

ROSEMARY CHIAVETTA SECRETARY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSSTONE BUILDING  
400 NORTH STREET  
HARRISBURG, PA 17120

LAWRENCE N. TELESNACK  
P.O. BOX 212  
WEARE, NH 03281  
603-529-1596  
JULY 19 2022

COMPLAINT DOCKET NO. C-2022-3032B38

DEAR MS CHIAVETTA:

I HAVE NOT RECEIVED ANY CORRESPONDENCE  
ON MY COMPLAINT AS OF JULY 16 2022.

I WENT DOWN THE INFORMAL COMPLAINT TELEPHONE CHAIN  
UNTIL I OBTAINED MS KALI McQUIRE'S PHONE  
NUMBER 717-787-3490.

ON JULY 13 2022 I CONTACTED MS McQUIRE  
ABOUT THE STATUS OF MY COMPLAINT FROM THE OFFICE  
OF MY LAWYER IN NEW HAMPSHIRE. MS McQUIRE  
EMAILED MY LAWYER THE ATTACHED EXHIBIT 1.  
I AM NOW RESPONDING TO THE TWO POINTS OF  
SAID LETTER.

DATE OF DEPOSIT

JUL 20 2022

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

A. LACK OF COMMISSION JURISDICTION (EXHIBIT 1A)

COLOMBIA GAS IS RESPONSIBLE FOR MAINTAINING THE EXISTING RIGHT OF WAY.

I QUOTE "PIPLINE IN ITS CURRENT LOCATION IS NOT FEASIBLE BY REASON OF CONSTRUCTABILITY AND EROSION CONCERNS."  
(EXHIBIT 1C)

THE GAS COMPANIES OF 1930's / 1940's / 1950's / 1960's  
1970's / 1980's / 1990's / 2000's  
AND 2010's WERE ABLE  
TO MAINTAIN THE CURRENT RIGHT OF WAY,  
MAINTAIN THE PIPELINE AND / REPLACE THE PIPELINE.  
COLOMBIA GAS OF 2020'S IS UNABLE TO DO THIS.  
AND CURRENT EROSION OF THE RIGHT A WAY  
DEMANDS IMMEDIATE REPAIR.

8. COMPLAINTS DOES NOT HAVE RIGHT TO DEMAND  
AN INDEPENDENT REVIEW OF COLUMBIA'S PROPOSED  
RENEWAL AND/OR RELOCATION OF THE PIPELINE.  
(EXHIBIT 1B)

I ASKED FOR AN INDEPENDENT REVIEW OF THE  
EXISTING CURRENT PIPELINE ON MY PROPERTY  
RIGHT OF WAY, ONLY.

THE GAS COMPANIES OF 1930'S / 1940'S / 1950'S / 1960'S  
1970'S / 1980'S / 1990'S / 2000'S  
AND 2010'S WERE ABLE  
TO REPLACE THE EXISTING PIPELINE.

COLUMBIA GAS OF 2020'S DOES NOT HAVE  
THE CONSTRUCTABILITY FOR THIS TASK.

COLUMBIA GAS WEB PAGE STATES AND I QUOTE  
"THE US DEPARTMENT OF TRANSPORTATION'S  
PIPELINE AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION REGULATES THE SAFETY OF  
OUR INDUSTRY" (EXHIBIT 2A)

THIS WOULD BE THE AGENCY TO PROBABLY  
AND SAFELY INSTRUCT COLUMBIA GAS ON THE  
CONSTRUCTABILITY STEPS ~~FOR~~ TO SAFELY REPLACE  
THE PIPELINE IN THE EXISTING CURRENT  
RIGHT OF WAY UTILIZING THE  
DOT FINAL REPORT ON PIPELINE CORROSION.

FINALLY I WISH TO THANK YOU FOR RECEIVING  
MY FORMAL COMPLAINT. THIS ALLOWS A PUBLIC  
RECORD OF MY CONCERNS FOR WHATEVER TRANSPARES  
FROM THIS MATTER.

LAWRENCE N TELESIAN

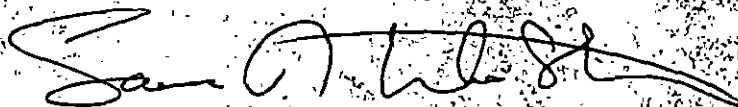


EXHIBIT 1

LARRY R. CRAYNE, PC  
Attorney at Law

238 Johnston Road  
Pittsburgh, PA 15241

[lrcrayne@comcast.net](mailto:lrcrayne@comcast.net)

(412) 831-5462  
(412) 425-4029

June 28, 2022


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

Re: Lawrence Teleshak v. Columbia Gas of Pennsylvania, Inc.  
Complaint Docket No. C-2022-3032838

Dear Ms. Chiavetta:

Enclosed is an electronically filed copy of the Preliminary Objections of Columbia Gas of Pennsylvania, Inc. to the above-captioned Formal Complaint. A copy of the document has been served on the Complainant.

Sincerely,

  
Larry R. Crayne

Enclosure

cc: Lawrence Teleshak  
P.O. Box 212  
Weare, NH 03281

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

Lawrence Teleshak,  
Complainant.

Complaint Docket  
No. C-2022-3032838

VS.

Columbia Gas of Pennsylvania, Inc.,  
Respondent.

Preliminary Objections

AND NOW comes Respondent, Columbia Gas of Pennsylvania, Inc. (Columbia), pursuant to 52 Pa. Code, Section 5.101 (a) (1), and files the following Preliminary Objections:

EXHIBIT 1A

→ A. Lack of Commission Jurisdiction

EXHIBIT 1C

→

1. Columbia has proposed to relocate a natural gas pipeline (the "Pipeline") on Complainant's properties located in Crescent Township, Allegheny County, Pennsylvania ("the Properties"). Columbia avers that the relocation of the Pipeline is necessary by reason of the age and corrosion of the existing Pipeline. [Columbia further avers that renewal of the existing Pipeline in its current location is not feasible by reason of constructability and erosion concerns.]

2. Negotiations have occurred between Complainant and Columbia for the possible relocation of the existing Pipeline and for the purchase of a new right-of-way across the Properties, and those negotiations are ongoing. Columbia has made a reasonable offer to purchase the Properties in fee from Complainant. However, Columbia's offer has been refused by Complainant. Complainant has indicated an intent to have an independent appraisal of the Properties. Therefore, Complainant's plan for an independent appraisal makes it plain that this is a matter of private negotiations between Complainant and Columbia for the purchase of the Properties.

3. The Complaint in this proceeding requests the Public Utility Commission (the "Commission") to mediate what amounts to a matter of property law between Complainant and Columbia regarding the location of the new Pipeline to be constructed and/or renewed on Complainant's Properties. This is a clearly a matter for civil court.

4. Other cases have clearly stated that the Commission does not have the statutory jurisdiction to adjudicate and determine the responsibility of Columbia to Complainant by reason of the work necessary to be performed to replace and/or possibly relocate the Pipeline. See, *Jo Ann Nelson/Mary Snezak v. Columbia Gas of Pennsylvania, Inc.*, Case No. 20028763, Order

entered April 21, 2003 and *Lou Amati/Amati's Service Station v. West Penn Power Company*, Case No. C-00945842. Also see, *Boezur v. PPL Electric Utilities Corp.*, Case No. C-20016332, Order entered February 10, 2003, which concludes: "...the question of whether utility facilities are located on private property pursuant to valid easements or rights-of-way is a substantive property rights issue which is within the exclusive jurisdiction of the courts." Further, if the Commission should conclude that Columbia was responsible for damage to Complainant's property, the Commission does not have the power to grant monetary damages to Complainant. See, *Feingold v. Bell of PA.*, 777 Pa. 1; 282 A.2d 1191 (1977).

EXHIBIT 1 B →

**B. Complainant does not have Right to Demand an Independent Review of Columbia's Proposed Renewal and/or Relocation of the Pipeline.**

5. Regarding Complainant's demand for an "independent review" of Columbia's plan to renew and/or relocate the Pipeline, Columbia avers that Complainant has been advised that any renewal or relocation of the Pipeline will be in strict compliance with applicable Federal and State pipeline construction and/or renewal standards. Therefore, Columbia avers that any advance review of Columbia's plans for renewal and/or relocation of the Pipeline would be in violation of Columbia's right to manage the construction or renewal of the Pipeline.

6. The Public Utility Commission is not a super board of directors for the public utility companies of the State and it has no right of management of them. *Northern Pa. Power Co., et al. v. Pa. PUC*, 333 Pa. 265. The Commission is not the financial manager of the utility and is not a super board of directors for a public utility. The sole power of the Commission is to see that in the matter of rates, service and facilities their treatment of the public is fair. *Meyers v. Pa. Super.* 431. Consequently, Complainant cannot lawfully demand a preemptive review of Columbia's plans to renew and/or relocate the existing Pipeline on Complainant's property.

7. The Commission is a creature of statute and may exercise only those powers that are expressly conferred upon it by the legislature. *Tod and Lisa Shedlosky v. Pennsylvania Electric Company*, Docket No. C-20066937 (Order entered May 28, 2008; *Feingold v. Bell of Pennsylvania*, 383 A.2d 791 (Pa.1978). The Commission is not the proper forum to resolve property right controversies, rather that is a matter for a court of general jurisdiction. See, *Anne E. Perrige v. Metropolitan Edison Co.*, Docket No. C-00004110 (Order entered July 3, 2003). See also, *Fiorillo v. PECO Energy Co.*, Docket No. C-00971088 (Order entered September 15, 1999) (citing *Lou Amati/Amati Service Station v West Penn Power Co. and Bell Atlantic Pennsylvania, Inc.*, Docket No. C-00945942 (Order entered October 25, 1995) where the Commission stated that real property issues, such as trespass and whether or not utility facilities are located pursuant to valid easements or rights-of-way, are within the exclusive jurisdiction of the courts of common pleas of the Commonwealth.

8. Complainant's demand for an independent review of Columbia's decisions regarding the renewal and/or relocation of the Pipeline would be preemptive of the right of the management of Columbia to make appropriate decisions regarding the manner in which Columbia provides natural gas service to the public, is not proper under applicable law and is beyond the authority of the Commission. The sole power of the Commission is to see that in the

matter of rates, service and facilities their treatment of the public is fair and can only intervene after the fact to enforce reasonable rates and for accommodation and necessity.

9. Columbia has had extensive discussions with Complainant beginning in December 2021 regarding the need to replace a section of the Pipeline off of Riverview Road in Crescent, PA. with the construction to begin in the summer of 2022. Complainant has responded with both an alternative location for the Pipeline across his property and a desire to obtain an independent appraisal of the value of the Properties. Consequently, Complainant's intent makes it clear that this controversy is a matter for civil court either for a determination of damages or for a determination of the proper exercise of Columbia's power of eminent domain.

**Wherefore**, Columbia moves that this Complaint be dismissed for the reason that this matter involves a determination of the rights and responsibilities between Complainant and Columbia regarding the renewal and/or the possible relocation of the Pipeline on Complainant's Properties, a matter which should be adjudicated in a civil court which has the power to decide the substantive property rights and responsibilities of the parties and award damages if appropriate.

### Notice to Plead

To: Lawrence Teleshak;

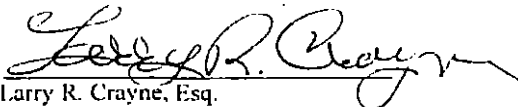
You are hereby notified to file a written response to the above Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you. The response must be mailed to the Secretary of the Public Utility Commission:

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

A copy of your response must also be mailed to the undersigned.

Larry R. Crayne, PC  
Attorney at Law  
238 Johnston Road  
Pittsburgh, PA 15241

Respectfully submitted,  
Columbia Gas of Pennsylvania, Inc.

By:   
Larry R. Crayne, Esq.

## VERIFICATION

I, Nicole M. Paloney, hereby state that the facts set forth above are true and correct (or 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 made herein are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities).

Date

6-28-2022

Nicole M. Paloney  
Nicole M. Paloney  
Director, Rates & Regulatory Affairs  
Columbia Gas of Pennsylvania, Inc.

(1)

## EXHIBIT 2

### **GAS LINE RESPONSIBILITIES**

# **Know your gas lines and their locations**

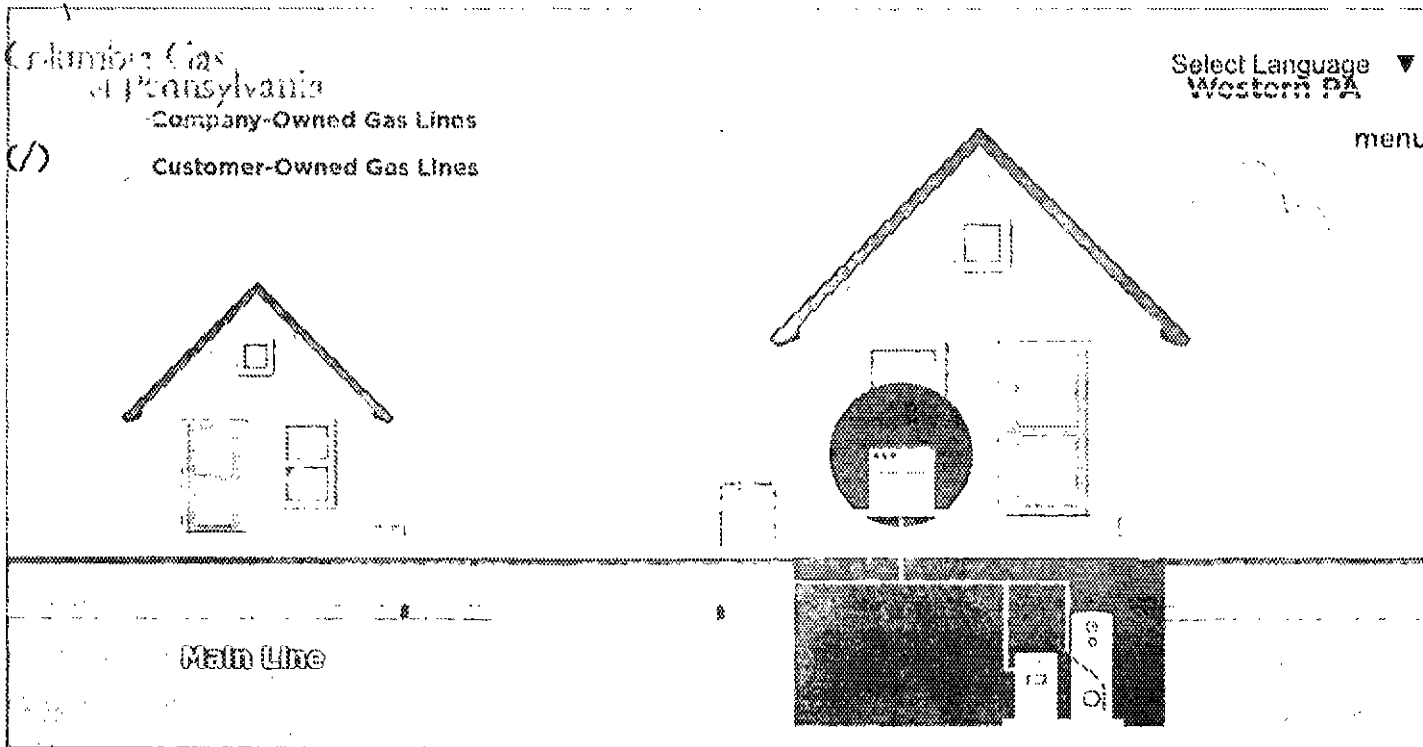
## **Know the responsibilities**

We deliver natural gas to your home or business through an underground natural gas line.

### **Your responsibility**

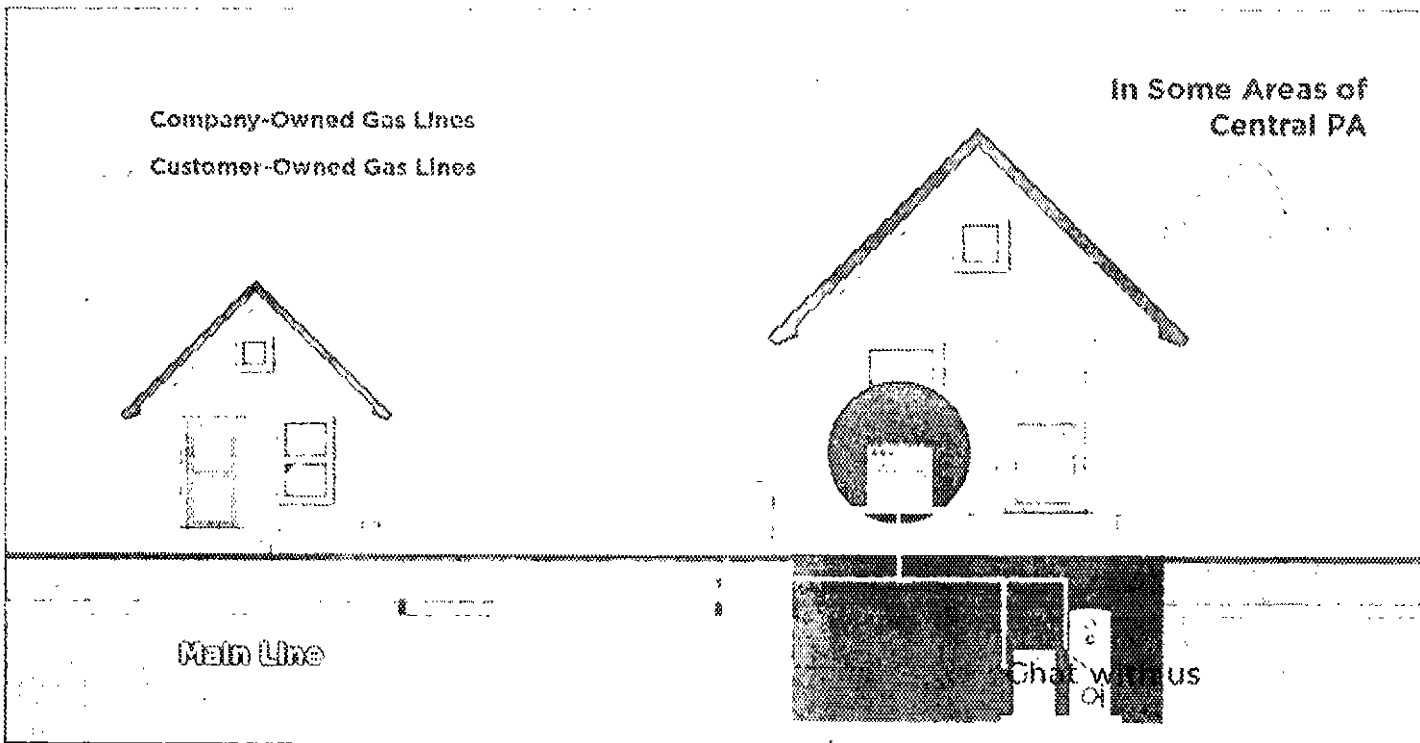
For your safety, have your natural gas lines inspected periodically for leaks and corrosion by a qualified professional. To keep your natural gas appliances operating safely and efficiently, you should schedule inspections on a regular basis. If your qualified professional finds an unsafe condition, it should be repaired immediately and/or natural gas service should be shut off until the repair is made and a safety inspection is completed.

Chat with us 



## Western Pennsylvania

We own and maintain the main natural gas lines up to the property line including the meter. You are responsible for repairing or replacing all customer-owned natural gas lines beyond that point.



In some areas of central Pennsylvania, we own the lines up to the meter and are menu responsible for repairing or replacing all main and service natural gas lines up to, and including, the meter. You are responsible for repairing and replacing all customer-owned natural gas lines from your meter to your natural gas appliances.

00:27



**View Transcript**



## **Pipeline right of way**

### **Can I put a shed there?**

A pipeline right of way is the area of land over and around a gas pipeline. The right of way can extend up to 25 feet from the center of a gas

Chat with us ▶

transmission line. To safely operate, patrol, inspect, maintain and repair our



Select Language | ▼

menu

gas transmission lines, we regularly inspect the area to ensure nothing has been built, planted or installed within the right of way area. If you plan to dig (/) or build near the pipeline right of way, call us before moving forward with your plans.

Est 1862  
2A →

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration regulates the safety of our industry.

Learn More (<https://www.phmsa.dot.gov/safety-awareness/pipeline/safety-awareness-overview>)

### More safety tips



### Appliance Safety

Learn how to safely care for your natural gas appliances over time and how to have natural gas appliances safely installed in your home or business.

Chat with us

## Certificate of Service

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the participant, listed below, in accordance with the requirements of Sec. 1.54 (relating to service by a participant).

Lawrence Teleshak  
P.O. Box 212  
Weare, NH  
lteleshak@gmail.com

Dated this 28<sup>th</sup> day of JUNE, 2022



Larry R. Crayne  
238 Johnston Road  
Pittsburgh, PA 15241

Counsel for  
Columbia Gas of Pennsylvania, Inc.

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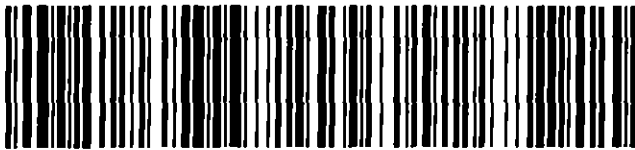
EXPECTED DELIVERY DAY: 07/22/22

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TO:

HARRISBURG PA 17120



USPS TRACKING<sup>®</sup> #



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y and limitations of coverage.

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scan the QR code.



USPS.COM/PICKUP

FROM: LAWRENCE M TELESNAK  
PO BOX 212  
WEARE, NH 03281

RECEIVED

JUL 25 2022

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

TO:

ROSEMARY CHIAVETTA  
SECRETARY  
PENNSYLVANIA PUBLIC UTILITY  
COMMONWEALTH KEYSONE BLDG  
400 NORTH STREET  
HARRISBURG, PA  
17120