

Richard C. Culbertson
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July 29, 2022

Judges Pell and Coogan,
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street,
Harrisburg PA, 17120

Re: Pennsylvania Public Utility Commission

v.

Columbia Gas of Pennsylvania, Inc.

Docket No. R-2022-3031211

Your Honors,

Attached is my motion to reconsider my motion to compel Columbia Gas to respond to my interrogatories in Sets I, II and III.

My Motion to Compel was within PUC's regulatory time limits.

Thank you for your consideration.

Respectfully,



Richard C. Culbertson, Pro Se

1430 Bower Hill Road

Pittsburgh, PA 15243

eFile

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et al.	:	R-2022-3031211
	:	
	:	
v.	:	
	:	July 29, 2022
Columbia Gas of Pennsylvania, Inc.	:	

**MOTION TO RECONSIDER SEVENTH PREHEARING ORDER
ADDRESSING COMPLAINANT RICHARD C. CULBERTSON’S MOTION
TO COMPEL DISCOVERY Sets I, II, and III INTEROGITORIES ON COLUMBIA
GAS OF PENNSYLVANIA, INC.**

The Prehearing Order 7 July 27, 2022. *“1. That the Motion to Compel answers to Set I, Questions 1-20; Set II, Questions 10, 14-18, 26; and Set III, Questions 1-10, filed by Richard C. Culbertson on July 20, 2022 is denied in its entirety because it was untimely filed.”*

Sequence of Events:

On July 7, 2022, Complainant Richard C. Culbertson served his Sets I, II, and III interrogatories on Columbia.

On July 12, 2022, Columbia served objections to Set I, Questions 1-20; Set II, Questions 10, 14-18, 26; and Set III, Questions 1-10.

On July 20, 2022, Mr. Culbertson served Columbia with a Motion to Compel Columbia’s responses to his Set I, Questions 1-20; Set II, Questions 10, 14-18, 26; and Set III, Questions 1-10 (Motion to Compel).

On July 25, 2022, Columbia filed its Answer to the Motion to Compel. Columbia avers: that Mr. Culbertson's Motion to Compel is untimely; that Set I, II, III interrogatories are untimely, unreasonable, and violate the Commission's regulations regarding discovery; that Culbertson Set I, Questions 1-20 are improper and do not comply with the Commission's discovery regulations;

The Prehearing Order 7 July 27, 2022. "1. That the Motion to Compel answers to Set I, Questions 1-20; Set II, Questions 10, 14-18, 26; and Set III, Questions 1-10, filed by Richard C. Culbertson on July 20, 2022 is denied in its entirety **because it was untimely filed.**"

From the PUC's regulations:

"52 Pa. Code § 5.342 - Answers or objections to written interrogatories by a party.

*(g) Motion to compel. **Within 10 days** of service of an objection to interrogatories, the party submitting the interrogatories may file a motion requesting the presiding officer to dismiss an objection and compel that the interrogatory be answered."*

Respectfully, a straw poll, even in a formal setting with silent votes, do not override the Commissions vetted regulations. If 52 Pa. Code § 5.342 – (g) **requires within 10 days** that is what it is. Something less, is not enforceable because is not compliant with the Commission's regulations.

Even with good intentions – empires cannot change the sized of the strike zone. Due process as laid out in laws and regulations must play out so the requirements of the Commission's initial order are met.

As a Pro Se litigant, shortening regulatory mandated reaction times is discriminatory and favors Columbia Gas.

Discussion

I have not been schooled nor have sufficient knowledge of PA PUC's Administrative Court procedures, do not have professional administrative staff, I am almost 75 years old and am hearing impaired. I am, however, an expert at asset management, and decades of experience in business management, accounting, government contracting and am motivated to try to find out if the Commission's suspicions in this rate case, as it expressed in its initial Order on April 14, 2022, are confirmed and accurate, and if so, to what extent and why?

The Commission wrote in their initial order in this rate case:

"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's existing rates, rules, and regulations;"

Multiple why's must be answered. Why are Columbia's rates substantially and unreasonably higher than their peer group gas distribution companies? Why did Columbia's long time construction coordinator come forth with safety concerns at the Commissions Public Input Hearing? Why in November 2021, 200 union members vote to go on strike because of safety concerns? If 200 Columbia's workers had safety concerns, why didn't the Safety Management System Work and why should not the public be aware of these safety concerns?

