

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Kenneth M. Sirocky,)	
)	
Complainant,)	
)	
v.)	Case No. 10-3004-GA-CSS
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On December 13, 2010, Kenneth M. Sirocky (complainant) filed a complaint against Columbia Gas of Ohio, Inc. (Columbia), stating that complainant was ordered by the local fire department to evacuate his business, a dental office located at 16360 Pearl Road, Strongsville, Ohio, on August 17, 2010, when Fabrizi Trucking & Paving Company, Inc. (Fabrizi Trucking) hit a six-inch medium pressure gas main at complainant's business. Complainant, his staff, and his patients waited for more than two hours in a parking lot for Columbia to fix the gas main. Complainant states that, during this time, his patient records were not accessible, preventing him from notifying patients of the emergency, and that he did not feel safe to reenter the building that day. Complainant alleges that he and his staff suffered lost wages and revenues. Complainant seeks a determination as to who made the call to mark the gas lines, and compensation from the culpable party.
- (2) On January 3, 2011, Columbia filed its answer to the complaint. In its answer, Columbia states that Fabrizi Trucking hit a six-inch medium pressure gas main near 16400 Pearl Road, Strongsville, Ohio, on August 17, 2010, and admits that gas service was shut off at 16360 Pearl Road for approximately two hours while crews worked to repair the leak. Columbia generally denies all of the remaining allegations contained in the complaint.

- (3) By entry issued January 27, 2011, this matter was set for a settlement conference on February 17, 2011. Complainant, Columbia, and Fabrizi Trucking were directed to attend the conference.
- (4) On February 17, 2011, Columbia and Fabrizi Trucking appeared for the settlement conference. Complainant, however, did not attend the conference.
- (5) Also on February 17, 2011, Fabrizi Trucking filed an answer to the complaint, as well as a motion for leave to file an answer. In its answer, Fabrizi Trucking admits that it did strike a six-inch gas line at or near 16430 Pearl Road, Strongsville, Ohio, solely because the gas line had been improperly marked by the locator service. Fabrizi Trucking denies all of the remaining allegations contained in the complaint. In the accompanying motion, Fabrizi Trucking requests leave to file an answer for the purpose of the proper prosecution and protection of all rights concerned in this matter. The Commission finds that the motion for leave to file an answer is reasonable and should be granted.
- (6) By entry issued February 28, 2011, the settlement conference was rescheduled for March 29, 2011, at the request of complainant. Complainant, Columbia, and Fabrizi Trucking attended the conference on March 29, 2011.
- (7) On April 8, 2011, Columbia filed a motion to dismiss this case, stating that complainant, Columbia, and Fabrizi Trucking have resolved all of the issues raised in the complaint. Therefore, in accordance with Rule 4901-9-01(F), Ohio Administrative Code (O.A.C.), Columbia states that this case should be dismissed if complainant does not file a written response within 20 days.
- (8) Rule 4901-9-01(F), O.A.C., provides that, when a public utility files a motion stating that the case has been settled, the complainant shall file a response within 20 days. It also states that, if no response is filed, the Commission may presume that settlement has occurred and may dismiss the complaint.
- (9) Complainant in this case has filed no response to Columbia's motion to dismiss. Therefore, the Commission presumes that the case is settled and, in light of the resolution of the complaint, Columbia's motion should be granted and this case should be dismissed.

It is, therefore,

ORDERED, That Fabrizi Trucking's motion for leave to file an answer be granted. It is, further,

ORDERED, That Columbia's motion to dismiss the complaint be granted. It is, further,

ORDERED, That Case No. 10-3004-GA-CSS be dismissed. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Steven D. Lesser

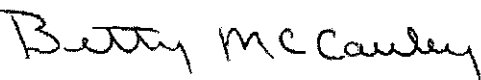

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SJP/sc

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Betty McCauley

Betty McCauley
Secretary