

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Richard Collins,)	
)	
Complainant,)	
)	
v.)	Case No. 11-4368-GA-CSS
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 18, 2011, Richard Collins (Complainant) filed a complaint against The East Ohio Gas Company, d/b/a Dominion East Ohio (DEO). Complainant is the owner and landlord of a rental property consisting of four units, and asserts that DEO improperly billed him for his tenants' unpaid gas bills. Complainant seeks a determination that he is not responsible for the tenants' unpaid gas bills, and requests that DEO be ordered to remove the tenants' gas bills from his personal residence account.
- (2) On August 8, 2011, DEO filed its answer to the complaint. In its answer, DEO admits that the tenants' unpaid gas bills were originally billed to Complainant's personal residential account, but have since been removed and established on an account in Complainant's name at the address of the rental property. DEO avers that Complainant, as landlord and property owner of the premises, is the consumer of gas when tampering and unauthorized usage occurs, and is responsible for payment pursuant to Rule 4901:1-18-03(E), Ohio Administrative Code (O.A.C).
- (3) A settlement conference was held on September 23, 2011; however, the parties were unable to settle this matter. The attorney examiner finds that a hearing should be scheduled in this matter.

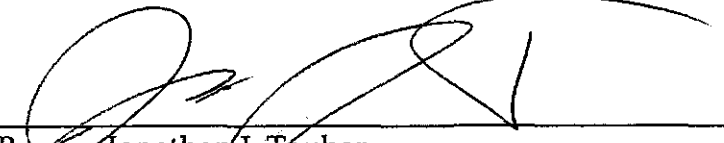
- (4) Accordingly, this case should be scheduled for a hearing on January 5, 2012, at 10:00 a.m., in hearing room 11-C at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (5) Any party intending to present direct expert testimony should comply with Rule 4901-1-29(A)(1)(h), O.A.C., which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That this matter be scheduled for a hearing on January 5, 2012, at 10:00 a.m., in hearing room 11-C at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By Jonathan J. Tauber
Attorney Examiner

g.r.g./sc

Entered in the Journal

NOV 01 2011

Betty McCauley

Betty McCauley
Secretary