

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Mark Elvey,)	
)	
Complainant,)	
)	
v.)	Case No. 14-2301-GA-CSS
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On December 22, 2014, Mark Elvey (Complainant) filed a complaint against Columbia Gas of Ohio, Inc. (Columbia) regarding the infrastructure replacement program rider charge. Complainant objects to the fact that the rider charge on his bill has increased from approximately \$5.00 per month to \$42.18 per month. When combined with other charges, he adds, his bill is \$104.39 per month before he uses any gas. Complainant admits that the rider charge on his bill has increased because he used more than 3000 hundred cubic feet (Ccf) in the prior year, but he requests that the Commission review the rider charge "and reduce it to what it has been."
- (2) Columbia filed its answer and a motion to dismiss on January 12 and January 13, 2015, respectively. Columbia admits that Complainant's rider charge increased from \$5.71 per month to \$42.18 per month because his gas usage from September 2013 to August 2014 exceeded 3000 Ccf. Columbia adds that it will review Complainant's gas consumption between September 2014 and August 2015 to determine whether he is eligible to revert to the lowest rate for the rider charge. Columbia agrees that the total of all charges on Complainant's bill is \$104.39, but contends that it has complied with all applicable Ohio rules and statutes, as well as Columbia's tariff.

In its motion to dismiss, Columbia asserts that it must charge its rates on file at the Commission. Columbia also notes that the Commission annually reviews the rider charge and recently

approved a settlement agreement among Staff, Columbia, and an interested party to recover expenses incurred that were necessary and prudent. In sum, Columbia contends, Complainant has not stated reasonable grounds for complaint, and the complaint should be dismissed.

- (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 February 13, 2015, at 11:00 a.m., at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. 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. 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).

It is, therefore,

ORDERED, That a settlement conference be scheduled for February 13, 2015, at 11:00 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 M. Lynn

By: James M. Lynn
Attorney Examiner

jrj/vrm

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in

Case No(s). 14-2301-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for February 13, 2015, at 11:00 a.m.; electronically filed by Vesta R Miller on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio