

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of William Matisak,)	
)	
Complainant,)	
)	
v.)	Case No. 14-2140-GA-CSS
)	
The East Ohio Gas Company dba Dominion)	
East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On November 24, 2014, William Matisak (Mr. Matisak or Complainant) filed a complaint against The East Ohio Gas Company dba Dominion East Ohio (DEO), explaining that he had scheduled a September 29, 2014 appointment for 11:00 a.m. to 2:00 p.m. for gas to be turned on at a rental property that he owns. According to Complainant, the DEO service person that arrived “walked to the front door, put a note on the door, walked back to the truck and drove away.” Mr. Mitisak asserts that he then recontacted DEO and stated that he had a gas leak at the property; the DEO service person that responded to this call could not turn on the gas because the meter was locked. Complainant scheduled another appointment for October 6, 2014, at the property from 9:00 a.m. to 12:00 p.m., but asserts that no DEO employee arrived. Complainant adds that he made one more call to DEO, which resulted in a DEO service person turning on Complainant’s gas service on a date unspecified by Complainant. Complainant asserts that disciplinary action should be taken against DEO.
- (2) DEO filed its answer on December 15, 2014. DEO admits Complainant has an account for gas service at the property, and asserts that his September 29, 2014 appointment was from 12:00 p.m. to 4:00 p.m. DEO also

contends Complainant was contacted at approximately 2:00 p.m. on September 29, 2014, via DEO's automated system to indicate that a service person would arrive soon. DEO asserts the service person arrived at the property by 2:30 p.m., found no one to provide access to the gas meter, and left a card at the front door indicating that there was an attempt made to turn on gas service. DEO adds that, when it responded to Complainant's September 29, 2014 call concerning a gas leak, Complainant did not allow the DEO service person to conduct a leak survey, so the service person turned off service at the curb box.

DEO further states Complainant called DEO on October 6, 2014, at 12:15 p.m. and agreed to a turn-on order for October 13, 2014. DEO asserts the service was activated on October 13, 2014, at the property.

- (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 January 28, 2015, at 10:00 am, 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.

- (5) Pursuant to Ohio Adm.Code 4901-1-26(F), 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.
- (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).

It is, therefore,

ORDERED, That a settlement conference be scheduled for January 28, 2015, at 10:00 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

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in

Case No(s). 14-2140-GA-CSS

Summary: Attorney Examiner Entry scheduling settlement conference in accordance with Finding (4). - - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio