

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of United)	
Services Automobile Association,)	
)	
Complainant,)	
)	
v.)	
)	Case No. 14-1176-GA-CSS
NiSource, Inc.,)	
)	
and)	
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondents.)	

ENTRY

The attorney examiner finds:

- (1) On July 3, 2014, United Services Automobile Association (USAA or Complainant), as subrogee of Roger and Joy Ellen Wood, filed a complaint against NiSource, Inc. (Nisource), and Columbia Gas of Ohio, Inc. (Columbia) (jointly, Respondents). In the complaint, USAA alleges that Respondents failed to provide reasonable, necessary, and/or adequate natural gas service as required by the Revised Code and the Ohio Administrative Code. USAA contends that Respondents' failure resulted in a fire that caused \$386,140 in damage to USAA's insureds' property. USAA further asserts that it seeks: a declaration from the Commission that Respondents breached their obligations under the Revised Code, Ohio Administrative Code, and applicable tariffs; compensation for the damage resulting from Respondents' breach of their obligations; authorization for an award of treble damages pursuant to R.C. 4905.61; compensation for the costs of litigation, including all expenses and attorneys' fees; and other relief as the Commission deems just and equitable.

- (2) On July 23, 2014, Respondents filed an answer to USAA's complaint. In their answer, Respondents generally deny the allegations set forth in the complaint and set forth affirmative defenses. Additionally, Respondents filed a motion to dismiss the complaint.
- (3) On August 11, 2014, USAA filed a response to Respondents' motion to dismiss, as well as an amended complaint.
- (4) By Entry issued August 26, 2014, the attorney examiner permitted USAA's complaint to be amended pursuant to Ohio Adm.Code 4901-1-06. Further, the attorney examiner scheduled a settlement conference for October 6, 2014.
- (5) Thereafter, counsel for Complainant contacted the attorney examiner and requested to reschedule the date for the settlement conference due to a conflict. Counsel for Complainant represented that the alternative date of December 2, 2014, was agreeable to counsel for Columbia.
- (6) The attorney examiner finds that Complainant's request to reschedule the settlement conference is reasonable and should be granted.
- (7) Accordingly, the settlement conference shall be rescheduled for December 2, 2014, at 1:00 p.m., in Hearing Room 1247 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, an 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.
- (8) 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 requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

- (9) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That the settlement conference be rescheduled for December 2, 2014, as set forth in Finding (7). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Mandy W. Chiles

By: Mandy Willey Chiles
Attorney Examiner

JRJ/sc

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in

Case No(s). 14-1176-GA-CSS

Summary: Attorney Examiner Entry rescheduling settlement conference for 12/02/2014 at 1:00 p.m. at the offices of the Commission. - electronically filed by Sandra Coffey on behalf of Mandy Willey Chiles, Attorney Examiner, Public Utilities Commission of Ohio