

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:)	
)	
WILLIAM WALLACE RICHARDSON)	
II)	
)	
COMPLAINANT)	
)	
v.)	Case No. 2004-00057
)	
COLUMBIA GAS OF KENTUCKY,)	
INC.)	
)	
DEFENDANT)	

ANSWER OF COLUMBIA GAS OF KENTUCKY, INC.

Columbia Gas of Kentucky, Inc. ("Columbia"), the above-named defendant, for its Answer to the Complaint in the proceeding, respectfully states as follows.

OVERVIEW

The Complainant requested that Columbia extend a service line to serve the premises at 1299 Standish Way in Lexington. The Complainant informed Columbia that he would not be using natural gas as his primary energy source, and the length of the service line extension would be less than 100 feet. Pursuant to Sheet 62 of its Tariff¹, Columbia informed the Complainant

¹ Sheet 62 of Columbia's tariff, approved in Case No. 2002-00145, provides in pertinent part, "When the length of the service line required between the property line and the meter is 100 feet or less, and the customer has agreed to

that the cost of the service line extension would be \$815. On December 2, 2003, Mary Richardson signed Columbia's Service Line Installation Agreement. Paragraph 2 of that agreement states, "Columbia agrees to install a service line up to 100 feet at a cost of \$815." Paragraph 3 states, "It is mutually agreed that Applicant agrees to pay \$815, in full, upon receipt of this agreement and prior to installation of the service line. The service line will not be installed until the full amount has been collected." Mary Richardson remitted a check to Columbia for \$815, dated December 3, 2003. As of the date of this Answer, Columbia has installed the service line, but the meter has not been set because the customer has not yet requested that the meter be set.

The Complainant alleges that he should be entitled to a refund of part of the service line extension charge because he has installed gas appliances other than a gas furnace – i.e., a gas stove, a gas grill and a gas fireplace. Columbia does not reduce its service line extension charges to reflect the installation of these appliances because unlike furnaces and water heaters, the use of these appliances by customers is far more discretionary. As a result, installation of these appliances is far less likely to justify Columbia's investment in a service line extension unless the customer provides a contribution in aid of construction.

The Complainant filed the Complaint on February 6, 2004. The specific allegations of the Complaint are set forth in Exhibit A to the Complaint. By Order dated March 2, 2004, the Commission directed Columbia to satisfy the matters complained of or to file a written answer to the Complaint.

use natural gas as its major source of energy, Company will assess no charge for the service line installation. A customer's major source of energy is defined as its primary energy source for heating the premises. If the customer is not using natural gas as its major energy source, customer will be required to contribute a portion of the cost of the service line in the form of a contribution in aid of construction. This amount will vary depending upon the installed appliances but will not exceed the Company's annual average cost of a service line."

ANSWER TO THE INDIVIDUAL PARAGRAPHS OF EXHIBIT A TO THE COMPLAINT

1. Columbia denies that it overcharged the Complainant. Columbia admits that the Complainant is categorized as a new residential customer with a service line of 100 feet or less, who is not using natural gas as its primary energy source. Columbia admits that Complainant was charged \$815 for a new service extension. Columbia admits that Complainant has accurately quoted the language found on Sheet 62 of Columbia's tariff.

2. Columbia is without sufficient knowledge or information to form a belief as to the truth of the averments regarding the BTU characteristics of Complainant's appliances. Columbia denies the remainder of the allegations in paragraph 2 of Exhibit A to the Complaint.

3. Columbia denies that the Complainant will likely consume a volume of natural gas in excess of customers who use natural gas as a primary energy source. Columbia avers that since the Complainant is not using natural gas as his primary energy source nor for water heating purposes, there is a substantial likelihood that Complainant will not consume as much natural gas as a customer who is using natural gas as a primary energy source. Columbia denies that the Commission should review any alleged invasion of privacy issues, as such issues sound in tort and are better dealt with by the civil courts than the Commission.

AFFIRMATIVE DEFENSES

1. Columbia avers that based on the information available to it, it at all times believed that it was acting in accordance with all applicable statutes, Commission orders, Commission rules, and Columbia's tariff.

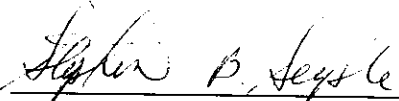
2. The Commission lacks subject matter jurisdiction to review matters soundly pure in tort, such as claims involving alleged invasions of privacy.

WHEREFORE, the defendant prays that the Complaint be dismissed.

Dated at Columbus, Ohio, this 12th day of March 2004.

Respectfully submitted,

COLUMBIA GAS OF KENTUCKY, INC.

By: 
Stephen B. Seiple
Lead Counsel

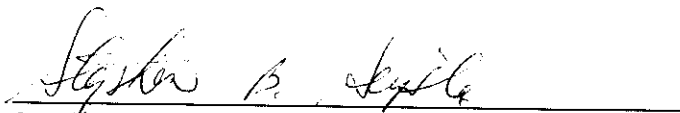
Stanley J. Sagun, Assistant General Counsel
Stephen B. Seiple, Lead Counsel
200 Civic Center Drive
P.O. Box 117
Columbus, Ohio 43216-0117
Telephone: (614) 460-4648
Fax: (614) 460-6986
Email: sseiple@nisource.com

Richard S. Taylor
225 Capital Avenue
Frankfort, Kentucky 40601
Telephone: (502) 223-8967
Fax: (502) 226-6383
Email: attysmitty@aol.com

Attorneys for
COLUMBIA GAS OF KENTUCKY, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served upon all parties of record by regular U.S. Mail this 12th day of March 2004.

A handwritten signature in cursive script, reading "Stephen B. Seiple", is written over a horizontal line.

Stephen B. Seiple
Attorney for
COLUMBIA GAS OF KENTUCKY, INC.

SERVICE LIST

William Wallace Richardson II
3012 Shaker Run Circle
Lexington, KY 40509