It is in the public's interest to find out. No one is better off by not finding out.

Regarding discussions with Columbia, on July 11, 2022, I did have a pleasant preliminary discussion with Lindsay A Berkstresser, Esquire of Post & Schell PC who represents Columbia Gas. My records show she called me at 5:31 PM and the conversation lasted about seven minutes. I believe the intent of the discussion was to arrange a future time to talk about some

objections that Columbia had to my interrogatories. I said I was available almost anytime – even very early. The next day she submitted objections. I would have welcomed those discussions.

I wondered why she called, if she was not serious in having a discussion concerning my interrogatories to specific employees. She represents Columbia not those individual employees. Her role should not have been a gatekeeper and frustrate and interfere with the discovery process. If I were an external public audit or federal investigator, I would have free access for discussions with these individuals. After all, the answers to my interrogatories would be a good opportunity for Columbia to fulfill the burden of proof in this rate case.

A discussion would have been helpful. My interrogatory never pertained to a customer's service line of which is private property, only property belonging to Columbia.

Some of Mr. Anstead's answers were helpful regarding the age of their asset management data base (implemented in 1992). He also provided quantitative performance measures between Columbia's employees vs. contractors. Qualitative information is lacking. Incomplete information is unreliable. Material information is both quantitative and qualitative.

The reaction to the interrogatories addressed to the NiSource Chief Financial Officer is troubling. It appears Columbia lacks confidence in the knowledge of the NiSource CFO. The also appears to be a lack of understanding of corporate governance of a traded corporation.

Set III interrogatories were sent to the Chief Financial Officer because he is ultimately the financial accounting decision maker for both NiSource and Columbia Gas of Pennsylvania. He is the one who has the responsibility to comply with Sarbanes Oxley and related certifications as well as requirements of Securities and Exchange Act of 1934. See 15 U.S. Code § 78m - Periodical and other reports <https://www.law.cornell.edu/uscode/text/15/78m> he is responsible to have internal controls that is capable to provide reasonable assurance that the NiSource financials are "*in*

conformity with generally accepted accounting principles and any other criteria applicable to such statements,”

*“(4)No criminal liability shall be imposed for failing to comply with the requirements of paragraph (2) of this subsection **except** as provided in paragraph (5) of this subsection. (5)No person shall knowingly circumvent or knowingly fail to implement a system of internal accounting controls or knowingly falsify any book, record, or account described in paragraph (2).”*

The Commission, customers and employees want to know from Mr. Brown what is just and reasonable cost, and what controls are put in place so that ratepayers are only paying just [ethically, morally and legally correct] and reasonable cost.

PA *“Title 66 § 1301. Rates to be just and reasonable.*

*(a) Regulation.--Every rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable, and in conformity **with regulations** or orders of the commission.”*

Those regulations could include 18 CFR 201, FAR 31 and 2 CFR 200.400 and 2 CFR § 910.120

- Adoption of 2 CFR part 200.

Mr. Brown should welcome answering my interrogatories; after all, part of the rate case is for Columbia to prove Columbia’s rates are just and reasonable.

Conclusion:

This rate case cannot be deemed fair unless parties play by the rules and have access to answers and documents.

My motion to compel discovery for unanswered Sets I, II, and III interrogatories on Columbia Gas of Pennsylvania, Inc. was within the Commissions regulatory timeframe requirement. I ask the PUC’s Administrative Law Judge(s) to dismiss Columbia’s objections and compel the unanswered interrogatories be answered fully and completely by those whom they were addressed.

52 Pa. Code § 5.342 - Answers or objections to written interrogatories by a party.

*(g) Motion to compel. **Within 10 days** of service of an objection to interrogatories, the party submitting the interrogatories may file a motion requesting the presiding officer to dismiss an objection and compel that the interrogatory be answered.”*

Respectfully submitted.

Richard C. Culbertson

1430 Bower Hill Road

Pittsburgh, PA 15243

Date July 29, 2022

eFiling Confirmation Number

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2022-3031211
 :
 Columbia Gas of Pennsylvania, Inc. :

I hereby certify that I have this day served a true copy of Motion to Reconsider 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:

SERVICE BY E-MAIL ONLY

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