

May 31, 2024

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

VIA ELECTRONIC FILING

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

**Re: PA PUC, et al. v. Columbia Gas of Pennsylvania, Inc. Docket
Nos. R-2024-3046519, et al.**

Dear Secretary Chiavetta:

Attached for filing please find the Objections to the Objections of Columbia Gas of Pennsylvania, Inc. to the testimony and exhibit submitted by Richard C. Culbertson during the May 21, 2024, public input hearing in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Richard C. Culbertson

Attachment

cc: The Honorable Jeffrey A. Watson (*via email; w/attachment*)
Mary Swarner, Legal Assistant (*via email; w/attachment*)

CERTIFICATE OF SERVICE

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

VIA E-MAIL ONLY

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Dated: May 31, 2024



Richard C. Culbertson

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, *et al.*, :
 :
 v. : Docket Nos. R-2024-3046519, *et al.*
 :
 Columbia Gas of Pennsylvania, Inc. :

**OBJECTIONS TO OBJECTIONS OF
COLUMBIA GAS OF PENNSYLVANIA, INC. TO
THE TESTIMONY AND EXHIBIT OF RICHARD C. CULBERTSON**

TO ADMINISTRATIVE LAW JUDGE JEFFREY A. WATSON:

Richard C. Culbertson, a customer of and owner of real property serviced by Columbia Gas of Pennsylvania, Inc. (“Columbia” or the “Company”) hereby files these Objections, to Columbia’s Objections to my testimony and exhibits I, II, and III. submitted by Richard C. Culbertson at 1:00 PM of the May 21, 2024, Public Input Hearing.

BACKGROUND

1.) PUC Public Input Hearings Set for May 21st and 22nd for Rate Increase Sought by Columbia Gas of Pennsylvania Published on 5/1/2024,

The Pennsylvania Public Utility Commission issued a press release, in part.

<https://www.puc.pa.gov/press-release/2024/puc-public-input-hearings-set-for-may-21st-and-22nd-for-rate-increase-sought-by-columbia-gas-of-pennsylvania-5-1-24>

Hearing Exhibits

If you have any hearing exhibits to which you will refer during the hearing, please email them to Mary Swarner at mswarner@pa.gov. Ms. Swarner will forward your exhibits to all parties.

Exhibits for the in-person public input hearings on May 21, 2024, must be received by 10 a.m. on May 21, 2024. ... [Written testimony and exhibits were sent Ms. Swarner on May 21, 2024, before 10:00 AM]

Offering Testimony at a Public Input Hearing

The PUC offers tips on how to participate in a public input hearing, including:

- *Prepare what you are going to say beforehand. Even though it is not required, you may want to write out your statement, which can be read.*
- ***Any formal testimony that is offered during the hearing will become part of the record on which the PUC will issue its final decision.***
- *Understand that parties in the case may want to ask you a question to clarify something you said.*

PUC's Press Release and other PUC Documents including *PA PUC PUBLIC INPUT HEARING*

TIPS https://www.puc.pa.gov/media/1703/24_public-input-hearing.pdf March 2024, These are

representations and promises to me that my public input testimony will be part of the record of

and will be considered in the Commission's final order of this rate case.

2.) My sworn public testimony was a reaction to my negative experience and observations with Columbia Gas since 2016 and the Commission's Order of April 4, 2024. In part: ORDER — BY THE COMMISSION

*On March 15, 2024, Columbia Gas of Pennsylvania, Inc. (Columbia Gas), Utility Code 120700, filed Supplement No. 374 to Tariff Gas Pa. P.U.C. No. 9 to become effective May 14, 2024, containing proposed changes in rates, rules, and regulations calculated to produce **\$124.1 million** (15.79%) in operating revenue. ...*

*Investigation and analysis of this 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 Columbia Gas'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 the **proposed**... 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.**"*

3.) Columbia has been abusive toward Culbertson a rate case Public Input Hearing before. **THIRD INTERIM ORDER --Denying Objections of Columbia Gas of Pennsylvania, Inc. to Portions of Public Input Testimony of Richard C. Culbertson**

See <https://www.puc.pa.gov/pcdocs/1673258.docx> In part:

*On July 8, 2020, the presiding officer conducted a telephonic public input hearing. One of the two witnesses who testified at that public input hearing was Richard C. Culbertson. Prior to being sworn in as a witness, Columbia Gas objected to the testimony of Mr. Culbertson. Columbia Gas contended Mr. Culbertson did not qualify as a witness and should not be permitted to testify because he was neither a party nor a current ratepayer. ****

*CAAP also objected to Columbia Gas' objections. CAAP contended that hopefully more than two ratepayers would have testified at the public input hearing but averred the Commission should give deference to ratepayers who appear to testify publicly. CAAP pointed out Columbia Gas made a larger than normal number of objections during the public input hearing and further noted Columbia Gas' objections will have a chilling effect on participation by ratepayers at future public input hearings.****

*Deferred Prosecution Agreement between the United States Attorney for the District of Massachusetts and NiSource, Inc. as Defendant, concerning criminal liability for actions of subsidiary, Columbia Gas of Massachusetts, from over-pressurization event on September 13, 2018 in Merrimack Valley, Massachusetts. [1] Does not include a copy of the February 24, 2020 Plea Agreement between the Government and NiSource which is referenced by the exhibit itself. In Paragraph 11, NiSource agreed its subsidiaries in other states (including Pennsylvania) would implement and adhere to each of the recommendations from the NTSB related to the Merrimack Valley over-pressurization event. ****

Conclusion

Mr. Culbertson's opinions are admissible and relevant as the statements of an interest member of the public at a public input hearing involving a base rate request from a public utility.

Lastly, it must be noted that OCA's and CAAP's stated concerns are valid as those concern related to Columbia Gas' stance at the public input hearing. Columbia Gas took a strong position with a witness at a public input hearing before the presiding officer even started the opening statement or mentioned swearing in Mr. Culbertson as a witness. A member of public, whether familiar or unfamiliar with testifying publicly, might have been cowed or considered the exchange to be confrontational and combative.

Furthermore, the witness had distributed his material via email two days prior to the public input hearing to, among others, Columbia Gas. Columbia Gas waited until the public input hearing to voice concerns about Mr. Culbertson's testimony and exhibits. Once the public input hearing began, Columbia Gas objected strenuously and repeatedly to the testimony of a public input witness in front of all participants at the public input hearing.

OCA and CAAP correctly noted Columbia Gas' behavior at the public input hearing and in the filing of a long list of specific objections to testimony provided by a member of the public will create, whether by design or unintentionally, and has created, a chilling effect on participation by other witnesses at future public input hearings.

The primary purpose of all public input hearings is to secure the testimony of what ratepayers and interested parties, i.e., the public, think. At the start of most public input hearings, the presiding officer will advise those present that the Commission wants to hear from the public what the public thinks about the utility's request. That sentiment is repeated typically multiple times by a presiding officer and is often echoed in the opening statements of the parties present at the start of the public input hearing. To grant Columbia Gas' request – to limit the opportunity for an interested member of the public to tell the Commission what the witness thinks about a \$100 million base rate increase – would be to expose members of the public to intense cross examination and potentially public ridicule by a public utility. The end result would be the opposite of the Commission's stated intention for why public input hearings are conducted.

Mr. Culbertson interspersed his testimony and exhibits with material that is relevant to the base rate proceeding as well as some material that appears irrelevant but it is not. While some

evidence is repetitive on the circumstances surrounding the natural gas explosion in Massachusetts in 2018 involving Columbia Gas of Massachusetts, Inc., those same exhibits contain statements from Columbia Gas' parent company, NiSource, about costs NiSource expected to spend or promised to spend on infrastructure and safety equipment/practices through its subsidiary, Columbia Gas of Pennsylvania, Inc.

All costs which a public utility uses to compute its base rate, including improvements to infrastructure and to safety, are relevant in a base rate proceeding. In addition, safety specifically is always a relevant issue in a base rate proceeding. While NiSource is not a certificated public utility in Pennsylvania, Columbia Gas of Pennsylvania is. Therefore, evidence - which tends to show that Columbia Gas may be obligated through its parent company to expend sums for improvements to infrastructure and safety – is relevant and may well be pertinent to the discussion at hand.

Accordingly, the Objections of Columbia Gas will be denied in the Ordering Paragraphs below. The evidence provided through Mr. Culbertson at the public input hearing will remain within the hearing record. The presiding officer will determine the weight, if any, which the evidence will carry.

Katrina L. Dunderdale, Administrative Law Judge August 13, 2020

Suggestions Disposition to OBJECTIONS OF COLUMBIA GAS OF

PENNSYLVANIA, INC. TO THE TESTIMONY AND EXHIBIT OF RICHARD C.

CULBERTSON:

1.) Dismiss or deny Columbia's objections. The Commission must keep its

promises:

-- Any formal testimony that is offered during the hearing will become part of the record on which the PUC will issue its final decision.

2.) Since Columbia's objection document, much of which I disagree with, is available publicly mentioning and evaluating the content of my sworn testimony, place my full testimony as part of the public record consistently with other public records in a rate case. Consistently with 66 Pa.C.S. § 332. *Procedures in general.*

(d) Record, briefs and argument.--The transcript of a public input hearing, the transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision, and shall be available for inspection by the public.

Respectfully submitted,



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609-410-0108

Dated: May 31, 2024