

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:)
))
Columbia Gas of Kentucky, Inc.)
))
Complainant)
))
v.)
))
Natural Energy Utility Corporation)
))
Defendant)

Case No. 2009-00340

**COLUMBIA GAS OF KENTUCKY, INC.'S
DATA REQUESTS SERVED UPON
NATURAL ENERGY UTILITY CORPORATION**

Pursuant to the Commission's Order in this proceeding, dated February 8, 2010, Columbia Gas of Kentucky, Inc. ("Columbia"), propounds the following data requests to be answered by Natural Energy Utility Corporation ("NEUC") in writing. These data requests shall be deemed to be continuing so as to require supplementary answers.

INSTRUCTIONS FOR ANSWERING

(1) All responses shall be in writing, and each response shall identify the name and position of the person(s) who provided the response. Each data request shall be answered separately and fully. Each response shall first restate the data request being answered.

(2) All responses to data requests shall be served upon Columbia at the offices and its attorneys in this proceeding:

Brooke E. Leslie
200 Civic Center Drive
P.O. Box 117
Columbus, Ohio 43216-0117
Telephone: (614) 460-5558
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e-mail: bleslie@nisource.com

Richard S. Taylor
225 Capital Avenue
Frankfort, Kentucky 40601
Telephone: (502) 223-8967
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(3) You are reminded that all answers must be made separately and fully, and that an incomplete or evasive answer is a failure to answer.

(4) You are under a continuing duty to seasonably supplement your response with respect to any question directly addressed to the identity and location of person having knowledge of discoverable matters, the identity of any person expected to be called as an expert witness at hearing, and the subject matter of which he or she is expected to testify, and to correct any response which you know or later learn is incomplete or incorrect.

(5) All information is to be divulged which is in your possession or control or within the possession and control of your attorneys, investigators, agents, employees, or other representatives of you or your attorney.

(6) Where a data request calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable.

(7) Where an objection is interposed to any data request, or part thereof, answer all parts of the data request to the extent not objected to.

(8) Identification. As used herein, the terms "identification," "identify," or "identity," when used in reference to (a) a natural individual, requires you to state his or her full name and

residential and business address; (b) a corporation, requires you to state its full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business, and the address of all of its offices in Kentucky; (c) a business, requires you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those businesses, and the identity of the person or persons who own, operate, and control the business; (d) a document, requires you to state the number of pages and the nature of the document (*e.g.*, letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (e) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the person participating in the communication and to state the date, manner, place and substance of the communication.

(9) Identification of documents. With respect to each data request, in addition to supplying the information requested, you are to identify all documents that support, refer to, or evidence the subject matter of each data request and your answer thereto.

If any or all documents identified herein are no longer in your possession, custody, or control because of destruction, loss, or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (*e.g.*, letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original copy of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

If you contend that you are entitled to withhold from production any or all documents identified herein on the basis of attorney-client privilege, the work product doctrine, or other grounds, then do the following with respect to each and every document: (a) describe the nature of the document (*e.g.*, letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; (d) state the subject matter of the document; and (e) state the basis upon which you contend you are entitled to withhold the document from production.

(10) Representative. As used herein, the term “representative” means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on behalf of the person in question.

(11) Person. As used herein, the term “person” means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, and other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau, or department.

(12) Document. As used herein, the term “document” means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram cable, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, electronic mail, computer discs or tapes, or

computer produced interpretations thereof, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody, or control or which was, but is no longer, in your possession, custody or control.

(13) Communication. As used herein, the term “communication” means any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, conversations, dialogues, discussion, interviews, consultations, agreement, and other understandings between or among two or more persons.

(14) Contention Data Request. When a data request requires you to “state the basis of” a particular claim, contention, or allegation, state in your answer the identity of each and every communication and each and every legal theory that you think supports, refers to, or evidences such claim, contention, or allegation.

(15) The Word “Or.” As used herein, the word “or” appearing in a data request should not be read so as to eliminate any part of the data request, but, whenever applicable, it should have the same meaning as the word “and.” For example, a data request stating “support or refer” should be read as “support and refer” if an answer that does both can be made.

DATA REQUESTS

1. Please describe the source of the maps attached to NEUC’s Motion to Dismiss labeled “Exhibit A.” For each map, include the source of the map and the date on which the map was created.

2. On page 4, line 1 of Mr. Freeman's testimony, Mr. Freeman asserts that NEUC currently serves customers at each end of the "mall" property. Please provide the addresses of these customers and how long NEUC has served each of these customers.

3. On page 5, lines 4-10 of Mr. Freeman's testimony, Mr. Freeman asserts that in June 2007, NEUC was contacted by an unnamed customer to relocate an existing gas main. Please provide the address of said customer.

4. When did the relocation reference on page 5, lines 4-10 of Mr. Freeman's testimony take place?

5. During the relocation project referenced on page 5, lines 4-10 of Mr. Freeman's testimony, did NEUC replace any of the steel main lines with plastic main lines?
 - a. If yes, how much line was replaced?
 - b. What was the cost of the replacement?
 - c. Where were the supplies purchased for the replacement?
 - d. Please provide receipts/invoices for this project.

6. How much did the relocation of the gas mains referenced on page 5, lines 4-10 of Mr. Freeman's testimony cost? Please provide all receipts/invoices related to this project.

7. Prior to the relocation in June 2007, was the gas main that is referenced on page 5, lines 4-10 on a public right of way?

8. Did the relocation of the gas main referenced on page 5, lines 4-10 cause NEUC to run its facilities on private property? If yes, what is the address of the private property through which NEUC's gas main runs?
9. Did NEUC obtain an easement to run the gas main or any of its other facilities on the property mentioned in the answer to Data Request 8? If yes, what is the date of the easement? Please provide a copy of the easement.
10. Do you have any agreements, written or oral with the owner of the property referenced in Data Request 8 permitting NEUC to run its main(s) across the property referenced in Data Request 8? If yes, what was the agreement? Please provide a copy of any document that memorializes the agreement.
11. Please provide a map reflecting NEUC's facilities, including but not limited to main lines, service lines, and service taps prior to June 2007 in the area reference on page 5, lines 4-14 of Mr. Freeman's testimony.
12. On page 5, lines 10-14 of Mr. Freeman's testimony, Mr. Freeman asserts that NEUC replaced 100 feet of 2 inch steel pipe and 580 feet of four inch steel pipe with similar size plastic pipe for \$2371.00.
 - a. When did this replacement occur?
 - b. Why did NEUC replace the steel with plastic?

- c. Where did NEUC purchase the plastic pipe?
- d. On what date did NEUC purchase the plastic pipe?
- e. Please provide a copy of the receipt and or invoice for the purchase of the plastic pipe referenced on page 5 of Mr. Freeman's testimony.

13. During the replacement of the pipe as referenced on page 5, lines 10-14 of Mr. Freeman's testimony, did NEUC relocate its main line(s)?

- a. If yes, how many feet from the original main line did NEUC relocate its main line?
- b. When did this relocation take place?
- c. Why did NEUC relocate the main line as referenced on page 5, lines 10-14 of Mr. Freeman's testimony?
- d. Did the relocation cause NEUC to run its main line(s) on private property? If yes, please list the address of the properties on which NEUC had to run its main line(s).
- e. Why did NEUC relocate the line(s) onto private property?
- f. Please quantify the amount of pipe that was relocated at this time.

14. Did NEUC obtain an easement to run the gas main or any of its other facilities on the private property listed in response to Data Request 13 (d)? If yes, what is the date of the easement? Please provide a copy of the easement.

15. Do you have any agreements, written or oral with the owner of the property referenced in Data Request 13 (d) permitting NEUC to run its main(s) across the property referenced in Data Request 13 (d)? If yes, what was the agreement? Please provide a copy of any document that memorializes the agreement.
16. Does NEUC run any main lines, service lines or another other facility through the property at 1200 Bryant Street? If yes, does NEUC have an easement from the property owner of 1200 Bryant Street? If yes, what is the date of the easement? Please provide a copy of said easement.
17. On page 4, lines 6-12 of Mr. Freeman's testimony, Mr. Freeman asserts that a "representative" of three of the businesses of the "mall" contacted him to initiate service with NEUC. Please provide copies of all correspondence between NEUC and the "representative."
18. Did NEUC offer the "representative" any incentive to switch from Columbia to NEUC?

Respectfully submitted,

COLUMBIA GAS OF KENTUCKY, INC.

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Attorneys for
COLUMBIA GAS OF KENTUCKY, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Columbia Gas of Kentucky, Inc's Data Requests Served Upon Natural Energy Utility Corporation was served upon the parties on the Service List below by regular U.S. Mail and electronic mail this 15th day of March, 2010.

Brooke E. Leslie (gmc)

Brooke E. Leslie
Attorney for
COLUMBIA GAS OF KENTUCKY, INC.

SERVICE LIST

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