

Bond Case Briefs

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PUBLIC UTILITIES - OHIO

In re Complaint of Cameron Creek Apts. v. Columbia Gas of Ohio, Inc.

Supreme Court of Ohio - August 29, 2013 - N.E.2d - 2013 -Ohio- 3705

Natural gas customer filed complaint with Public Utilities Commission against gas utility, alleging that utility had demanded major structural retrofitting of the ventilation system to gas appliances in customer's 240-unit apartment complex, and requesting that utility be prohibited from terminating service. The Public Utilities Commission entered order in favor of customer, and utility appealed.

The Supreme Court of Ohio held that:

- Evidence supported finding that customer's current appliances were safe;
- Commission provided sufficiently clear guidance to utility; and
- Order did impose undue burden on utility.

Public Utilities Commission could prohibit natural gas utility from threatening to shut off gas service to customer's 240-unit apartment complex to compel customer to retrofit each apartment to conform to current fuel gas standards of national trade association, since evidence supported finding that customer's current appliances were safe under Ohio Building Code, Ohio Mechanical Code, and local building codes; customer's experts testified that state and local codes allowed for the type of ventilation installed at complex and that the gas appliances received a sufficient supply of air for combustion, ventilation, and dilution of gases.

Public Utilities Commission, in order prohibiting natural gas utility from threatening to shut off gas service to customer's 240-unit complex to compel customer to retrofit each apartment to conform to current fuel gas standards of national trade association, provided sufficiently clear guidance as to how utility could apply trade association standards in other existing residential structures. Commission determined that strict adherence to the standards was not required that compliance cannot be compelled if it was economically or practically unreasonable, and that utility could not force extensive retrofitting of dwellings based solely on a violation of the standards.

Public Utilities Commission, in order prohibiting natural gas utility from threatening to shut off gas service to customer's 240-unit complex to compel customer to retrofit each apartment to conform to current fuel gas standards of national trade association, did not impose undue burden on utility. Claim that ruling would create a backlog of customers contesting the enforceability of the standards was speculative, and claim that order would impose significant recordkeeping requirements and require changes to utility's computer system was not supported by evidence.