

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.
- (2) Aqua filed an answer to the complaint on July 16, 2013. In its answer, Aqua alleged that its field service representative detected numerous leaks in the complainant's home. Aqua stated that it re-read and tested the complainant's meter and determined that it was accurate and working properly. Consequently, Aqua denied that there is any inaccuracy in its billing.
- (3) By entry issued August 1, 2013, the attorney examiner scheduled a settlement conference. The parties appeared for the conference on August 21, 2013, but were unable to negotiate a resolution.
- (4) The attorney examiner finds that this case should be scheduled for a hearing on October 29, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room C, 11<sup>th</sup> floor, Columbus, Ohio 43215-3793.
- (5) All discovery requests should be conducted in accordance with Rules 4901-1-16 to 4901-1-24, Ohio Administrative Code (O.A.C.).

- (6) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), O.A.C., which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (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).

It is, therefore,

ORDERED, That a hearing be held as set forth in Finding (4). It is, further,

ORDERED, That discovery be conducted in accordance with Finding (5). It is, further,

ORDERED, That any party intending to present expert testimony comply with Finding (6). 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

**This foregoing document was electronically filed with the Public Utilities**

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**in**

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

Summary: Attorney Examiner Entry ordered a hearing in accordance with Finding (4), ordered discovery in accordance with Finding (5), and ordered any party intending to present expert testimony to comply with Finding (6). - electronically filed by Sandra Coffey on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio