

**Theodore J. Gallagher**  
Assistant General Counsel  
Legal Department



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*Via E-File*

March 12, 2024

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Second Floor  
Harrisburg, PA 17120

**Re: *Pennsylvania Public Utility Commission Bureau of Investigation  
and Enforcement v. Columbia Gas of Pennsylvania, Inc.***  
Docket No. C-2023-3044398

Dear Secretary Chiavetta:

Enclosed for filing in the referenced matter please find Columbia Gas of Pennsylvania, Inc.'s Prehearing Memorandum.

Please do not hesitate to contact the undersigned if you have any questions.

Very truly yours,

  
Theodore J. Gallagher

enclosure

cc Certificate of Service

ALJ Conrad A. Johnson cojohnson@pa.gov

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation	:	
& Enforcement	:	
	:	Docket No. C-2023-3044398
v.	:	
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**PREHEARING MEMORANDUM OF  
COLUMBIA GAS OF PENNSYLVANIA, INC.**

**TO: ADMINISTRATIVE LAW JUDGE CONRAD A. JOHNSON:**

Pursuant to 52 Pa. Code § 5.222(d) and the Prehearing Conference Order dated March 4, 2024, Columbia Gas of Pennsylvania, Inc. (“Columbia” or “Company”) hereby submits this Prehearing Conference Memorandum.

**I. HISTORY OF THIS PROCEEDING**

On or about November 21, 2023, the Commission’s Bureau of Investigation & Enforcement (“I&E”) filed a formal complaint against Columbia related to an infrastructure replacement project known as the “Tropical Avenue Project”, where natural gas leakage from a failed socket fusion was discovered on July 27, 2020, at 1115 Tropical Avenue in Pittsburgh. Based upon I&E’s interpretation of an investigation of the Tropical Avenue Project subsequent to July 2020, I&E alleges that Columbia and its contactor committed various violations of Federal and State safety laws and regulations. I&E seeks the imposition of the statutory maximum civil penalty against Columbia. The Public Utility Commission (“Commission”) served the formal complaint on Columbia on November 22, 2023, and Columbia filed its answer on January 12, 2024<sup>1</sup>, wherein the Company denied the violations I&E alleged in I&E’s formal complaint.

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<sup>1</sup> By a Secretarial Letter dated December 12, 2023, the Commission granted Columbia’s request for an extension of time to January 12, 2024, to file a responsive pleading.

**II. SERVICE OF DOCUMENTS**

Columbia’s attorneys in this proceeding are:

Theodore J. Gallagher, Esquire  
121 Champion Way, Suite 100  
Canonsburg, PA 15317  
Phone: 724-809-0525  
E-mail: tjgallagher@nisource.com

Candis A. Tunilo, Esquire  
800 N Third Street, Suite 204  
Harrisburg, PA 17102  
Phone: 223-488-0794  
E-mail: ctunilo@nisource.com

Columbia requests that Theodore J. Gallagher be listed as the recipient for service.

Columbia also requests that Ms. Tunilo be added to any e-mail distribution lists in this proceeding.

Columbia agrees to receive service of documents electronically in this proceeding.

**III. WITNESSES AND ISSUES**

Witnesses:

At this time, the Company expects to present the following witnesses:

<u>Witness</u>	<u>General Subject Matter</u>
Matthew Miceli Columbia Gas of Pennsylvania 121 Champion Way, Ste. 100 Canonsburg, PA 15317	Compliance with State and Federal regulations; Columbia/NiSource gas standards; investigation and findings
Raymond Brumley Columbia Gas of Pennsylvania 121 Champion Way, Ste. 100 Canonsburg, PA 15317	Tropical Avenue project; Columbia/NiSource gas standards; investigation and findings
Exponent, Inc. Expert (to be determined) 149 Commonwealth Drive Menlo Park, CA 94025	Exponent, Inc. investigation and conclusions regarding Tropical Avenue Project

Columbia reserves the right to call additional witnesses, as necessary, to address issues that may arise during the course of this proceeding.

Issues:

Columbia disputes each and every allegation that it violated any Federal and/or State law or regulation that is within I&E's enforcement authority. Moreover, in the event that Columbia is found to have violated any such law or regulation, the civil penalty that I&E seeks to impose violates the Eighth Amendment of the United States Constitution and Section 13 of the Constitution of the Commonwealth of Pennsylvania.

#### **IV. PROCEDURAL SCHEDULE**

I&E and Columbia intend to engage in settlement negotiations in the near future. Accordingly, Columbia requests that the establishment of a procedural schedule in this matter be held in abeyance for not longer than two months, on or before which time the parties would present either a Joint Motion for Approval of Settlement or a status report. Should the establishment of a procedural schedule be necessary at this time, Columbia and I&E have agreed to the following litigation schedule:

1. Written direct testimony due on July 17, 2024.
2. Written rebuttal testimony due on August 14, 2024.
3. Witness schedule due 3 business days before the hearing.
4. Hearing to occur the week of August 26, 2024.
5. Briefing schedule to be established at the hearing.

#### **V. DISCOVERY**

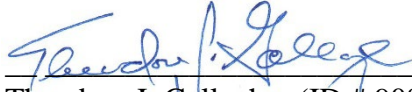
Columbia does not propose any modifications to established regulations regarding service and timing of discovery.

To the extent that protection of confidential information is necessary, Columbia will timely submit a Motion for Protective Order.

**VI. SETTLEMENT**

The Company remains open to settlement negotiations in this matter.

Respectfully submitted,



Theodore J. Gallagher (ID # 90842)  
121 Champion Way, Suite 100  
Canonsburg, PA 15317  
Phone: 724-416-6355  
E-mail: tjgallagher@nisource.com

Date: March 12, 2024

*Counsel for Columbia Gas of  
Pennsylvania, Inc.*

## CERTIFICATE OF SERVICE

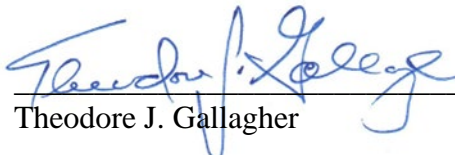
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### VIA ELECTRONIC MAIL ONLY

Colby B. Widdowson  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[cwiddowson@pa.gov](mailto:cwiddowson@pa.gov)

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
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Harrisburg, PA 17120  
[mwindler@pa.gov](mailto:mwindler@pa.gov)

Date: March 12, 2024

  
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Theodore J. Gallagher