

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint against )  
KNG Energy, Inc. by Ohio Intrastate )  
Energy, LLC and Request for Approval ) Case No. 12-2576-GA-CSS  
for Immediate Substitution of Service and )  
for Approval of Transition Plan. )

ENTRY

The Legal Director finds:

- (1) On September 20, 2012, Ohio Intrastate Energy, LLC (Complainant) filed a complaint against KNG Energy, Inc. (KNG). In the complaint, the Complainant alleges that KNG refused to cooperate in the substitution of service by the Complainant to customers residing in and around the Village of Hoytville, as well as areas along the McComb Transmission System.
- (2) On October 11, 2012, KNG filed its answer, variously admitting and denying the allegations of the complaint.
- (3) At this time, the legal director finds that this matter should be scheduled for a settlement conference. The purpose of the settlement 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, Ohio Administrative Code (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 to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for November 8, 2012, at 10:00 a.m., in room 1247, at the offices of the Commission, 12<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion

of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

- (5) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (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.* (1996), 5 Ohio St.2d 189, 214 N.E.2d 666 (1996).

It is, therefore,

ORDERED, That a prehearing conference be scheduled in accordance with Finding (4). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Elizabeth Stevens

---

By: Elizabeth C. Stevens  
Legal Director

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/17/2012 4:29:18 PM**

**in**

**Case No(s). 12-2576-GA-CSS**

Summary: Entry by Legal Director scheduling a prehearing conference for 11/08/12, 10:00 a. m. at the offices of the Commission, 180 E. Broad St., 12th Flr., Rm. 1247, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Elizabeth Stevens, Legal Director, Public Utilities Commission of Ohio