

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Randy	)	
Leisz,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 14-1936-GA-CSS
	)	
DTE Energy Supply, Inc. and Vectren	)	
Energy Delivery of Ohio, Inc.,	)	
	)	
Respondents.	)	

ENTRY

The attorney examiner finds:

- (1) On November 3, 2014, Randy Leisz (Complainant) filed a complaint alleging that DTE Energy Supply, Inc. (DTE) was trying to collect \$82.51 in sales tax. The complainant asserts that he is exempt from the payment of sales tax and that he mailed the applicable tax exemption certificate to DTE.
- (2) On November 24, 2014, DTE filed its answer in response to the complaint. Specifically, DTE asserts that, on November 18, 2014, payment in the amount of \$82.51 was sent to Vectren Energy Delivery of Ohio, Inc. (Vectren) to be credited to Mr. Leisz's account.
- (3) On November 24, 2014, Vectren filed its answer representing that it believes that the complaint has been resolved.
- (4) Notwithstanding the representations of DTE and Vectren, the Complainant has contacted the Commission's legal department on two occasions to indicate that he does not believe that his complaint has been resolved.
- (5) In light of the Complainant's representations, this matter shall be scheduled for a settlement conference on Tuesday, January 27, 2015, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, Room 1246, Columbus, Ohio 43215.

The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio

Adm.Code 4901-1-26, any statement 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 the parties from initiating settlement negotiations prior to the scheduled settlement conference.

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.

- (6) If the Complainant fails to attend the settlement conference, the attorney examiner may recommend dismissal of the pending complaint.
- (7) 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.
- (8) 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 in accordance with Finding (5). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jay S. Agranoff

By: Jay S. Agranoff  
Attorney Examiner

JRJ/dah

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

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**in**

**Case No(s). 14-1936-GA-CSS**

Summary: Attorney Examiner Entry that a settlement conference be scheduled in accordance with Finding (5); electronically filed by Debra Hight on behalf of Jay S. Agranoff, Attorney Examiner.