

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of James P. Verde,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1727-WS-CSS
)	
Mohawk Utilities,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 31, 2013, James P. Verde (Mr. Verde) filed a complaint against Mohawk Utilities (Mohawk), alleging that Mohawk overbilled him for water usage. According to Mr. Verde, the time period of the complaint is from January 2013 through April 2013, and the residence at issue is a summer home used only during May through mid-September. He adds that during the winter months "the main water supply line is completely shut off." He contends that during the winter he checks the condition of the house, and there was no indication of dripping faucets or other water usage.

Mr. Verde states that in January 2013, Mohawk billed him for using 2,400 gallons of water, but after contacting Mohawk, he was told to pay for only his typical monthly usage. He also states that in April 2013, while replacing the battery on the device that registers water usage, Mohawk's technician concluded that 35,700 gallons of water had been used. Subsequently, Mohawk billed him \$324.92 for the period March 30, 2013, through April 28, 2013. Mr. Verde closes by stating that he has continued to pay for the water that he has used, but he will not pay the \$324.92.

- (2) Mohawk filed its answer on August 16, 2013. Mohawk states that it reads customer meters via a remote reader from a vehicle as their representative drives past a customer's residence. A device called a transponder transmits information

from a register; as water passes through the meter, the register records usage information from the meter.

Mohawk adds that when Mrs. Verde called on January 9, 2013, to complain about a high water bill, Mohawk agreed to re-read the meter. Mohawk contends that when it attempted a drive-by reading on January 12, 2013, the meter could not be read because the transponder had failed. As a result, Mohawk explains, its representative physically read the meter, and Mohawk removed the alleged usage that Mrs. Verde believed was in error.

Mohawk asserts that during the months of January, February, and March the transponder sent no signal to indicate usage. When Mohawk replaced the register and transponder on April 20, 2013, it states that the meter reading was 35,300 gallons above the December reading of 763. Mohawk states that it "has never had a register read higher than the actual usage that went through the meter. We only use the gallons off the register to bill the customer."

- (3) 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 in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (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 process. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for October 16, 2013, at 11:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. 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.

- (5) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised on 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 authority to settle those issues.
- (6) 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 scheduled for October 16, 2013, at 11:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference 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/ James M. Lynn

By: James M. Lynn
Attorney Examiner

jrj/vrm

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in

Case No(s). 13-1727-WS-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for October 16, 2013, at 11:00 a.m.; electronically filed by Vesta R Miller on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio