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May 31, 2023

VIA ELECTRONIC FILING

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

**RE: Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement v.
Columbia Gas of Pennsylvania, Inc
Docket No. M-2022-3012079**

Dear Secretary Chiavetta:

Enclosed for filing in the referenced matter please find Columbia Gas of Pennsylvania, Inc.'s Comments Regarding Revised Joint Petition for Approval of Settlement.

If you have any questions regarding this filing, please do not hesitate to call me at 724-416-6355.

Very truly yours,


Theodore J. Gallagher

enclosure

cc (via e-mail):
Office of Special Assistants
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, via E-mail:

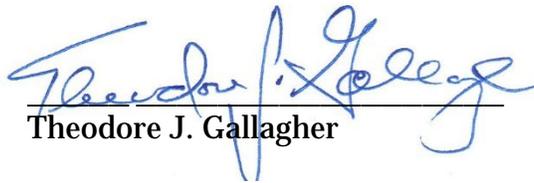
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Date: May 31, 2023



Theodore J. Gallagher

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|---------------------------|
| Pennsylvania Public Utility Commission | : | |
| Bureau of Investigation and Enforcement, | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. M-2022-3012079 |
| | : | |
| Columbia Gas of Pennsylvania, Inc., | : | |
| Respondent | : | |

**COLUMBIA GAS OF PENNSYLVANIA, INC.’s COMMENTS REGARDING
REVISED JOINT PETITION FOR APPROVAL OF SETTLEMENT**

Columbia Gas of Pennsylvania, Inc. (“Columbia” or “the Company”), by and through its counsel, hereby respectfully submits its Comments regarding the Revised Joint Petition for Approval of Settlement (“Revised Joint Petition”) in the captioned proceeding. Columbia is a party to the Settlement along with the Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”).

On April 20, 2023, the Commission entered an Opinion and Order in this matter directing that the Revised Joint Petition for Approval of Settlement (including Appendices) (“Revised Joint Petition”) and the Statements in Support thereof, be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and that interested parties may file comments regarding the Revised Joint Petition within 25 days of such publication. The Revised Joint Petition and the Statements in Support were published in the *Pennsylvania Bulletin* on May 6, 2023.

Prior to the issuance of the Commission’s April 20, 2023 Opinion and Order, on or about April 13, 2023, Richard C. Culbertson filed Additional Comments.¹ Columbia submits these comments to respond to Mr. Culbertson’s Additional Comments.

¹ Mr. Culbertson previously filed comments in this matter on July 18, 2022.

1. As a preliminary matter, Columbia notes that Mr. Culbertson's Additional Comments fail to address any factors under the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201 ("Policy Statement"). None of the purported matters that Mr. Culbertson has raised in his Additional Comments undermine the support under those factors that Columbia and I&E provided in their Statements in Support that were submitted with the Revised Joint Petition.

2. Mr. Culbertson's Additional Comments primarily focus on the September 2018 over-pressurization incident that involved Columbia's former affiliate, Columbia Gas of Massachusetts. Mr. Culbertson discusses the Deferred Prosecution Agreement between NiSource Inc. and the United States Attorney for the District of Massachusetts that ensued from the Massachusetts incident, under which NiSource Inc. agreed to implement and adhere to the National Transportation Safety Board's recommendations related to the Massachusetts incident at each of its subsidiaries involved in the distribution of gas through pipeline facilities (including Columbia Gas of Pennsylvania, Inc.). (Culbertson Additional Comments at 1-6). Mr. Culbertson appears to suggest that events leading up to the incident at 100 Park Lane in Washington, Pennsylvania that occurred on July 31, 2019 constitute a breach of the Deferred Prosecution Agreement entered into during February of 2020. Mr. Culbertson presented the same argument in his previous comments in this matter. (Culbertson July 2022 Comments at 16). His argument suffers from a temporal infirmity. That is, the incident at 100 Park Lane in Washington, Pennsylvania occurred on July 31, 2019 (April 20 Opinion and Order at 1), which predates the February 2020 effective date of the Deferred Prosecution Agreement between NiSource Inc. and the United States Attorney. Thus, because the obligations that NiSource undertook pursuant to the Deferred Prosecution Agreement did not arise until February of 2020, the events leading to

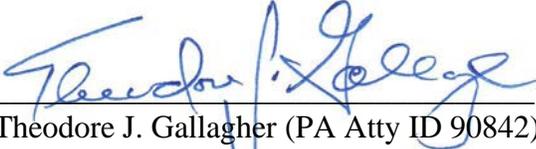
the July 31, 2019 incident at 100 Park Lane could not have constituted a breach of the Deferred Prosecution Agreement.

3. Additionally, Mr. Culbertson refers to his understanding that Columbia recently terminated the employment of an employee who provided testimony in Columbia's 2022 Rate Case. (Culbertson Additional Comments at 6-7). The facts and circumstances regarding the employment termination to which Mr. Culbertson refers are wholly irrelevant to the 100 Park Lane incident that is the subject of the Revised Joint Petition. Mr. Culbertson's suggestion that the termination related to the employee voicing concerns over safety practices is completely speculative and, as such, can provide no factual basis to inform the Commission's decision regarding the Revised Joint Petition that is at issue in this matter.

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Pennsylvania Public Utility Commission adopt an order approving the terms of the Revised Settlement Agreement that Columbia and I&E have submitted in this matter as being in the public interest.

Respectfully submitted,
COLUMBIA GAS OF PENNSYLVANIA, INC.

By:


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Date: May 31, 2023