

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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|-------------------------------------|-------------------------|
| In the Matter of the Complaint of) | |
| Gwendolyn Tandy,) | |
| Complainant,) | |
| v.) | Case No. 12-2103-GA-CSS |
| The East Ohio Gas Company d/b/a) | |
| Dominion East Ohio,) | |
| Respondent.) | |

ENTRY ON REHEARING

The Commission finds:

- (1) On July 17, 2012, as supplemented on November 8, 2012, and January 11, 2013, Gwendolyn Tandy (complainant) filed a complaint with the Commission against The East Ohio Gas Company d/b/a Dominion East Ohio, (Dominion). In the complaint, Ms. Tandy raised 20 allegations, commencing in September 2006 continuing through October 2012, that Dominion inaccurately billed and overcharged her account, improperly transferred debts to her account, threatened disconnection of her service, unnecessarily directed that her furnace be checked, and inappropriately enrolled her in various payment plans.
- (2) By entry dated March 27, 2013, the Commission dismissed the complaint for lack of prosecution, with prejudice.
- (3) In accordance with Section 4903.10, Revised Code, and Rule 4901-1-35, Ohio Administrative Code (O.A.C.), any party to a Commission proceeding may apply for rehearing with respect to any matter determined, within 30 days of the entry upon the Commission's journal. Accordingly, any application for rehearing must be filed by April 26, 2013.
- (4) On April 5, 2013, and April 9, 2013, Ms. Tandy filed additional information regarding her complaint. In the April 5, 2013, filing, Ms. Tandy states that she disagrees with the dismissal of

her complaint because she had no knowledge of the hearing date or had a family emergency. Ms. Tandy also argues that the Commission did not provide her with counsel and that she informed an attorney examiner that she was not capable of addressing the matters raised in this complaint and another complaint on the same day. Further, Ms. Tandy submits that, if she had known that no attorney examiner would be there and familiar with her case, she would have consulted with an attorney before her hearings. On April 9, 2013, Ms. Tandy made two filings totaling 40 pages elaborating on her claims and challenging the filed written testimony of Dominion's witness.

- (5) On April 15, 2013, Dominion filed a memorandum in response. Dominion requests that the Commission take no action on the filings and allow the matter to be denied by operation of law pursuant to Section 4903.10, Revised Code. Dominion contends that the April 5, 2013, statement does not warrant the Commission's reconsideration and restates information known to the Commission and noted in its entry dismissing the complaint. Further, Dominion emphasizes that the statement of Ms. Tandy fails to offer any new reason for the complainant's failure to appear for the hearings.
- (6) On April 19, 2013, Dominion filed a motion to strike complainant's April 9, 2013, filings. Dominion requests that the filings be stricken as untimely in accordance with any applicable filing deadline nor otherwise authorized by the Commission. First, Dominion argues that, if Ms. Tandy's April 9, 2013, filings are considered the submission of written evidence, the filings are improper outside of a hearing, and unlawful. Dominion contends that Ms. Tandy's opportunity to properly introduce evidence has passed. Second, Dominion submits that, if Ms. Tandy's April 9, 2013, filings are an attempt to file a brief, because no hearing was held to address the issues, there has not been any procedural entry authorizing nor any Commission action permitting or requiring the filing of post-hearing briefs. Dominion reasons that Ms. Tandy's April 9, 2013, filings are unauthorized and should be stricken or disregarded. Finally, Dominion requests that Ms. Tandy's April 9, 2013, filings not be construed as applications for rehearing. Dominion argues that the documents do not pertain to or ask the Commission to reconsider any conclusion in the

entry dismissing her complaint, but rather pertain to the underlying merits of her complaint. As such, Dominion concludes that the filings cannot be considered applications for rehearing.

- (7) In regards to Ms. Tandy's filings made after the April 5, 2013, statement, the Commission notes that, pursuant to Rule 4901-1-35(D), O.A.C., a party may only file one application for rehearing to a Commission order within 30 days following the entry of the order upon the journal of the Commission. For this reason, the Commission will not consider the filings made subsequent to Ms. Tandy's April 5, 2013, filing.
- (8) The Commission finds that, even if the April 5, 2013, filing by Ms. Tandy is generously interpreted as an application for rehearing, the statement fails to present any new argument not already considered by the Commission. Accordingly, the Commission finds that Ms. Tandy's request for rehearing should be denied and our March 27, 2013, entry dismissing the case, with prejudice, should be reaffirmed.

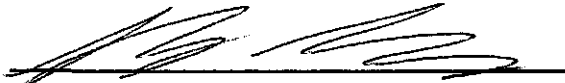
It is, therefore,

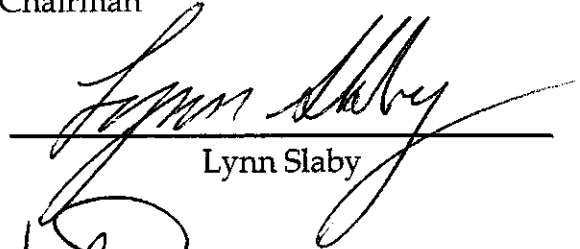
ORDERED, That Ms. Tandy's request for rehearing is denied. It is, further,

ORDERED, That a copy of this Entry on Rehearing be served upon all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Todd A. Snitchler, Chairman

Steven D. Lesser

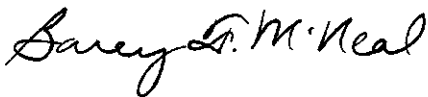
Lynn Slaby

M. Beth Trombold

GNS/vrm

Entered in the Journal

MAY 01 2013



Barcy F. McNeal
Secretary