

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Diane M.)	
Kavanagh,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1512-WS-CSS
)	
Aqua Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On June 26, 2013, Diane M. Kavanagh (complainant) filed a complaint against Aqua Ohio, Inc. (Aqua) to dispute spikes in her water bill. Prior to the spike in water usage, Ms. Kavanagh alleges that she received a bill for \$58.65. For the 61-day billing period from January 3, 2013, to March 5, 2013, Aqua issued the complainant a bill for \$711.48, equating to the use of 87,447 gallons of water (11,690 cubic feet). For the 58-day period from March 5, 2013, to May 2, 2013, Aqua issued a bill for \$1,205.75, equating to the use of 172,126 gallons of water (23,010 cubic feet). Ms. Kavanagh has ruled out leakages and suspects that her water meter is faulty.
- (2) Aqua filed an answer to the complaint on July 16, 2013. In its answer, Aqua points out that the complainant contacted the company on March 19, 2013, to report that someone left her outside spigot running. Aqua contends that this contributed to the increase in the March 2013 bill.

Aqua admits that on May 14, 2013, the complainant scheduled an appointment with a company field service representative to inspect her water meter. Aqua alleges that the field service representative detected numerous leaks in the complainant's home. Aqua contends that it re-read and tested the complainant's meter and determined that it was accurate and working properly. Consequently, Aqua denies that there is any inaccuracy in its billing.

- (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, Ohio Administrative Code (O.A.C.), any statement 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 process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

Accordingly, a settlement conference shall be scheduled for August 21, 2013, at 10:00 a.m. in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. 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.

Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in 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 requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

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).

It is, therefore,

ORDERED, That a settlement conference be held on August 21, 2013, at 10:00 a.m. in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

jrj/vrm

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in

Case No(s). 13-1512-WS-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference on August 21, 2013, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio