

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 Commission 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 alleged 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 alleged 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 admitted that Klines Cove was billed according to the General Sales Service - Residential (GSS-R) rate schedule and Klines Cove was charged a \$0.57 Automated Meter Reading cost recovery charge and a \$2.80 Pipeline Infrastructure Replacement cost recovery charge. Dominion denied 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 denied all other

allegations contained in the complaint. Dominion argued, by affirmative defense, that the charges assessed were consistent with Dominion's Commission-approved tariff; the complaint failed to set forth reasonable grounds for complaint; the complaint failed to state a claim upon which relief can be granted; Dominion at all times complied with the Ohio Revised Code and all applicable rules and regulations; and Jason Vantell is not an attorney-at-law authorized to practice in Ohio on behalf of Klines Cove.


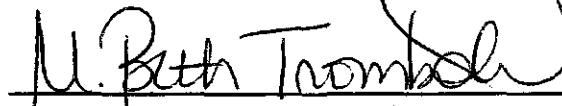
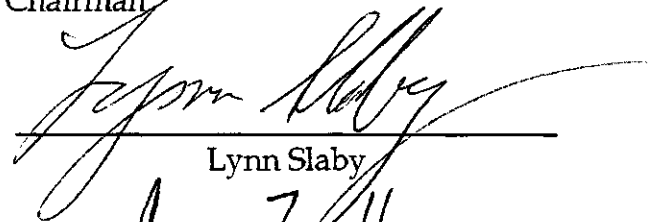
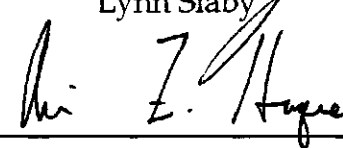
- (3) On February 20, 2013, the attorney examiner issued an entry scheduling a settlement conference in this case to explore the parties' willingness to negotiate a resolution of the complaint in lieu of an evidentiary hearing. The settlement conference was scheduled for March 21, 2013, at 10:00 a.m. Subsequently, Dominion filed a motion to continue the settlement conference to the afternoon of March 21, 2013. The attorney examiner granted the motion and rescheduled the settlement conference for March 21, 2013, at 2:30 p.m. Klines Cove failed to attend the settlement conference and did not contact the attorney examiner.
- (4) On May 20, 2013, the attorney examiner issued an entry directing Klines Cove to respond to the attorney examiner within 30 days to indicate whether it wishes to proceed with a settlement conference in this case. The entry indicated that, if Klines Cove did not respond, the attorney examiner would recommend to the Commission that the complaint be dismissed.
- (5) In light of the attorney examiner's entry, Klines Coves' failure to respond, and the abundance of time for which Klines Cove had an opportunity to respond, the Commission finds that the complaint should be dismissed because the complainant failed to prosecute the case.

It is, therefore,

ORDERED, That Case No. 13-237-GA-CSS be dismissed and closed of record. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman
Steven D. Lesser
M. Beth Trombold
Lynn Slaby

Asim Z. Haque

BAM/sc

Entered in the Journal

AUG 21 2013



Barcy F. McNeal
Secretary