

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of American Augers, Inc.,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 12-2207-GA-CSS
	)	
Petro Evaluation Services, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On August 1, 2012, American Augers, Inc. (complainant) filed a complaint against Petro Evaluation Services, Inc. (Petro) alleging that, from 1999 to 2010, Petro provided complainant with a source of natural gas under a sales agreement, via a gas pipeline installed on complainant's property. Complainant alleges that Petro unilaterally changed the terms of the sales agreement and did not supply sufficient natural gas to meet complainant's needs. When complainant joined the Consumer Gas Cooperative, Petro sued complainant in the Wayne County Court of Common Pleas for breach of the sales agreement. Complainant counterclaimed and raised numerous defenses. In the present case, complainant requests that the Commission make a determination that Petro's services are subject to Commission regulation, find that Petro has violated Commission rules or regulations, and order Petro to provide a refund of certain over-charges to complainant.
- (2) On August 31, 2012, Petro filed its answer to the complaint. In its answer, Petro explains that, after being approached by complainant, it did supply natural gas to complainant from September 1999 through September 2010, by purchasing gas from Gatherco, Inc. and selling it to complainant. Petro further explains that it supplied gas pursuant to a Natural Gas Sales Agreement, which was never filed with the Commission, and which Petro alleges complainants

breached. Petro denies that complainant is entitled to any relief or damages, and states that complainant fails to state a claim upon which relief can be granted and fails to set forth reasonable grounds for complaint.

- (3) In its answer, Petro also asserts that the Commission does not have jurisdiction over Petro or the complainant. However, Petro does not explain the rationale behind this assertion and does not develop its argument. At this time, the attorney examiner believes it would be appropriate for both parties to address the issue of the Commission's jurisdiction over this matter. Accordingly, the attorney examiner directs the parties to file briefs discussing the Commission's jurisdiction over this matter by November 15, 2012. In their briefs, the parties should include citations to applicable statutes, Ohio Administrative Code rules, and case precedent that support their positions. Reply briefs may be filed by November 29, 2012.

It is, therefore,

ORDERED, That the parties comply with the directives set forth in finding (3). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

By: Katie L. Stenman  
Attorney Examiner

JRJ/sc

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

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 12-2207-GA-CSS**

Summary: Attorney Examiner Entry ordering the parties to comply with the directives set forth in Finding (3). - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio