

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of John W. Insco,)	
)	
Complainant,)	
)	
v.)	Case No. 12-2706-GA-CSS
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondent.)	
In the Matter of the Complaint of Katherine Lycourt-Donovan,)	
)	
Complainant,)	
)	
v.)	Case No. 12-2877-GA-CSS
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On October 11, 2012, John W. Insco (Mr. Insco) filed a complaint, Case No. 12-2706-GA-CSS (12-2706), against Columbia Gas of Ohio, Inc. (Columbia) alleging that Columbia unreasonably turned off gas service to the Graystone Woods development, where he lives, for safety reasons.
- (2) On November 1, 2012, Columbia filed its answer to the complaint in 12-2706 acknowledging that Columbia has interrupted gas service to 13 residents of Graystone Woods development after detecting unsafe levels of methane gas. In the absence of governmental sign off on the restoration of gas service and an effective remediation system, Columbia avers that it would be unsafe to restore natural gas service to Mr. Insco's residence due to the existence of stray methane gas from a source as yet unidentified. Columbia further states that

it denies the remaining allegations set forth in the complaint and asserts that Mr. Insko has failed to set forth reasonable grounds for complaint. Moreover, Columbia asserts that it has complied with all applicable Ohio statutes, Commission rules and regulations, and Columbia's tariff.

- (3) On October 30, 2012, Katherine Lycourt-Donovan (Ms. Donovan) filed a complaint, Case No. 12-2877-GA-CSS (12-2877), against Columbia alleging, *inter alia*, that Columbia unreasonably interrupted natural gas service to her residence and that Columbia has acted in a discriminatory manner by refusing to restore service to her residence. Ms. Donovan noted that her service has been disconnected for five months; therefore, she requests expedited consideration of her complaint.
- (4) Given the similarity of addresses (i.e., 2045 Oakside Road, Toledo, Ohio and 2130 Oakside Road, Toledo, Ohio), Columbia's acknowledgement that it has interrupted gas service to 13 residents of Graystone Woods development, and because both Mr. Insko and Ms. Donovan appear to both be complaining about the same interruption of natural gas service on May 31, 2012, the attorney examiner finds that these two cases should be consolidated for purposes of settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of these complaints 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 these matters 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 the parties from initiating settlement negotiations prior to the scheduled settlement conference.
- (5) Accordingly, a settlement conference shall be scheduled for these cases for November 19, 2012, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. 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.

- (6) Pursuant to Rule 4901-1-26(F), O.A.C., Columbia shall investigate the issues raised in the complaints 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 these matters.
- (7) Pursuant to Rule 4901-9-01(B), O.A.C., Columbia's answer in 12-2877 would be due on November 19, 2012, unless otherwise ordered by the Commission, the legal director, the deputy legal director, or an attorney examiner. Given the consolidation of these two complaints for settlement conference and, because these two complaints appear to share similar factual circumstances which Columbia has already investigated in responding to Mr. Insko's complaint, the attorney examiner determines that Columbia should file its answer in 12-2877 by close of business on November 14, 2012.
- (8) As is the case in all Commission complaint proceedings, the complainants have the burden of proving the allegations of the complaints. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1996).

It is, therefore,

ORDERED, That these two complaint cases be consolidated for settlement conference in accordance with finding (4). It is, further,

ORDERED, That a settlement conference be scheduled for November 19, 2012, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That Columbia file its answer in 12-2877 in accordance with finding (7). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jeffrey R. Jones

By: Jeffrey R. Jones
Attorney Examiner

cmt/vrm

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/2/2012 3:56:44 PM

in

Case No(s). 12-2706-GA-CSS, 12-2877-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for November 19, 2012, at 11:00 a.m. electronically filed by Vesta R Miller on behalf of Jeffrey R. Jones, Attorney Examiner, Public Utilities Commission of Ohio