

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of )	
Gary Coken, )	
Complainant, )	
v. )	Case No. 14-10-GA-CSS
Columbia Gas of Ohio, Inc., )	
Respondent. )	

ENTRY

The attorney examiner finds:

- (1) On January 3, 2014, Gary Coken (Complainant) filed a complaint against Columbia Gas of Ohio, Inc. (Columbia). The Complainant avers that he became the sole owner of 258 Raymer on January 2, 2013, when his spouse died, and also became the successor to the utility service contract with Columbia for 258 Raymer Boulevard, Toledo, Ohio 43605 (258 Raymer). The Complainant alleges that, at all material times, all monthly service charges billed by Columbia for gas service at 258 Raymer were paid in full. The Complainant then asserts that, despite the monthly service charges being paid in full, Columbia unlawfully and unjustly terminated gas service at 258 Raymer between January 15, 2013, and January 29, 2013. The Complainant avers that, as a result of the unlawful and unjust termination of gas service to 258 Raymer, no gas was provided to the furnace to provide heat, which caused a water pipe to burst and flood the property. The Complainant requests that the Commission find that Columbia acted unlawfully and unjustly in disconnecting gas service to the property.
- (2) On January 23, 2014, Columbia filed an answer to the complaint admitting, in part, and denying, in part, the allegations contained in the complaint. Columbia notes that it is without sufficient knowledge to either admit or deny many of the allegations of the complaint. However, Columbia denies that it unlawfully or unjustly terminated

gas service to 258 Raymer between January 15, 2013, and January 29, 2013. Columbia also denies that, as a direct and proximate result of the termination of gas, there was no heat to the property and a water pipe burst, which flooded the property. Columbia then asserts that the Complainant fails to state reasonable grounds for complaint and that at all times Columbia complied with the applicable Ohio statutes, Commission rules and regulations, and its tariff.

- (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 Ohio Adm.Code 4901-1-26, 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 March 13, 2014, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, 12<sup>th</sup> floor, Conference Room 1246, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (5) Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in 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.
- (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).

- (7) Moreover, Complainant should note that the Commission has no authority to award monetary damages. It is, however, within the jurisdiction of the Commission to determine whether a public utility has violated any specific statute, order, or regulation of the Commission. If the Commission finds a violation, a complainant may pursue damages before a court of common pleas in accordance with R.C. 4905.61.

It is, therefore,

ORDERED, That a settlement conference be scheduled for March 13, 2014, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 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/Bryce McKenney

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By: Bryce A. McKenney  
Attorney Examiner

JRJ/sc

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

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**Case No(s). 14-0010-GA-CSS**

Summary: Attorney Examiner Entry schedules a prehearing settlement conference for 03/13/2014 at 10:00 a.m. at the offices of the Commission, 180 E. Broad St., 12th Flr., Rm. 1246, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio