

(6) **Initiate appropriate disciplinary** measures against commission personnel for unprofessional conduct.

(7) Disqualify himself from proceedings in which his **impartiality might be reasonably questioned**.

(b) **Removal of commissioner** for violation.--Any commissioner who violates the provisions of subsection (a) shall be removed from office in the manner provided in section 302 (relating to removal of commissioner).

(c) **Removal of judge** for violation.--Any administrative law judge who violates the provisions of subsection (a) shall be removed from office...

Culbertson believes the record was shaped and calculated to reach a desired conclusion. The record shows there was never a reasonable attempt to have a reasonable, competent and reliable investigation as ordered to address the concerns of the Commission in the rate case.

Pertaining to Title 66 § 308.2. *Other bureaus, offices and positions. Function (2) Provide advice, review exceptions and prepare orders regarding matters to be adjudicated.* The Commission's order and review of exceptions is an advocacy statement and not impartial ... certainly was not consistent with the Commission's duty to enforce.¹³

Culbertson believed Administrative Law Judge Hoyer, based upon his Formal Complaint issued in May 2017, showed bias for the protection of Columbia over customers. His experience showed that and provided substantial incidences to establish that belief.

To illustrate – Exceptions to Docket F-2017-2605797 Received October 24, 2019, by the Commission.

This included an introduction:

¹³ "Title 66 § 501. General powers. (a) it shall be its duty to enforce, execute and carry out, by its regulations, orders, or otherwise" and function "Title 66 § 308.2.(a) (11) Take appropriate enforcement actions, including rate proceedings,



The Compliance Manager of Columbia Gas testified this meter was not beneath or in front of this window and Judge Hoyer made it a Finding of Fact, Number 23. (Page 7)

This is the placement of Columbia's meter in front of and below Culbertson's Home at 1608 McFarland Road in Dormont. In case of a threat of an explosion, a worker would have to stand in the potential blast path.

Culbertson does not see things the same way as Judge Hoyer and the Commission. The judge failed to enforce the Commission's own safety requirement in § 59.18.(a)(8)(i) *Meter, regulator and service line location.* (8) Meters and service regulators may not be installed in the following locations: (i) Beneath or in front of windows... The shutoff valve is not in a readily accessible location. The only known shutoff valve to the home is part of the meter assembly right in front of that window. Columbia did not install a curb valve to this property – that is also an “abnormal operations condition.”

A person that works with utility owned facilities (the meter) must be qualified of which means the worker can perform assigned covered tasks and recognize and react to abnormal operating conditions.¹⁴ Columbia's STANDARDS FOR CUSTOMER SERVICE LINES, METERS, AND SERVICE REGULATORS defines:

“Accessible, Readily – Immediate availability in case of emergency, repair, or inspection.”

The Commission is responsible for the safe condition and operations of gas utilities. The photo shows an unsafe operating condition. Why would the utility, the Commission's safety experts, the Administrative Law Judge be derelict in their duty to protect persons, property, and the environment? ¹⁵ If safety violations are condoned here,

¹⁴ Federal Pipeline Safety Regulations -- § 192.803 Definitions. Abnormal operating condition means a condition identified by the operator that may indicate a malfunction of a component or deviation from normal operations that may result in a hazard(s) to persons, property, or the environment.

¹⁵ OSHA -- Fire Protection and Prevention <https://www.osha.gov/sites/default/files/2019-03/fireprotection.pdf>
Natural law. Gas explosions require three elements ignition source (spark), fuel (natural gas) and oxygen in a confined space. The most fundamental of the fundamental of natural gas safety.

they are condoned everywhere. The explosions Columbia in Washington County¹⁶ was caused because no one knew how to shut off the gas safely. This shows favor to utilities over the safety of customers, and the public. This condition as shown in the photo, taken by Culbertson shows a violation of the Federal Pipeline Safety Act¹⁷ and the Commission's own regulations that are applicable in PUC Regulations 52 Pa. Code § 59.33. Safety. This is a key performance indicator for Columbia, the Commission's safety operation, the Administrative Law Judge and the Commission. This is not an error but deliberate wrongdoing! This issue is not about a fire exit this is about uncontrolled gas entering the house – just like in the Merrimack Valley and Washington County. This is not a close call for safety or compliance.

Where was the investigation and correction, since 2016 on this issue?

Early on in this rate case, Culbertson sent a petition to Commission to remove Judge Hoyer from this rate case, but the Commission did not act or respond to the Culbertson's petition. Judge Hoyer's impartiality was so reasonably questioned on Culbertson's exceptions his 2017 Formal Complaint that the Commission did not or could not make a disposition of his Formal complaint until December 16, 2021. That is **1683 days to disposition Culbertson's 2017 complaint**. It is not if Judge Hoyer believes he is an impartial judge. The Judge does not get to judge himself. It is from the one who watched and was subject to Judge Hoyer's partial judgement that is the real judge of Judge Hoyer's impartiality. And, Culbertson not only could have reasonably questioned Judge Hoyer's partiality, but he also questioned Judge Hoyer's partiality with cause. The legal requirement for Judges, they are required to: "*Disqualify himself from proceedings in which his impartiality might be reasonably questioned.*" The burden of action was initially on the Commission, but they took no actions and apparently silently and administratively turned the action over to Judge Hoyer. Judge Hoyer ignored and took no action on Culbertson's motion. Now since the Judge did not disqualify himself, he must be removed from office. And Culbertson is now requesting that action from the Commission. Culbertson expected Judge Hoyer to be partial in this rate case and he was.

Rate cases are to solve problems, settle up, and sometimes problems are solved with money – money awarded or taken away. PUC Function (11) ***Take appropriate enforcement actions, including rate proceedings, service proceedings and application proceedings, necessary to insure compliance with this title, commission regulations and orders.***

PUC function 11 does not permit removing enforcement actions out of rate cases – as the black box settlement requires, but to make enforcement actions part of rate cases.

An example of denial includes the provision in the Black Box Settlement by the joint petitioners,

¹⁶ <https://pittsburgh.cbslocal.com/2019/08/01/columbia-gas-claims-responsibility-north-franklin-township-explosion/>

¹⁷ Considering Columbia's parent NiSource is still on probation with a Deferred Prosecution agreement that has not expired, it is reckless for the Commission and Columbia to not address any complaints that smell of a violation of the Deferred Prosecution Agreement. <https://www.sec.gov/Archives/edgar/data/1111711/000119312520051063/d872025dex101.htm> There can be errors and inadvertent omissions but when safety violations are pointed out in a rate case, these continued violations are done knowingly and willfully.

which the Commission adopted in full “**48. The issues raised by Richard C. Culbertson, an individual complainant in this proceeding, are reserved for litigation.**”¹⁸ Reserved for litigation, not in this rate case but another PUC venue whereby the burden of proof shifts from Columbia to Culbertson. As a civil right, Culbertson has the right to be heard in the due course of law without denial in the venue of his choice.

It is outrageous that the Commission and the Joint Petitioners have tried and so far, successfully in denying Culbertson of his civil rights. Why would the Commission also agree to that?

*3. That the **Joint Petition for Settlement**, filed on September 7, 2021, by Columbia Gas of Pennsylvania, Inc., the Commission’s Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, Columbia Industrial Intervenors, Shipley Choice, LLC d/b/a Shipley Energy Company and the Retail Energy Supply Association, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Pennsylvania State University, and the Pennsylvania Weatherization Providers Task Force, is **approved in its entirety without modification.***¹⁹

Ponder and consider **42 U.S. Code § 1983 - Civil action for deprivation of rights**²⁰

“**Every person** who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, **subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws,** **shall be liable to the party injured** in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity,”

Why would every person involved in this rate case want to deprive Culbertson of his civil rights under the U.S. Constitution, e.g. The 5th Amendment and 14th Amendment.

Also, the Pennsylvania Constitution provides *Article I Declaration of Rights § 11 Courts to be open; All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered **without sale, denial or delay.*** In the context of the Pennsylvania Constitution, a “sale” includes a commission or kickback, or systemic bribe that influences injustice.

Upon a complaint, Columbia is required to perform internal investigations.²¹

¹⁸ JOINT PETITION FOR SETTLEMENT <https://www.puc.pa.gov/pcdocs/1718570.pdf> p.11

¹⁹ Order <https://www.puc.pa.gov/pcdocs/1727988.docx>

²⁰ <https://www.law.cornell.edu/uscode/text/42/1983>

²¹ 52 Pa. § 59.13. Complaints. (a) Investigations. Each public utility shall make a full and prompt investigation of complaints made to it or through the Commission by its customers. This section of the PUC’s regulations appears to be one of the

There is no indication these internal investigations ever occurred with the Commission's supervision. Those internal investigations are intended to resolve complaints before requiring PUC administrative action keep small problems small and allow for prompt corrective actions. The black box settlement is meant to short cut, ignore, or omit the required processes identified in Pennsylvania law; it violates Culbertson's basic civil rights by requiring him to go to another PUC administrative venue more favorable to the utility to be heard where the burden of proof changes from the utility to Culbertson. Granted the black box settlement is efficient but with no assurance of being effective. For internal controls, operations must be both effective and efficient, the reported results must be reliable, reasonable and just, while complying with law, regulations, standards, contracts, and PUC orders. Culbertson was compelled by civic duty to be a participant of this rate case, to provide balance and the perspective of a rate payer/ customer/ asset management expert/ long term resident, taxpayer, and voter of Pennsylvania and to bring forth identified weakness, deficiencies, and wrongs to the Commission to be recognized and fixed. Also, to seek justice, resist injustice and to make public utilities and the Public Utility Commission better.

Let us step back and consider what we are trying to do in this rate case – the Commission, part of state government, public utilities and customers and interested parties, including Culbertson are in an enforceable agreement. Each entity has rights or entitlements, and obligations in the agreement. There is a lot of this for this for that. Each entity must protect itself at all times. The tendency in some organizations is to overcharge others and shortchange others, while not being shortchanged or over charged. The Commission also has a big role as defined in laws and regulations. For the overall arrangement to work, each entity must fulfill its duty and obligations. If customers or interested parties believe customers are being shortchanged or abused, the rate case is the place to go. If the utility needs more money to enable necessary, work; the rate case is the place to go. The Commission must at all times assure that customers are not being short changed or abused by the utility – they can not be sleeping on the job or shirking their responsibilities or duties. The Commission must

original PUC regulations – prior to 1986. In 2002 the Sarbanes Oxley was passed and addressed complaints – this included whistleblowing complaints. 805(a)(5) of the Sarbanes-Oxley Act of 2002, Public Law 107–204, In response, the U.S. Commission wrote CHAPTER EIGHT - SENTENCING OF ORGANIZATIONS. <https://www.ussc.gov/guidelines/2018-guidelines-manual/2018-chapter-8> This requires organizations to have an effective compliance and ethics program per §8B2.1. Effective Compliance and Ethics Program. Culbertson's complaints should have been administered through the NiSource Compliance and Ethics program. In early 2017 Culbertson tried to use that system, but it did not work, instead Columbia wanting to fix, they wanted PUC litigation. A PUC investigation should review the resolutions as required by the Commission and Sarbanes Oxley. This would have promoted self-correction over forced correction within a rate case. A supervisors should know about this Sarbanes-Oxley requirement and Columbia as part of a publicly traded corporation should know about these requirements too. This was a missed opportunity to expose and self-correct wrongdoing. Culbertson's complaints could and should have gone away from the outset. A corporation's compliance and ethics programs eventually go to the Board of Directors, and they have a legal and fiduciary obligation to fix wrongdoing.

continually seek to be omnipresent and omniscient and exercise good impartial judgement without directly benefiting themselves. The utility – the one obligated to do the work or provide the service tend to take the position – I want the money in the amount I want, but I want to be left alone with no one telling me what to do or looking at me. Ultimately what makes this work is the paying customer. In rate cases, it is rare that individual customers speak up at public input hearings. Dissatisfied customers or customers that can not afford high rates just stop paying, of which harms other customers.

This rate case is a performance appraisal of the utility, at the same time it is performance appraisal of the Commission and customers.

To make the public utility system work the three entities must properly manage their assets (as defined in international standard ISO 55000 Asset Management)²² things that may have value – resources, tangible, intangible, on book/off book, owned and not owned, risks, obligations, reputation, integrity, safety, knowhow...

A rate case is about periodically settling up. For the utility, the one who provides the service it is intended to be form of judgement day and account for their service. For the Commission it can also a form of judgement day. The Commission, as the supervisor of the utility, must adequately supervise and grade the utility to protect customers? Customers should speak up and be a complainant when they see weakness or deficiencies in the operations of either the utility or the Commission. Granted neither utility nor the PUC want to be evaluated by customers.

The Commission, however, is in conflict of interest – it is a watcher, doer and judge of its own work and the utility's. And, when the Commission has not done its work as a diligent supervisor, the Commission wants their work and the work of the utility, without looking internally and at the utility, to eventually, in an Order, call their own work and the utility's work good and requiring customers to pay for questionable service value. That is what is happening in this rate case.

The Culbertson Formal Complaint, as a customer and interested party was intended to fix observed weakness and deficiencies in the performance of the utility and the Commission.

The Commonwealth of Pennsylvania has given the Public Utility Commission enormous power, authority and responsibility over utilities and their own work. A tremendous trust has been granted to the Commission in decision making. That includes the trust that the Commission will make impartial judgement of its own work and the work of utilities. It also includes trust that judgements will recognize prior mistakes, even when that may be an embarrassment to the Commission. The Commission should not be an advocate and partial to its own prior poor decisions and the work of its

²² <https://www.iso.org/obp/ui/#iso:std:iso:55000:ed-1:v2:en> “Asset -- item, thing or entity that has potential or actual value to an organization’ The work of public utilities and the Commission is all about asset management.

employees – poor decisions and incomplete work must be recognized and corrected.

That is what we are dealing with here.

The Order in this rate case is a self-advocacy document. The Customer – Culbertson is odd man out!

This rate case order is very destructive to the Commission, utilities and customers. It is a dissertation of the tone at the top that the Commission will regret. It provides the wrong messages to all concerned. The Commission is influenced more by utilities than by customers. The Commission, with its order is affirmative action to ignore or defer known mistakes and omissions of this public utility.

This rate case shows the way for other utilities to achieve high rate increases with the process, standard of work, cost accounting, the treatment of customer complaints and eventually have a black box settlement. If Columbia, can get away this technique, others will try as well.

One thing that appears to be out of the box for the black box settlement, is prosecutorial immunity if wrongdoing is found in the future for past wrongdoing. That would cover up wrongs of both the utility and the Commission. Again this does not pass the smell test for what supposed to be trusted entities.

Does the Commission want all future customers complaints to be treated in the manner as Culbertson? It is a way to guarantee the chilling effect.

As a first time pro se complaint, much more time has to be taken to get up to any speed at all to provide value to the process. This not the arena for the beginner. And there is no help or advice from any of the lawyers. The biggest asset for the beginner is reading and comprehending what is going on. If a study were taken there are probably very few serious pro se litigants – justice favors the represented. **The Complaint process is highly ineffective and inefficient in preventing, discovering and correcting wrongdoing and must be fixed. Culbertson request the Commission to reconsider this rate case but also the processes in rate cases and other complaints.**

On July 23, 2021, Deputy Chief Administrative Law Judge issued his FOURTH INTERIM ORDER CONSOLIDATING FORMAL COMPLAINTS AT DOCKET NO. R-2021-3024296 FOR HEARING AND DISPOSITION

Formal complaints were filed by the Office of Consumer Advocate (OCA) at Docket No. C-2021-3025078 on April 6, 2021, the Office of Small Business Advocate (OSBA) on April 15, 2021, Columbia Industrial Intervenors (CII) at Docket No. C-2021-3025600 on April 29, 2021, the Pennsylvania State University (PSU) at Docket No. C-2021-3025775 on May 7, 2021, Richard C. Culbertson at Docket No. C-2021-3026054 on May 25, 2021, and Ronald Lamb at Docket No. C-2021-3027217 on July 12, 2021.

THEREFORE,

IT IS ORDERED:

1. *That the following formal complaints **are hereby consolidated** at Docket No. R-2021-3024296 for evidentiary hearings on August 3-5, 2021, **and disposition:** the Office of Consumer Advocate at Docket No. C-2021-3025078, the Office of Small Business Advocate filed on April 15, 2021, Columbia Industrial Intervenors at Docket No. C-2021-3025600, the Pennsylvania State University at Docket No. C-2021-3025775, Richard C. Culbertson at Docket No. C-2021-3026054, and Ronald Lamb at Docket No. C-2021-3027217.*

That sounds like those who were complainants, three Pennsylvania Government entities and three non-government entities are now joined – “*all for one and one for all.*”

There is reasonable suspicion the following occurred: Columbia Gas now comes to breach the bond, apparently, they did not like the numbers and all the participants, so they started their own group, counter to the Judge’s order and called themselves the Joint Petitioners unbeknownst to Culbertson and Lamb, they had been excluded. For good measure, Columbia added another Government employee and some interveners. Columbia apparently came in the Joint Petitions and ... do we have a deal for you. Why investigate when we can save ourselves the trouble of investigating and arguing all summer, we can come out with black box agreement pact –it has been done before with Judge Hoyer. We will not say bad thing about one another, we can make up some numbers and we are good. We have to present the deal as “take it all or nothing” – otherwise the Commission will miss their scheduled date completion.

But we have to get rid of Culbertson.

The actual ***Joint Petition for Settlement***

48. The issues raised by Richard C. Culbertson, an individual complainant in this proceeding, are reserved for litigation.

*52. This **Settlement is conditioned** upon the Commission's approval of the terms and conditions contained herein **without modification.***

53. The Joint Petitioners acknowledge and agree that this Settlement, if approved, shall have the same force and effect as if the Joint Petitioners had fully litigated these proceedings resulting in the establishment of rates that are Commission-made, just and reasonable rates.

If something like this occurred – this sounds like a conspiracy to defraud rate payers and deprive Culbertson of his civil rights. The Joint Petition For Settlement a signed confession.

The joint settlement agreement and the joint petitioners ignored Judge Hoyer’s FOURTH INTERIM ORDER CONSOLIDATING FORMAL COMPLAINTS AT DOCKET NO. R-2021-3024296 FOR HEARING AND DISPOSITION of the consolidated Formal Complaints.

The Joint Settlement Agreement as a condition, did not dissolve, nor did Judge Hoyer rescind the FOURTH INTERIM ORDER CONSOLIDATING FORMAL COMPLAINTS AT DOCKET NO. R-2021-3024296

FOR HEARING AND DISPOSITION.

Therefore the Joint Petition for [black box] Settlement is nullified as it does not recognize the Judge's Fourth Interim Order and consolidated Complaints of the Consolidated Docket. The Judge's Recommendation is also nullified because the judge did not enforce his own order, the requirement in law (11) Take appropriate enforcement actions, including rate proceedings, service proceedings and application proceedings, necessary to insure compliance with this title, commission regulations and orders.

The Commission should reconsider its order. Spend the time to do it right based upon the overall responsibilities of the Commission and honestly in the best interest of customers and the public. Simply put – the Commission may have followed a traditional approach to arriving at rate cases, but that is not the approach established in law and regulations.

Culbertson's Complaint is detailed – 60 pages. The issues are many because there are many issues that have not been audited, investigated and corrected over the years. The Culbertson complaint should have been viewed as an opportunity to get partially caught up for the neglected past requirements.

Justice by PUC litigation has failed, the order shows that, and the records show that. Culbertson had ~213 interrogatories of that only ~20 was answered pertaining to his detailed complainant. Generally Columbia would object, Culbertson would request the judge to compel, the Judge would deny, Culbertson would request reconsideration and that too would be denied. Then at the conclusion, it would be proclaimed Culbertson did not prove his case because of no evidence.

The proceedings process is important to review because it showed how judge consistently supported Columbia. What Columbia wanted ... is what Columbia got.

This is what should have happened in the Culbertson complaint. Further litigation is not the solution as we see how prompt the Commission processed Culbertson's 2017 Formal Complaint.

From the Commission's Order to dismiss Culbertson's Formal Complaint, let us count the cost/ harm, and delays of not fixing problems:

Itemized general and specific complaints, starting on page 19 of the Culbertson Formal Complaint:

From the format provided in 66Pa.C.S. 701. Multiple issues that needed to be addressed were not addressed: actual legitimate cost, accelerated cost, internal control, audits, capital cost, Columbia's Plumbers Guide, safety, PUC omissions...

III. LEGAL STANDARDS

1. Under the Pennsylvania *Public Utility Code* at 66 Pa. C.S. Section 501(a) a) *Enforcement of provisions of part --In addition to any powers expressly enumerated in this part, the commission shall have full power and authority, and it shall be its duty to enforce, execute and carry out, by its regulations, orders, or otherwise, all and singular, the provisions of this part, and the full intent thereof; and shall have the power to rescind or modify any such regulations or orders.*
2. Under the Pennsylvania *Public Utility Code* at 66 Pa. C.S. Section 703(g), a party has a right to seek relief from a Commission final decision.

IV. RECONSIDERATION IS WARRANTED

1. The Order of this rate case is highly suspicious and smells of injustice and wrongdoing. Rate payers are continuing to be harmed.
2. The Order of May 6, 2021, was ignored – there was no credible investigation as the term is understood by the public.
3. There appears to be undue influence in the decision making
4. The Commission takes a commission, systemic bribe or kickback as an incentive to raise rates. That tilts the scales to the benefit of the utility in rate cases ... impartiality is sacrificed, and orders are reasonably biased in favor of rate increases. This is counter the Pennsylvania Constitution *Article I Declaration of Rights § 11* people “*shall have remedy by due course of law, and right and justice administered without sale, denial or delay. These promises and rights need to be kept.*

The significance of this chart must not be overlooked.

On August 25, 2021,²³ the PUC issued a report that was required by law that was due April 15, 2021.

<p>Pennsylvania Gas Utility Peer Group</p> <p>This group excludes the government-run</p>	<p>Residential Heating Monthly Distribution Charge (pipes to the</p>
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²³ <https://www.puc.pa.gov/media/1609/rate-comparison-report-2021.pdf>

Philadelphia gas company and a smaller Peoples company the serves a rural area.	property line or delivery point)
Columbia Gas of Pennsylvania Proposed	\$115.37/
Columbia Gas of Pennsylvania Granted (P.29)	\$109.10
National Fuel Gas Distribution Co. (P. 35)	\$43.80
PECO Energy Co. (P. 37)	\$56.80
Peoples Natural Gas Co. (P. 39)	\$59.41
UGI Utilities (P. 46)	\$59.20
Raw Average	\$54.80

Columbia by far is the most favored by the Pennsylvania Public Utility Commission

The Administrative Law Judge failed to disqualify himself from proceedings in which his impartiality was reasonably questioned. The recommendation of biased judge is unreliable and does not serve justice. The Administrative Law Judge had a duty to disqualify himself it was not the duty for the Commission to protect the integrity of the Judge. The Judge must protect himself even when he believes himself to be a fair judge. If someone might reasonably question his impartiality the Judge must disqualify himself – he did not so he must go.

VI. REQUESTED RELIEF

1. Rescind the December 16, 2021, Order because the Administrative Law Judge and some others ignored and disobeyed the Commission's Order of May 6, 2021, to perform honest investigations to determine if the *“Investigation and analysis of the proposed tariff filing, and the supporting data indicate that the proposed changes in rates, rules, and regulations may be unlawful, unjust, unreasonable, and contrary to the public interest. It also appears that consideration should be given to the reasonableness of the Columbia Gas of Pennsylvania, Inc.’s existing rates, rules, and regulations...was reasonably founded and true. The Order represents a broken promise made to rate payers on May 6, 2021.”*²⁴
2. The Pennsylvania Public Utility Commission Rate Comparison Report must be published on time with a press release. This report was not released in a timely manner and was not released adequately

²⁴ PUC to Investigate Rate Increase Request by Columbia Gas <https://www.puc.pa.gov/press-release/2021/puc-to-investigate-rate-increase-request-by-columbia-gas>

to the public even though the law requiring the report implies that its purpose is to inform consumers. *Title 66 § 308.1. Consumer protection and information. (b) Rate comparison report.--Annually, by April 15, the commission shall submit a report...* The lack of this timely report caused substantial damage to the investigation and decision making in this rate case.

3. If past rate increases have not been reasonably founded and there is not sufficient evidence to warrant a rate increase, the Ordered rate increase shall be rescinded, and revenue clawed back.
4. Black box settlements must be found and considered to be illegal and inappropriate in rate cases. Settlements are appropriate so long they are being done in good faith and transparently rationalized. Regardless of the former praise of settlements. Settlements are not appropriate when handling large sums of other people's money. *Title 66 § 501. General powers. (a) it shall be its duty to enforce, execute and carry out, by its regulations, orders, or otherwise" and function "Title 66 § 308.2.(a) (11) Take appropriate enforcement actions, including rate proceedings,* Ignoring the Commission's enforcement duty is not an option. Investigations must follow the facts. *Just the facts...* No backroom deals outside of the public's eye when counting money that is taken from customers.
5. The Commission has admitted²⁵, it takes in essence, a commission, systemic bribe or kickback when it raises rates. An independent impartial, competent prosecutorial investigation outside of the Commission must be ordered to determine to what extent this has occurred. When did it start, who approved it and how much revenue has been tainted with such incentives to raise rates? When there is not proof from the utility that a rate increase is warranted ... the only thing left is the Commission's incentive to raise rates. The commission must get out of this conflict of interest – actual or in appearance.
6. The Commission must follow the guidelines provide in the U.S. Sentencing Guideline Chapter 8.²⁶ Prompt investigations, admissions and corrections benefit organizations. This is necessary to minimize harm to this public institution.
7. Come clean to interested authorities that the Commission has not conducted financial and performance audits as required by the Pennsylvania Constitution "ARTICLE VIII TAXATION AND FINANCE § 10.

²⁵ About the Commission <https://www.puc.pa.gov/pdocs/1702741.doc>

²⁶ United States Sentencing Commission Chapter 8 Sentencing Organizations <https://www.ussc.gov/guidelines/2018-guidelines-manual/2018-chapter-8>

8. Follow the applicable requirements of 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards²⁷
9. Order an independent investigation, performance and financial audits in the conduct of this rate case. This must be performed by external investigators and auditors. Fix any identified weaknesses and deficiencies. Consider recommendations.
10. The Commission and the Columbia must adopt applicable parts, establish a plan, adopt and comply with the GAO Yellow Book and Green Book immediately.
11. Investigate the behavior of Judge Hoyer in this rate case. Identify any unwarranted harm.

In that Judge Hoyer did not disqualify himself in this rate case, he must be removed from office. He was required to “*Disqualify himself from proceedings in which his impartiality might be reasonably questioned*.” He did not comply with the law.

