

FILED

SEP 15 2014

Missouri Public
Service Commission

REPORT OF THE STAFF

TO: Missouri Public Service Commission Official Case File
File No. GC-2014-0202, Michael Stark vs. Summit Natural Gas
of Missouri, Inc.

FROM: Tom Imhoff, Tariff/Rate Design Section
John Kottwitz, Safety/Engineering Section

/s/ Natelle Dietrich 02/10/2014
Tariff, Safety, Economic and
Energy Analysis Department/Date

/s/ Alexander Antal 02/10/2014
Staff Counsel's Office/Date

DATE: February 10, 2014

Background

On December 27, 2013, a formal complaint was filed with the Missouri Public Service Commission ("Commission") by Michael Stark and assigned File No. GC-2014-0202. Mr. Stark stated that Summit Natural Gas ("SNG") installed a gas line on his property without authorization. A subsequent rain washed out his private road at locations where the gas line had been installed. Mr. Stark notes that the Commission Staff came to the site and took pictures. SNG installed a different gas line at a location not on Mr. Stark's property and will not use the gas line along his private road. Mr. Stark requests to be compensated by SNG for trespass and property damage, or for the issue to be turned over to SNG's insurance carrier.

After filing a motion to dismiss on January 17, 2014, SNG filed an answer to the complaint on January 27, 2014. SNG indicated that the pipe was mistakenly installed on Mr. Stark's property. They have requested permission from Mr. Stark to remove the mistakenly-installed pipe and resurface the road. SNG indicated that negotiations were continuing with Mr. Stark in an attempt to settle this matter.

Photographs

As noted in the complaint, Staff from the Tariff, Safety, Economic and Engineering Analysis Department ("Staff") has photographs of the pipe installation and washouts on Michael Stark's property (see Attachment 1). These photographs were taken when John Kottwitz and Rick Fennel of the Staff Safety/Engineering Section met with Mr. Stark on September 17, 2013.

Staff Findings and Recommendation

Staff finds that the pipe installed on Mr. Stark's property is not connected to the natural gas system operated by SNG and will not be used at that location by SNG. Therefore, the Commission's rules

Staff EX 1

Staff Exhibit No. 1
Date 9-4-14 Reporter msm
File No. GC-2014-0202

Appendix A

and SNG's tariff do not apply to this pipe. SNG has indicated its willingness to remove the mistakenly-installed pipe and resurface the road, which should eliminate the wash-outs on the private road that could present hazards to persons using the private road.

Staff's analysis indicates the initial principal issues of this complaint are Mr. Stark's claims that SNG trespassed and damaged his property, and that he should be compensated for these damages. There are no Commission rules that address issues relating to trespassing or compensation for property damage. Staff's analysis also indicates that SNG's tariff does not apply because Mr. Stark was not and is not a customer of SNG.

On February 6, 2014, Mr. Stark amended his complaint seeking additional relief such that the Commission rescind and/or revoke SNG's Certificate of Convenience and Necessity ("CCN"), "as well as any and all permits and authorizations to construct and install gas lines in the state of Missouri". Staff Counsel's cover pleading addresses Mr. Stark's additional relief.

Staff concludes that SNG did not violate any Commission rules or utility tariffs with regard to the pipe installed on Mr. Stark's property. Staff will continue to monitor construction practices for installation of pipe that SNG will operate under the Commission's jurisdiction.

Staff recommends that the case be dismissed, with no further action required.

[Faint, illegible text and markings at the bottom of the page, possibly a signature or stamp.]

Attachment 1 - Photographs











**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Michael Stark,

Complainant

vs.

File No. GC-2014-0202

Summit Natural Gas of Missouri, Inc.,

Respondent

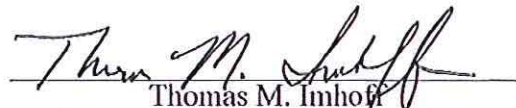
AFFIDAVIT OF THOMAS M. IMHOFF

STATE OF MISSOURI

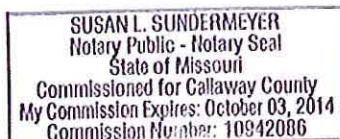
COUNTY OF COLE

) ss
)

Thomas M. Imhoff, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Recommendation was provided to him; that he has knowledge of the matters set forth in such Staff Recommendation; and that such matters are true to the best of his knowledge and belief.


Thomas M. Imhoff

Subscribed and sworn to before me this 10th day of February, 2014.




Notary Public

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Michael Stark,

Complainant

vs.

Summit Natural Gas of Missouri, Inc.,

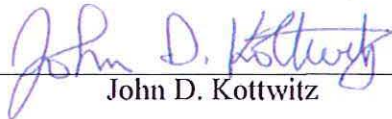
Respondent

File No. GC-2014-0202

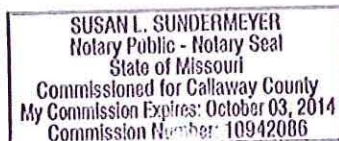
AFFIDAVIT OF JOHN D. KOTTWITZ

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

John D. Kottwitz, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Recommendation was provided to him; that he has knowledge of the matters set forth in such Staff Recommendation; and that such matters are true to the best of his knowledge and belief.


John D. Kottwitz

Subscribed and sworn to before me this 10th day of February, 2014.




Notary Public