

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Britney Bruce,)	
)	
Complainant,)	
)	Case No. 09-182-GA-CSS
v.)	
)	
East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The Attorney Examiner finds:

- (1) On March 6, 2009, Britney Bruce (complainant) filed a complaint with the Commission against East Ohio Gas Company d/b/a Dominion East Ohio (Dominion). In the complaint, Ms. Bruce states that she was a tenant in a building owned by others and prior to vacating the premises she contacted Dominion to request that her gas service be terminated as of May 15, 2008. The complainant claims that, as a result of the owners' refusal to grant Dominion access to the gas meter, gas service to Ms. Bruce's prior residence has not be disconnected as of the filing of the complaint and that Dominion continues to bill the complainant. Ms. Bruce asserts that her bill now equals approximately \$1,400. Ms. Bruce states that the outstanding gas bill is affecting her credit history and her ability to rent another residence. The complainant asserts that Dominion breached its contract with her for utility services, violated several provisions of the Ohio Administrative Code (O.A.C.), Ohio law and the company's tariff. Ms. Bruce also argues that Dominion is unjustly enriched by such billing practices to the detriment of the complainant. Accordingly, Ms. Brue requests that Dominion be enjoined from continuing to bill her for gas service at her previous residence. Further, Ms. Bruce requests that the Commission establish rules to prevent customers from being billed for the landlord's failure to grant the utility company access to gas meters,

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compensatory damages in an amount equal to and not less than the cost of this action, reasonable attorney fees, total forgiveness of the outstanding bill and the repair of her credit history.

- (2) On March 25, 2009, Dominion filed its answer to the complaint. In its answer, Dominion states that Ms. Bruce requested the disconnection of her service and a final read of her meter at 6817 Hosmer Avenue, Cleveland, Ohio 44105, as of May 28, 2008. Further, Dominion asserts that Ms. Bruce was enrolled in the percentage of income payment plan and as such was responsible to pay Dominion \$84.00 per billing cycle. Dominion states that the outstanding balance of \$1,214.32, is for actual gas usage on the complainant's account from September 13, 2007 through May 28, 2008. Dominion states that Ms. Bruce failed to make any payments on her account while she received service at the Hosmer Avenue address. Dominion denies the remaining allegations set forth in the complaint and avers that the O.A.C. and the tariff provisions speak for themselves.
- (3) In accordance with the Commission's goal of reducing the number of adversarial proceedings before it, this matter should be scheduled for a settlement conference. The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, O.A.C., any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An Attorney Examiner, Kerry Sheets, with the Commission's Legal Department will facilitate the settlement process.
- (4) Accordingly, a conference in this matter shall be scheduled for April 28, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The complainant will be participating by telephone and should call 614-644-1080 just prior to the scheduled conference. Further, to facilitate conducting the conference by telephone, the parties should compile and fax any documents, which are not part of the

complaint or answer filed with the Commission, that either party intends to refer to during the conference and provide such documents to the opposing party as well as Mr. Sheets, by no later than April 24, 2009. The fax number for the Commission's Legal Department is 614-728-8373.

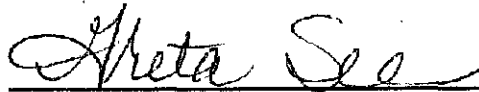
- (5) The parties should also be prepared to establish a procedural schedule for discovery and a hearing date to facilitate the timely and efficient processing of this complaint in the event this matter can not be resolved during the conference.

It is, therefore,

ORDERED, That this case be scheduled for a conference on April 28, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio, 12th floor, in Conference Room 1246. It is, further,

ORDERED, That a copy of this entry be served upon Ms. Bruce and her counsel, Dominion and its counsel and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Greta See
Attorney Examiner

grg/vrm

Entered in the Journal

APR 16 2009



Renee J. Jenkins
Secretary