

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 Commission finds:

- (1) On November 3, 2014, Randy Leisz (Complainant) filed a complaint against DTE Energy Supply, Inc. (DTE) and Vectren Energy Delivery of Ohio, Inc. (Vectren) (jointly, Respondents), alleging that 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 to be credited to the Complainant's account. Therefore, DTE states that, pursuant to Ohio Adm.Code 4901-9-01(F), if no response is filed within 20 days, the Commission may presume the complaint has been settled and the complaint should be dismissed.
- (3) On November 24, 2014, Vectren filed its answer representing that it believes that the complaint has been resolved; therefore, the complaint should be dismissed pursuant to Ohio Adm.Code 4901-9-01(F).
- (4) Notwithstanding the representations of Respondents, the Complainant contacted the Commission's legal department by telephone on two occasions to indicate that he does not believe

that his complaint has been resolved. While the Complainant was instructed to file a response to the Respondents' assertions under Ohio Adm.Code 4901-9-01(F), no such filing was made.

- (5) Nonetheless, in light of the Complainant's verbal representations, pursuant to the attorney examiner's Entry of January 9, 2015, this matter was scheduled for a settlement conference on January 27, 2015, at the offices of the Commission.

The purpose of the settlement conference was to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. The Entry informed the Complainant that, if he failed to attend the settlement conference, the attorney examiner may recommend dismissal of the pending complaint.


- (6) The settlement conference occurred on January 27, 2015, as scheduled. While counsel for the two Respondents were in attendance, the Complainant did not attend and failed to notify the attorney examiner of his reason for not attending.
- (7) 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).
- (8) At this point in time, the Commission finds that the complaint should be dismissed, consistent with Ohio Adm.Code 4901-9-01(F). In reaching this determination, the Commission notes that Respondents have indicated that the dispute in this case has been resolved, due to the credit issued to the Complainant's account. Additionally, while afforded the opportunity to do so, the Complainant failed to either formally dispute the representations of the Respondents, amend his complaint in order to assert additional allegations, or appear at the January 27, 2015 settlement conference in order to set forth his concerns. Therefore, the Commission concludes that the issues set forth in the complaint have been resolved and this case should be dismissed.

It is, therefore,

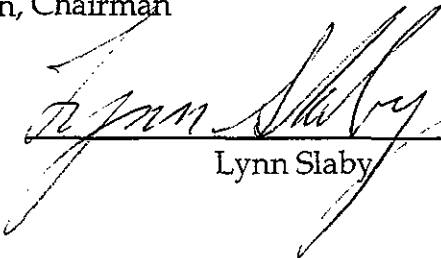
ORDERED, That the complaint be dismissed in accordance with Finding (8).  
It is, further,

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


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Thomas W. Johnson, Chairman

  
Steven D. Lesser

  
Lynn Slaby

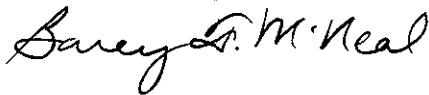
  
M. Beth Trombold

  
Asim Z. Haque

JSA/dah

Entered in the Journal

**FEB 11 2015**

  
Barcy F. McNeal

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Secretary