12. Review and update the Commission’s civil procedure to be in line with the Pennsylvania Civil procedure, particularly in the area of proportionally and prohibit obsolete objections based upon rescinded portions of the of the U.S. Civil Procedure that were made in 2015. Interrogatories must be answered in good faith.
13. Reinvent the way customer and interested parties submit complaints – it takes too long, is unreliable, administratively inefficient and ineffective, deficiencies are not getting reported and getting fixed. The Culbertson complaints should have been addressed long ago through seeking effective internal controls by competent internal and external audits and self-corrections. Unfortunately, the knowledge and skillsets of the existing auditors may not realize how bad things are. It is necessary to bring in some very good consultants to do a base line assessment to identify the operational weaknesses.
14. Establish or seek expansion of the Commission’s police powers. If a utility breaks the law, such as unlawfully taking private property, the victim should be able to call the PUC police and have the action stopped and the utility issued a citation. The PUC police should be empowered to issue citations upon the Commission or employees of the Commission.

²⁷ <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>

15. Prohibit the accelerated replacement of a utility's facilities unless the utility charges the cost to an account below the line (unallowable account). Accelerated replacement are unallowable for cost recovery purposes.
16. Enforce the Commission's regulation on the abandonment of service lines § 59.36. *Abandonment of inactive service lines*. Modify the regulation to reinforce that the regulation does not apply to customer's service lines as defined in 66 Pa.C.S. § 101. Correct the erroneous portions of the of the regulation. *A public utility shall have a plan for abandoning inactive service lines under 49 CFR 192.727 (relating to abandonment or inactivation of facilities) as of May 1, 1986.* 49 CFR 192.727 does not require a plan but compliance applicable to service lines. A customer's service line is not part of a pipeline facilities. Culbertson will draft suggested changes to the regulation upon the Commission's request. After all these years, there is still confusion and non-compliance in this area. This confusion has also unreasonably caused unnecessary and unreasonable cost.
17. Investigate the extent of unreasonable cost by not complying with § 59.36. *Abandonment of inactive service lines* and declare such cost unallowable and require appropriate adjustments to rates.
18. Any identified alleged improper abandonment of customer's service lines where the property owner may have been illegally harmed must be identified and referred to the Pennsylvania Attorney General's Office for prosecution and appropriate restitution under the Pennsylvania's Consumer Protection laws. Here it is important for Commission to enforce its own regulation and when doing so finds alleged illegal activity beyond the Commission's jurisdiction, it must be referred to proper authorities for prosecution and restitution. This part of the Commission's role in protecting consumers.
19. The Commission must establish an ethics and compliance program so that employees, customers and others may be a whistleblower for suspected wrongdoing and have a path to fix internally.
20. The Commission must establish a regulation regarding utility ethics and compliance programs so that customer or other complaints can go through these programs first before or concurrently filing a complaint with the Commission. The infrastructure required by the Sarbanes Oxley law should incorporate and use the same process that is used internally, but with no interference from management or the corporate legal department that includes a path of reporting and correction directly to the Corporate Board of Director's Audit Committee. This would also comply with the

requirement under internal controls to have safeguards that prevent and detect wrongdoing and waste, fraud, abuse and mismanagement. The Commission must have full access to the ethics and compliance program of the public utility and their Board of Director's Audit Committee.

21. The Commission must wipe out the culture that provide the belief among some utility employees that the Commission is the protector of public utilities, and they can abuse customers at will.
22. The Commission must act upon with its enforcement authority any possible significant information of unsafe conditions or inappropriate behavior on the part of a utility, e.g. public input hearings, newspaper articles, and hearsay. The Commission must not be willfully ignorant or condone an offense that may negatively impact the public or the reputation of the Commission.
23. Establish specific responsibility, authority accountability for each function identified in Title 66 § 308.2., delegations shall be at the lowest responsible level.
24. Review the conditions of Mr. Michael Joseph Hicks Sr. of Uniontown and his customer's service line per his sworn testimony. If Columbia abandoned his customer's service line counter to that required by the Commission regulations § 59.36. *Abandonment of inactive service lines*, Columbia must restore or replace his customer's service line. The Commission must also refer the situation to the Pennsylvania Attorney General for actions of Columbia that were counter to the Pennsylvania Consumer Protection law and request the Attorney General to seek full justice for the suffering Mr. Hicks over the years.
25. Review the conditions of Ronald Lamb, Complainant – The Commission and Columbia must send out empowered representatives jointly to his home and offer and provide assistance as available. *"The Commission and Columbia has heard your Formal Complaint and we are here to help."*
26. Highly consider reorganization of the Commission from top to bottom. What happened in this rate case must never happen again!
27. The Commission must issue a heartfelt apology to the public, Pennsylvania Government, customers and Culbertson for inappropriate actions taken and not taken and commitment to do better.

VII. CONCLUSION

17. Culbertson respectfully requests that the Commission grant this Petition for Reconsideration to restore the integrity of Commission and its oversight of public utilities. Root causes of weakness and deficiencies must be identified and corrected.

Pennsylvania needs a Public Utility Commission that works better. It will never work better unless the Commission adopts more efficient, effective business practices. From what I have experienced management systems are about 30 years behind. The Commission had a chance to have continuous operating improvement and stay abreast of requirements – but that opportunity was lost when the Commission sidestepped the Constitutional requirement to have annual generally accepted audit standards. It missed another opportunity in 2016 with the introduction of 2 CFR 200 regarding grants.

The success of Commission and public utilities is contingent upon adopting the internal control framework – it is about the tone at the top rather than what individuals and organizations believe they can get away with.

Being a Commissioner is one of the toughest jobs in government – no one is prepared to do it well. But it can be done well with a much different approach.

Running the PUC and public utilities is all about problem solving. The Rate Case and the Formal Complaint process is the worst, most inefficient and expensive way to solve problems – lots of motion but no progress. There is no attempt to arrive at meaning full consensus the helps customers.

The best way to start is probably like the twelve-step process is admission thing are not right – then work to redemption.

It seems like the Commission and public utilities – no one listens and when there is set aside time to listen either people are ignored, or their testimony is hidden not to be found again. The public meetings of the Commission are not public meetings – there is a rush through the agenda with no opportunity for public comment. The Commission has nothing better to do than to listen to the wants and needs of the public.

There needs to be a real commitment to serve the public better ... it starts here with reconsideration of this rate case. Columbia spending on unnecessary accelerated pipeline replacement must stop. It started with approved misconceptions of needs and requirements and now the cost is unaffordable and will get much

worse unless this is stopped.

Richard C. Culbertson stands ready to assist to some extent if requested.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'R.C. Culbertson', with a stylized, sweeping flourish at the end.

Richard C. Culbertson, pro se

1430 Bower Hill Road

Pittsburgh, PA 15243

Richard.C.Culbertson@gmail.com

609-410-0108

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission
Formal Complaint Docket No. F-2017-2605797

:
:

I hereby certify that I have this day served a true copy of Request For Reconsideration of Formal Complaint F-2017-2605797 to the Commission This Certificate of Service is 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 14th day of January 14, 2022.

SERVICE BY E-MAIL ONLY

Erika L. McLain, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17109-1923

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

Amy E. Hirakis, Esquire
NiSource Corporate Services Co.
800 North Third Street
Suite 204
Harrisburg, PA 17102

Theodore J. Gallagher, Esquire
Columbia Gas of Pennsylvania, Inc.
121 Champion Way
Suite 100
Canonsburg, PA 15317

John W. Sweet, Esquire
Ria M. Pereira, Esquire
PA Utility Law Project
118 Locust Street
Harrisburg, PA 17101

Joseph L. Vullo, Esquire
PA Weatherization Providers Task Force, Inc.
Wyoming Avenue
Forty Fort, PA 18704

Todd S. Stewart, Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101

Charis Mincavage, Esquire
Kenneth R. Stark, Esquire
McNees Wallace & Nurick LLC
100 Pine Street

Thomas J. Sniscak, Esquire
Whitney E. Snyder, Esquire
Bryce R. Beard, Esquire
Hawke McKeon & Sniscak, LLP

P.O. Box 1166
Harrisburg, PA 17108-1166

Richard C. Culbertson
1430 Bower Hill Road
Pittsburgh, PA 15243
609-410-0108
Richard.c.culbertson@gmail.com

100 North Tenth Street
Harrisburg, PA 17101

Ronald Lamb
221 Radcliffe St.
Pittsburgh, PA 15204
quraiskyzz@gmail.com

Harrison W. Breitman
Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

Laura J. Antinucci
Assistant Consumer Advocate
PA Attorney I.D. # 327217
E-Mail: LAntinucci@paoca.org

Darryl A. Lawrence
Senior Assistant Consumer Advocate
Attorney I.D. # 93682
E-Mail: DLawrence@paoca.org

Barrett C. Sheridan
Assistant Consumer Advocate
PA Attorney I.D. # 61138
E-Mail: BSheridan@paoca.org

Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAappleby@paoca.org

Counsel for:
Office of Consumer Advocate PA
555 Walnut Street
5th Floor, Forum Place Harrisburg,
PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

Office of Special Assistants (OSA) at
ra-OSA@pa.gov.



Richard C. Culbertson

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