

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) By entry issued October 18, 2012, the attorney examiner established a briefing schedule in this case to allow the parties to address the Commission's jurisdiction over this matter. Specifically, the attorney examiner directed the parties to file briefs by November 15, 2012, and reply briefs by November 29, 2012.
- (4) On November 14, 2012, the parties filed a joint motion for an extension of the briefing schedule, along with a request for expedited treatment. The parties request a two-week extension of the briefing schedule. The attorney examiner finds that the parties' request for an extension of the briefing schedule is reasonable and should be granted. Accordingly, briefs will be due on November 29, 2012, and reply briefs will be due on December 13, 2012.

It is, therefore,

ORDERED, That the parties' request for an extension of the briefing schedule be granted. It is, further,

ORDERED, That briefs are due on November 29, 2012, and reply briefs are due on December 13, 2012. 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

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in

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

Summary: Attorney Examiner Entry granting the parties' request for an extension of the briefing schedule with briefs due on 11/29/12 and reply briefs due on 12/13/12. - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio