

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Donald McGovern,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1981-GA-CSS
)	
The East Ohio Gas Company dba)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 20, 2013, Donald McGovern (Mr. McGovern) filed a complaint against The East Ohio Gas Company dba Dominion East Ohio (DEO), alleging inaccurate billing for two meters in a "multi tenant industrial building." Mr. McGovern contends that the first meter, No. 14602406, was "read, turned off and locked on April 27, 2011," and that the final bill was paid in full on June 21, 2011. He further asserts that the second meter, No. 13029793, was "turned off and locked on December 13, 2002." Mr. McGovern adds that the meters are in a property that was vacant and secured after both meters were locked, and that both meters were subsequently removed and tested by DEO.

According to Mr. McGovern, on May 6, 2013, he received bills for charges that were incurred during the period since each meter was turned off. He argues that DEO's service was inadequate because it did not provide, in timely manner, "statements with actual readings showing dates of usage during 2002 to 2013." He seeks "verification of meter numbers tested, as well as test results."

- (2) DEO filed its answer on October 10, 2013. DEO contends that there were two accounts associated with Meter No. 14602406 and one account associated with Meter No. 13029793.

Regarding Account No. 4503 for Meter No. 1460246, DEO admits that Mr. McGovern was customer of record for service from October 27, 1999, to April 27, 2011. DEO also admits that the meter was read and that service was disconnected at the curb on April 27, 2011, but denies that the meter was locked on that date. DEO states that service was disconnected for nonpayment, and that several attempts were made to seal the meter, but because of difficulty gaining access to the meter, it was not sealed nor was a final meter reading made until October 21, 2011. DEO admits that the final bill was paid in full on June 21, 2011.

Concerning Account No. 0961 for Meter No. 1460246, DEO contends that Spang J Baking Company (Spang J) was the customer of record, and that Spang J is associated with Mr. McGovern. DEO notes that the meter had been sealed on October 21, 2011, and that on May 3, 2013, DEO conducted an equipment inspection at the premises, at which time it found that the meter was not sealed, the curb box was on, and there had been unauthorized usage of gas. Consequently, adds DEO, it sent Spang J c/o Mr. McGovern a bill for unauthorized usage from May 3, 2012, through May 3, 2013.

Regarding Account No. 1396 for Meter No. 13029793, DEO contends that Spang J was again the customer of record. DEO states that the meter had been inactive since October 1998, and that on December 13, 2002, it inspected the premises, found that the meter was turned off and locked, and read the meter. DEO further contends that on May 3, 2013, it conducted an equipment inspection and detected usage on the meter; the meter was unlocked and the curb box was turned on. Subsequently, it sent Spang J c/o Mr. McGovern a bill for unauthorized usage from May 3, 2012, through May 3, 2013.

- (3) In response to other allegations of Mr. McGovern, DEO admits that it removed both meters on May 3, 2013, after unauthorized usage was detected. DEO denies that it

subsequently tested both meters. DEO adds that is has insufficient knowledge to admit or deny that the space serviced by both meters was vacant and secured during the locked period. DEO further argues that monthly statements were not sent for Account Nos. 0961 and 1396 because both accounts were not considered active, even though there had been unauthorized usage of gas.

- (4) 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.
- (5) Accordingly, a settlement conference shall be scheduled for November 5, 2013, at 10:30 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.
- (6) 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. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

- (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 settlement conference be scheduled for November 5, 2013, at 10:30 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 Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/17/2013 7:44:45 AM

in

Case No(s). 13-1981-GA-CSS

Summary: Attorney Examiner Entry ordered settlement conference for 11/05/2013, 10:30 a.m. at the Commission offices, 180 E. Broad St., Rm. 1246, 12th Flr., Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio