

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Candice Leftwich,)	
)	
Complainant,)	
)	
v.)	Case No. 13-484-GA-CSS
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On February 20, 2013, Candice Leftwich (complainant) filed a complaint against The East Ohio Gas Company d/b/a Dominion East Ohio (DEO). Complainant asserts that, in November 2012, she made a payment of \$20.00 under the Percentage of Income Payment Plan Plus (PIPP Plus) program that DEO did not properly apply to her account. Complainant avers that, although DEO informed her that the issue would be corrected, her account was not adjusted. Complainant further alleges that she did not receive an "on time in full credit" for the month of December 2012.
- (2) On March 12, 2013, DEO filed an answer to the complaint. In its answer, DEO states that complainant is a PIPP Plus customer with an installment amount of \$10.00 per month. DEO admits that it received a \$20.00 payment from complainant on November 12, 2012. DEO avers that it applied \$10.00 toward complainant's PIPP Plus monthly installment and the remaining \$10.00 toward her arrearage balance. DEO further avers that it notified complainant on November 29, 2012, that the monthly PIPP Plus installment cannot be paid in advance. DEO states that it is without sufficient knowledge or information to either admit or deny whether complainant was told by a DEO representative that the \$10.00 applied toward her arrearage balance would be corrected or adjusted.

Additionally, DEO states that complainant did not pay the PIPP Plus installment amount reflected on the bill dated November 26, 2012, which was due on December 12, 2012. DEO admits that, as a result of the missed payment, complainant did not receive an "on time in full credit" for the month of December 2012.

DEO asserts that complainant has failed to state reasonable grounds for complaint and that the complaint does not comply with Rule 4901-9-01(B), Ohio Administrative Code (O.A.C.). DEO further asserts that it has complied with all applicable rules, regulations, and tariffs. DEO concludes that the complaint should be dismissed.

- (3) At this time, the attorney examiner 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, 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 discussion. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for April 16, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 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.
- (5) All parties attending the settlement 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, 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).

It is, therefore,

ORDERED, That a settlement conference be scheduled for April 16, 2013, at 10:00 a.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/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/sc

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Commission of Ohio Docketing Information System on

3/21/2013 7:24:36 AM

in

Case No(s). 13-0484-GA-CSS

Summary: Attorney Examiner Entry schedules settlement conference for 04/16/2013, 10:00 a. m., at the offices of the Commission, 180 E. Broad St., Rm. 1246, Columbus, Ohio - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio