

COMMONWEALTH OF PENNSYLVANIA



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August 4, 2025

**Via Electronic Filing**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Pa. Public Utility Commission

v.

Columbia Gas of Pennsylvania  
Docket Nos. G-2025-3056022;  
R-2018-2647577

Dear Secretary Homsher:

Attached for electronic filing, please find the Office of Consumer Advocate's Formal Protest and Public Statement in this proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Harrison Breitman  
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Enclosures

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Certificate of Service

CERTIFICATE OF SERVICE

Pa. Public Utility Commission

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v.

Docket Nos. G-2025-3056022;  
R-2018-2647577

Columbia Gas of Pennsylvania

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Office of Consumer Advocate’s Formal Protest and Public Statement, upon parties of record in this proceeding 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 4th day of August, 2025.

SERVICE BY E-MAIL ONLY

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Dated: August 4, 2025

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pa. Public Utility Commission	:	
	:	Docket Nos. G-2025-3056022;
v.	:	R-2018-2647577
	:	
Columbia Gas of Pennsylvania, Inc.	:	
	:	

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PROTEST OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to 52 Pa. Code §§ 5.51, *et seq.*, the Office of Consumer Advocate (OCA) files with the Pennsylvania Public Utility Commission (Commission) this Protest to the filing made by Columbia Gas of Pennsylvania, Inc., (Columbia or Company) and its affiliate NiSource Development Company, Inc. (NiSource Dev. Co.) regarding a plan to implement “on-bill” billing which would allow charges for non-commodity products and services on Columbia’s customer bills. The OCA files this Protest regarding the affiliated interest agreement of Columbia and NiSource Dev. Co. to permit Pivotal Home Solutions, LLC (Pivotal) to charge customers for non-commodity products and services on Columbia customer bills. In support of this Protest, the OCA provides the following information:

1. The protestant is:

Darryl A. Lawrence, Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
717-783-5048

Throughout this Protest, the protestant will be referred to as the Office of Consumer Advocate or OCA.

2. The OCA's attorneys are:

Harrison W. Breitman, Assistant Consumer Advocate  
Ryan Morden, Assistant Consumer Advocate  
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3. The OCA is authorized by law to represent the interests of Pennsylvania's utility consumers in all matters properly before the Commission. 71 Pa. Stat. Ann. §§ 309-1.

4. In dealing with any proposed action which may substantially affect the interest of consumers, the Commission must take such action with due consideration to the interest of consumers consistent with its other statutory responsibilities. 71 P.S. § 309-5.

5. Billing matters and affiliated interest agreements fall within the scope of the Commission's jurisdiction under Sections 102, 508, 1501-1502, 2101-2106, and 2203(4) of the Public Utility Code. 66 Pa. C.S. §§ 102, 508, 1501-1502, 2101-2106, and 2203(4).

**I. COLUMBIA'S NOTICE OF COMPLIANCE FOR PROPOSED IMPLEMENTATION OF "ON-BILL" BILLING IS IMPROPER AND SHOULD BE REJECTED BY THE COMMISSION**

6. On June 30, 2025, Columbia filed a letter with the Commission to serve as notice of its plan to implement the practice of "on-bill" billing for Columbia customers. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. G-2025-3056022, Letter (June 30, 2025) (*June 30, 2025 Letter*). In this letter, Columbia indicated that it is seeking Commission approval of its affiliate interest agreement with NiSource Dev. Co., whereby Columbia will provide, and be compensated for, certain bailing services related to Pivotal, a non-affiliated third-party. *Id.* The letter stated that

under the agreement between NiSource Dev. Co. and Pivotal, Pivotal will offer warranty service plans, products, and services to Columbia's customers and NiSource Dev. Co. will grant a non-exclusive right and license for service marks to be used to market Pivotal's products. *Id.* This agreement allows NiSource Dev. Co. to receive a revenue share percentage for the purchase of Pivotal's products by Columbia's customers. *Id.* This letter further indicates that NiSource Corporate Services Company (NiSource Service Co.), on behalf of Columbia, will provide billing services offered by Pivotal to Columbia customers in exchange for Pivotal's payment of certain fees, including annual and monthly service fees. *Id.*

7. "On-bill" billing is when regulated utility companies provide charges for non-commodity products or services offered by third-party entities on the utility bill. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Recommended Decision at 106-107 (Sept. 18, 2018).

8. In a December 6, 2018 Order, at R-2018-2647577, Columbia was directed to end its practice of "on-bill" billing or bring its practice into compliance with Sections 1502 and 2203(4) of the Public Utility Code within 60 days of the entry date of the Order. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Order at 54 (Dec. 6, 2018) (*December 6, 2018 Order*) (citing 66 Pa. C.S. §§ 1502, 2203(4)).

9. In the same R-docket, the following relevant activity took place:

A. The Commission found that, as Columbia permitted two third-party entities to participate in "on-bill" billing but disallowed a third entity from participating, Columbia violated the prohibition on discrimination in provision of service under Sections 1502 and 2204 of the Public Utility Code. *Id.* at 50.

B. On March 18, 2019, Columbia filed a report with the Commission stating rather than bring its on-bill billing practice in compliance with Section 1502 and 2203(4) of the Public Utility Code, it would end its practice of “on bill” billing all together. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Report (March 18, 2019) (*March 18, 2019 Report*).

C. In its *March 18, 2019 Report*, Columbia stated that, in accord with its plan to end “on bill” billing, Columbia would not renew the contracts for the two entities participating in the practice wherein one contract would end in September 2019, and the second contract would end in January 2023. *Id.*

D. On August 8, 2019, the Commission issued an Order rejecting Columbia’s plan to allow the two third-party contracts to run their course and required Columbia to end its “on-bill” billing practice with the two third party entities within two customer billing cycles. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Order at 11-12 (Aug. 8, 2019) (*August 8, 2019 Order*).

E. In its *August 8, 2019 Order*, the Commission stated, “the plan presented in Columbia’s Compliance Report does not bring Columbia’s ‘on bill’ billing practice into compliance with the Commission’s December 6 Order or Sections 1502 and 2203(4) of the Public Utility Code *in a timely manner.*” *Id.* (emphasis added).

F. On November 7, 2019, Columbia filed a report with the Commission stating that the two contracts with the third-party entities had ended in compliance with the August 8, 2019, Order, and that Columbia discontinued its “on-bill” billing practice. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Report (Nov. 7, 2019).

G. In the *June 30, 2025 Letter*, NiSource Dev. Co. stated that it filed the letter “[i]n compliance with the Commission’s December 6, 2018, Order” and that Columbia would permit

all entities that wish to participate in “on-bill” billing on a non-discriminatory basis. *See June 30, 2025 Letter.*

10. The OCA submits that the *December 6, 2018 Order* in the R-docket required Columbia to bring its “on bill” billing practice into compliance with Section 1502 and 2203(4) of the Public Utility Code within 60 days of entry of that Order, not more than six and a half years after the Order was entered. *December 6, 2018 Order* at 50-51 (“As such, we shall require Columbia to report to this Commission’s Bureau of Technical Utility Services, within 60 days of the entry day of this Opinion and Order, its methodology for coming into compliance with Section 1502 of the Code.”).

11. As noted in paragraph 9E above, the Commission stated that Columbia failed to bring its “on-bill” billing in Compliance in a “timely manner.” *August 8, 2019, Order* at 8 (“We reiterate that in the December 6 Order, we directed Columbia to either provide access to the ‘on bill’ billing service to all entities that provide such non-basic services or discontinue the ‘on bill’ billing policy. The December 6 Order is clear in its directive that Columbia may not continue to provide this ‘on bill’ billing service to only CSP and Nicor. Therefore, Columbia’s proposal to continue this discriminatory, unreasonable and unjustified ‘on bill’ billing practice until the conclusion of the current contract terms is in direct conflict with the Commission’s direction in the December 6 Order.”).

12. The *August 8, 2019, Order* in the R-docket did not provide Columbia with the opportunity to file an additional affiliate interest agreement filing in 2025.

13. The OCA submits that the *June 30, 2025 letter* in the associated R-docket, R-2018-2647577, notifying the Commission of Columbia’s and NiSource Dev. Co.’s plan to implement a

new “on-bill” billing practice through the proposed affiliated interest agreement is improper and should be rejected.

14. Given the changes to billing practices from Columbia’s prior compliance filings, the OCA submits that Columbia’s *June 30, 2025 Letter* is not an appropriate compliance filing in Docket No. R-2018-2647577. As such, the OCA requests that the Commission reject Columbia’s proposed plan to introduce “on bill” billing as presented, and that the Commission require NiSource Dev. Co. to re-file and serve its formal petition under 52 Pa. Code § 5.41 seeking approval of its plan to implement its new “on bill” billing proposal with answers due in accordance with 52 Pa. Code § 5.61.

**II. THE COMMISSION SHOULD DENY THE PROPOSED AFFILIATED INTEREST AGREEMENT BETWEEN COLUMBIA AND NISOURCE DEV. CO. OR ALTERNATIVELY SET FOR HEARING**

15. In the *June 30, 2025 Letter*, Columbia included a two-page summary of the arrangement between it and NiSource Dev. Co. that would allow additional and optional charges on customer bills on behalf of Pivotal. *See June 30, 2025 Letter.*

16. The Commission docketed the *June 30, 2025 Letter* at Docket No. G-2025-3056022. *See June 30, 2025 Letter.*

17. Importantly, in relation to paragraph 14 above, Columbia filed the *June 30, 2025 Letter* at Docket No. R-2018-2647577 to notify parties involved that rate proceeding of its plan to change its “on-bill” billing practices to allow unregulated and non-commodity participation on utility bills. *See June 30, 2025 Letter.*

18. Preliminarily, the OCA has identified the following areas that require further consideration by the Commission and must be resolved prior to Commission approval of this proposed agreement.

A. Whether consumers will shoulder additional costs through Columbia's operations so it can facilitate billing for a non-jurisdictional third party.

B. Whether the proposed third party's inclusion on Columbia bill will be clear and easy to understand for consumers.

C. How Columbia, NiSource Dev. Co., , NiSource Service Co., and/or Pivotal's non-commodity products and services will be marketed to Columbia consumers.

D. How or whether the third-party's services will be offered on Columbia's website.

E. Whether Columbia has received complaints about third-party organizations and the non-commodity products or services they are charged for on their bill.

F. Whether Columbia's customer service agents have training and procedures in place for consumers who contact them with complaints related to third-party services.

G. Whether the presentation of Pivotal's products and services could be construed as endorsed by Columbia.

H. Whether Columbia customers have the option to decline solicitations by third party services and products through their service agreement with Columbia.

I. Whether customers will understand that the third-party services and products presented to them on the billing statement of a regulated gas company do not carry the same power of regulation, scrutiny, and oversight as non-commodity products and services offered on the utility bill.

J. Whether customers receive any benefit from NiSource Dev. Co.'s proposal to permit Pivotal to charge for non-commodity products and services on customer bills.

K. Whether the agreement is in compliance with the Public Utility Code, the Commission's regulations, and Commission precedent.

19. The OCA anticipates other issues may arise as it examines Columbia's request that will require further consideration by the Commission and must be resolved prior to Commission approval of this proposed agreement.

20. The OCA believes this matter warrants the full scope of litigation, including formal discovery, hearings, expert witnesses, and briefing.

21. The OCA requests that the Commission refer this matter to the Office of Administrative Law Judge (OALJ) so that it can in turn assign a Presiding Officer to this proceeding who can set the matter for evidentiary hearing and direct further proceedings as appropriate.

### **III. CONCLUSION**

WHEREFORE, the OCA respectfully requests that the Commission reject Columbia's request that the Commission approve its affiliated interest agreement. Columbia's filing is contrary to the Commission's prior rulings and the Public Utility Code. As such, the OCA also respectfully requests that this proceeding be referred to the OALJ to assign Presiding Officer in this matter in order to set this matter for evidentiary hearings.

Respectfully submitted,

/s/ Harrison W. Breitman

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Dated: August 4, 2025

Counsel for:  
Darryl A. Lawrence  
Consumer Advocate

PUBLIC STATEMENT OF THE  
OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Protest and request to participate in proceedings before the Commission.

On June 30, 2025, NiSource Development Company, Inc., (NDC) and its affiliate Columbia Gas of Pennsylvania, Inc., (Columbia or Company) filed a letter with the Commission seeking approval an affiliated interest agreement between NDC and Columbia that would permit a third-party's non-commodity services and products to be offered on Columbia's utility bills it sends to customers.

The objective of the Consumer Advocate in filing a Protest in this matter is to protect the interests of Columbia customers. Through its participation in this proceeding, the Consumer Advocate seeks to prevent ratepayers from billing practices that are unfair, unreasonable, or otherwise violative of the Public Utility Code. The Consumer Advocate will investigate the proposed affiliate interest agreement and request the Public Utility Commission order all necessary and proper customer protections which are justified, reasonable, and in accordance with the Public Utility Code, the Commission's regulations, and relevant precedent.