

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Bonita J.)	
Tucker-Mercado,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1993-GA-CSS
)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 26, 2013, Bonita J. Tucker-Mercado (complainant) filed a complaint against Dominion East Ohio (DEO). The complainant alleges that DEO improperly terminated her gas service. She states that, on August 8, 2013, DEO left a voice message concerning the payment of her delinquent gas bill payment. In response to the message, the complainant states that she made a payment by telephone in the amount of \$150.33. Later that day, she contends that DEO disconnected her gas service for nonpayment. The complainant acknowledges that she received a disconnection notice in July.

The complainant does not dispute the past due amount of \$472.20. Nor does she dispute the disconnection of service. She does, however, dispute the assessment of an investigation fee of \$112.00 because she had made a payment prior to disconnection.

- (2) DEO filed an answer to the complaint on October 16, 2013. In its answer, DEO highlights that, although the complainant is no longer an active customer, she is a party to two accounts for service consumed at 12106 Leeila Avenue, Cleveland, Ohio.

- (3) DEO alleges that, for Account No. 9047,¹ the complainant owed \$496.63 in June 2013. DEO contends that it warned the complainant on June 4, 2013, that her service would be subject to disconnection if she did not pay the past due amount by June 20, 2013. Because the complainant failed to pay in response to an additional notice and warning of disconnection issued on June 15, 2013, DEO disconnected the complainant's service on July 2, 2013. DEO sent the complainant a final bill showing an account balance of \$445.33.
- (4) With respect to Account No. 0418, DEO alleges that, on August 2, 2013, an automatic meter reading (AMR) device detected usage on the complainant's meter that DEO had disconnected on July 2, 2013. The AMR recorded a gas usage reading of 626.4. Subsequently, DEO conducted an investigation that revealed gas use in the amount of 626.8, showing that additional gas use had occurred since the August 2, 2013, AMR reading. Because service had been reconnected without DEO's authorization, DEO disconnected service again on August 8, 2013. DEO alleges that, on August 9, 2013, it sent the complainant a bill showing an account balance of \$472.20, which included the remaining balance from Account No. 9047 and a \$112 investigation fee. DEO denies that it neglected to disconnect the complainant's service in July and that it should not have charged an investigation fee of \$112.00.
- (5) DEO admits that the complainant made a payment by phone on August 8, 2013, in the amount of \$150.33. DEO denies all other material allegations in the complaint.
- (6) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An

¹ Account numbers are shortened for ease of reference.

attorney examiner with the Commission's Legal Department will facilitate the settlement process.

- (7) Accordingly, a settlement conference shall be scheduled for December 19, 2013, at 1:30 p.m., in Room 1246, at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (8) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the respondent shall investigate the issues raised in the complaint prior to the settlement conference, and all parties participating in the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties participating in the settlement conference should have with them all documents relevant to this matter.
- (9) As is the case in all Commission complaint proceeding, 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 held on December 19, 2013, at 1:30 p.m. in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. 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

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Case No(s). 13-1993-GA-CSS

Summary: Attorney Examiner Entry scheduling settlement conference; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio