

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Klines Cove Real Estate, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. 13-237-GA-CSS
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On January 16, 2013, Klines Cove Real Estate, LLC (Klines Cove), filed a complaint against The East Ohio Gas Company d/b/a Dominion East Ohio (Dominion). The complaint alleges that Dominion unjustly charged Klines Cove a monthly service charge that was not prorated to represent the partial month for which service was received. Further, Klines Cove alleges that this practice is unjust because it permits Dominion to collect two monthly service charges from a single property for the same month.
- (2) On February 5, 2013, Dominion filed an answer to Klines Cove's complaint admitting, in part, and denying, in part, the allegations contained in the complaint. Dominion admits that Klines Cove was billed according to the General Sales Service - Residential (GSS-R) rate schedule and that Klines Cove was charge a \$0.57 Automated Meter Reading cost recovery charge and a \$2.80 Pipeline Infrastructure Replacement cost recovery charge. Dominion denies that Klines Cove was charged a basic service charge of \$17.98 for the period in question; instead averring that it assessed a basic service charge of \$17.58. Dominion generally denies all other allegations contained in the complaint. Dominion argues, by affirmative defense, that the charges assessed were consistent with Dominion's Commission-approved tariff, that the complaint fails to set forth reasonable grounds

for complaint, that the complaint fails to state a claim upon which relief can be granted, that Dominion at all times complied with the Ohio Revised Code and all applicable rules and regulations, and that Jason Vantell is not an attorney-at-law authorized to practice in Ohio on behalf of Klines Cove.

- (3) On February 20, 2013, the attorney examiner issued an entry scheduling a settlement conference for Thursday, March 21, 2013, at 10:00 a.m., at the offices of the Commission, 12th Floor, in Conference Room 1247.
- (4) On February 22, 2013, Dominion filed a motion to reschedule the settlement conference. The motion requested the settlement conference be rescheduled from Thursday, March 21, 2013, at 10:00 a.m., to Thursday, March 21, 2013, at 3:00 p.m. The attorney examiner finds that the motion is reasonable and should be granted, with modification.
- (5) Accordingly, the settlement conference shall be scheduled for March 21, 2013, at 2:30 p.m. at the offices of the Commission, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (6) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised on 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 authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (7) 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.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

- (8) Moreover, Klines Cove should note that the Commission has no authority to award monetary damages. It is, however, within the jurisdiction of the Commission to determine whether a public utility has violated any specific statute, order, or regulation of the Commission. If the Commission finds a violation, a complainant may pursue damages before a court of common pleas in accordance with Section 4905.61, Revised Code.

It is, therefore,

ORDERED, That Dominion's motion to reschedule the settlement conference be granted and the settlement conference shall commence on March 21, 2013, at 2:30 p.m., at the offices of the Commission, 180 East Broad Street, Room 1246, 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

s/Bryce McKenney

By: Bryce A. McKenney
Attorney Examiner

GAP/sc

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3/15/2013 2:25:33 PM

in

Case No(s). 13-0237-GA-CSS

Summary: Attorney Examiner Entry granting the motion to continue the settlement conference and scheduling it for 2:30 p.m. on 03/21/2013. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio