BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

BONITA J. TUCKER-MERCADO,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 13-1993-GA-CSS
	)	
THE EAST OHIO GAS COMPANY D/B/A DOMINION EAST OHIO,	)	
	)	
Respondent.	)	

ANSWER

In accordance with Ohio Adm. Code 4901-9-01(D), the Respondent, The East Ohio Gas Company d/b/a Dominion East Ohio ("DEO" or "the Company"), for its answer to the complaint of Bonita J. Tucker-Mercado ("Complainant") states:

FIRST DEFENSE

1. DEO denies that Ms. Tucker-Mercado is an active customer of the Company. DEO avers that the Complainant was an active customer of the Company with Account No. 9047[1] for service consumed at 12106 Leeila Ave., Cleveland, Ohio 44135 ("Premises") from October 2012 through July 2013. DEO further avers that the Complainant is responsible for Account No. 0418, which is for unauthorized service consumed at the Premises from July 2013 through August 2013.

2. DEO avers the following facts with respect to Account No. 9047: In June 2013, the Complainant had an account balance of $496.63. As a result, on June 4, 2013, DEO notified the Complainant that unless the Company received her past due amount by June 20, 2013, her gas service would be subject to disconnection. On June 15, 2013, DEO sent the Complainant an

[1] For ease of reference only the last four numbers of Ms. Tucker-Mercado's accounts are provided; the actual accounts numbers are longer.

additional notice stating that her service could be disconnected as early as June 30, 2013, if DEO did not receive payment. Despite these notices, DEO received no payment on Complainant's account in June or July. Consequently, and in accordance with the Commission's rules, DEO disconnected her service on July 2, 2013. The final meter reading was 624.0. On July 15, 2013, DEO sent the Complainant a final bill that showed her account balance as $445.33.

3. DEO avers the following facts with respect to Account No. 0418: On August 2, 2013, although Complainant's service had been disconnected, an automatic-meter-reading device ("AMR") detected usage on her meter, registering a reading of 626.4 at the Premises. As a result, on August 8, 2013, DEO investigated the Premises and found that gas service was being consumed through Complainant's meter. A meter reading of 626.8 disclosed that additional usage had occurred since the August 2 AMR reading. That day, DEO again disconnected service. The next day, August 9, DEO sent the Complainant a bill showing her account balance of $472.20, which included both the remaining balance from Account No. 9047 and a $112 investigation fee.

4. DEO is without sufficient knowledge or information to either admit or deny whether "[o]n August 8, 2013 around 8–9 am Dominion left a voice message on my answering machine."

5. DEO admits that, on August 8, 2013, the Complainant "made a payment by phone for 150.33 [sic], confirmation # 22000177."

6. DEO is without sufficient knowledge or information to either admit or deny whether "[t]he payment center said if [the Complainant's] service needs to be restored to call a different number, but [her] service was not disconnected, so [she] did not call."

7. DEO is without sufficient knowledge or information to either admit or deny whether the Complainant "left home headed to work a little after noon." DEO denies that it disconnected the Complainant's gas service between noon and 5 PM on August 8, 2013. DEO avers that it disconnected the Complainant's gas service at approximately 9 AM on August 8, 2013.

8. DEO admits that the Complainant called the Company on August 8, 2013, at approximately 6:45 PM, and was advised by a Company representative that she needed to pay $350.72 in order to reconnect service.

9. DEO is without sufficient knowledge or information to either admit or deny whether the Complainant "stated that normally when payment is made you dont [sic] disconnect service."

10. DEO is without sufficient knowledge or information to either admit or deny whether the "[t]he representative said [the Complainant] should have received a disconnection notice in July." DEO avers that it provided disconnection notices on June 4 and June 15, 2013, and complied with all Commission rules regarding disconnection procedures for the termination of residential service.

11. DEO denies that the Complainant's "service was not disconnected until the day they call on August 8 and after [she] made a payment." DEO avers that the Complainant's gas service was disconnected for non-payment on July 2, 2013; reconnected without DEO's authorization; and again disconnected on August 8, 2013, due to unauthorized use.

12. DEO denies that it "neglected to disconnect [the Complainant's] service in July," and that the Complainant "should not be charged $112.00 [sic] Investigation fee."

13. DEO denies generally any allegations not specifically admitted or denied in this Answer in accordance with Ohio Adm. Code 4901-9-01(D).

AFFIRMATIVE DEFENSES

SECOND DEFENSE

14. The complaint does not comply with the Commission's rules requiring "a statement which clearly explains the facts." Ohio Adm. Code 4901-9-01(B). The allegations are not in numbered-paragraph, but narrative, form; many of the allegations and statements in the complaint are compound; and many of the allegations omit numerous details necessary to answer them. The Company has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its Answer in the event it has incorrectly understood the allegations.

THIRD DEFENSE

15. The complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26.

FOURTH DEFENSE

16. The complaint fails to state a claim upon which relief can be granted.

FIFTH DEFENSE

17. The Company at all times complied with Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and the Company's tariffs. These statutes, rules, regulations, orders, and tariff provisions bar the Complainant's claims.

SIXTH DEFENSE

18. The Company reserves the right to raise other defenses as warranted by discovery in this matter.

Accordingly, the Company respectfully requests an order dismissing the complaint and granting it all other necessary and proper relief.

Date: October 16, 2013

Respectfully submitted,

/s/ Gregory L. Williams

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ATTORNEYS FOR
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DOMINION EAST OHIO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served to the following person by U.S. mail on this 16th day of October 2013:

Bonita J. Tucker-Mercado
12106 Leeila Ave.
Cleveland, Ohio 44135

/s/ Gregory L. Williams

One of the attorneys for
The East Ohio Gas Company d/b/a
Dominion East Ohio

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Summary: Answer of the Company to the Complaint electronically filed by Mr. Gregory L. Williams on behalf of The East Ohio Gas Company d/b/a Dominion East Ohio