

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of
Linda L. Nellis,

Complainant,

v.

Dominion East Ohio Gas/NOPEC,

Respondents.

Case No. 08-812-GA-CSS

**ANSWER
AND MOTION TO DISMISS
OF NORTHEAST OHIO PUBLIC ENERGY COUNCIL**

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MOTION TO DISMISS

Pursuant to Ohio Administrative Code ("O.A.C.") Rule 4901-9-1, Northeast Ohio Public Energy Council ("NOPEC"), hereby submits its Answer to the Complaint of Linda L. Nellis ("Complainant"), and respectfully moves its dismissal from this proceeding, for the reasons set forth herein.

ANSWER

NOPEC generally denies the allegations set forth in the Complaint, except as specifically admitted hereinafter. For the sake of clarity, each sentence of the Complaint is set forth below, with its attendant answer, and each sentence of the Complaint is written verbatim as it appears in the Complaint and so will not include the designation "[sic]" where otherwise appropriate.

1. *First of all I have been dealing with this matter since January of 2008.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

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2. *I am a customor of Dominion Gas, but this did not start off right becuae, I have not been living in the house for two years, so therefore, without my knowing and as an older person, Nopec had agreement with Dominion to be a carrier.*

NOPEC admits, upon information and belief, that Complainant is a customer of Dominion East Ohio and that NOPEC operates a lawful opt-out natural gas program for its member communities served by Dominion East Ohio's natural gas distribution system, including the City of Lakewood. NOPEC otherwise denies this statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

3. *I received no notification as to this new line of service.*

NOPEC denies this statement in its entirety. An opt-out notice in conformance with Ohio Revised Code Section ("R.C.") 4929.26 and O.A.C. Rule 4901:1-28-04 was mailed to Complainant's service address on or about March 21, 2006.

4. *Apparently Nopec sent a separated letter. asking customors of Lakewood if they wanted to use Nopec as a carrier. So the rule followed: If you did not sign for an opt out they automatically attached themselves to the Domion Bill.*

NOPEC admits that it mailed an opt-out notice in conformance with R.C. 4929.26 and O.A.C. Rule 4901:1-28-04 to Complainant's service address on or about March 21, 2006. NOPEC further admits that if the opt-out reply card attached to the opt-out notice was not received by NOPEC within 21 days from the date of the opt-out notice mailing, eligible customers would be automatically enrolled in the NOPEC natural gas aggregation program pursuant to R.C. 4929.26.

5. *I was not aware of this for months since I was not living there, and a lot of these charges is also coming from Nopec as well in the amount of 1,000.00.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

6. *I am getting a lawyer, because this is an unfair practice on Domion and Nopec because they did not prepaired the public better for what was to transpire, and they should of given us a letter within the billing statement notifying me and others that there was this chang.*

NOPEC denies that it took any actions with respect to Complainant's natural gas service that were not in strict accordance with Ohio law or that were unfair. NOPEC otherwise denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

7. *I am not the only one who has gone through this. As it took me 3 month to get Nopec off as they continued the charges.*

NOPEC admits that its service center received a telephone call from Complainant on March 6, 2008 wherein Complainant requested to be removed from the NOPEC natural gas program. This cancellation request was submitted to Dominion East Ohio for processing and Complainant's participation in the NOPEC natural gas aggregation program ended on April 30, 2008. NOPEC otherwise denies this statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations contained therein.

8. *I have dealt with writing a letter to Mr Herington President of Nopec and heard nothing.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

9. *some people of Dominion and Puco did contact me and there are different.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

10. *First of all if I have not live in the house, and did not turn on gas until /Nov/Dec. thermostate on 50 deg. how in the world would I have a 7,000 bill?*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

11. *My biggest complaint is seeing these enormous charges on my bill, and the misrepresentation with Domion and Nopec.*

NOPEC denies that it has made any misrepresentations to Complainant. NOPEC otherwise denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

12. *I feel I am being descriminated against, as for my age and lack of knowledge of this change and no compassion from Dominion billing dept. not admitting their was a descrepancy on my bill. They did a improper meter reading, right from the beginning.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

13. *When I question this they tried to give so many excuses.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

14. *One admitted they thought the meter from outside was not matching the reading from inside since they installed the device.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

- 15. They installed a meter inside in 07, and then they installed the remote outside. When they did this I noticed the meter inside was racing, So the outside had to be wrong.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

- 16. I called to complain about it that the dial was racing on the new one and it did not do this on the the old one.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

- 17. It seemed as though the gas was purging through. my house.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

- 18. I called again claimed there was nothing wrong, So they decided on a Meter test and did see it was racing, but stille denying this, I kept complaining again that my bill was high especially with no one in the house for two years?*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

- 19. It does not take an Einstein to know this is impossible to have a high mcf in one months time.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

- 20. Dominion then claimed that they were making estimates on my bill, how could that be if thiere was an outside remote device? Last summer I had a credit of 1900 dollars and spoke to the girl at Domion she set the budget again, and I told her I still had credit, and all the billis said NO PAYMENT DUE she said just leave it and we ill subtract it. so I was sending 100.00 anyway, when my budget was 67.00 dollars or so. this went all the way up to end of December, when they sent a bill for 6,000*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

- 21. This is when I found about Nopec attached on my bill and was told that Dominion hooked up with them, because I did not opt out I had no idea that Nopec sent a separate flyer stating that we could opt out. I was not even in the house to even receive this and why in the world didn't Dominion put this notice in my bill of this notification of changes.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

22. *Believe me I am not the only one either. With all this calling to Dominion now they want to claim the estimated they gave were to low. You mean to say all these months now it is low?*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

23. *Domion is wrong they provided inaduate services and information to me and other people who were involved with this issue, are throwing this back on me, Dominion has made a mistake since the fall of 07. now they are trying to throw the blame on me. They do not want to admit they were never reading the outside remote at all, untill they changed meter again, so they estimated bill? not my fault.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

24. *So when they fianlly did read it, this was way off showing large figures, they knew their was something wrong. Again I called them out.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

25. *They wanted to do a test, on the meter, so they took it, and they were suppose to notify me so I could be there, and did not.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

26. *When they did test this they did admit it was running to fast, of which I I was complaining back in 07, and when service man came out and said there was nothing wrong with it,*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

27. *Here we go again the meter racing pushing more gas to higher bill.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

28. *As you look at all my bills something is not right.*

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

29. I will contact channel 19 news and my lawyer, because for months Dominion bills said no payment due. With no one living in the house, who do you think Dominion is kidding?

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

30. I am also going after Nopec too, because all those charges should be taken off my bill.

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

31. The public will see that this all looks like a scam.

NOPEC denies the entire statement for lack of knowledge and information sufficient to form a belief as to the truth of the allegations.

MOTION TO DISMISS COMPLAINT

Complainant has failed to state a reasonable claim in her Complaint upon which relief can be granted against NOPEC. Complainant has not alleged that NOPEC has in any way failed to act in accordance with the law and Commission rules governing opt-out governmental aggregation. Neither has Complainant stated reasonable grounds to conclude that NOPEC has in any way provided unreasonable, unjust, or insufficient service in violation of the law. Accordingly, NOPEC requests that the Complaint be dismissed with prejudice.

WHEREFORE, having fully responded to the allegations set forth in the Complaint, Respondent NOPEC respectfully requests that the Commission dismiss the Complaint with prejudice as it relates to NOPEC.

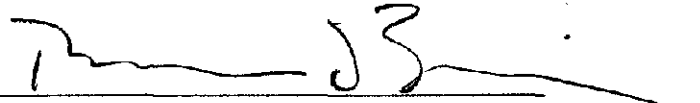
Respectfully submitted on behalf of
NORTHEAST OHIO PUBLIC ENERGY COUNCIL



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Answer and Motion to Dismiss in the above-referenced case was served upon the parties of record by first class, U.S. mail, postage prepaid this 21st day of August 2008.



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