

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RANDY LEISZ,)	
)	
Complainant,)	
)	
v.)	Case No. 15-0400-GA-CSS
)	
VECTREN ENERGY DELIVERY OF)	
OHIO, INC,)	
)	
Respondents.)	

ANSWER

In accordance with Ohio Adm. Code 4901-9-01(D), Vectren Energy Delivery of Ohio, Inc. (VEDO or the Company), for its answer to the complaint of Randy Leisz states:

FIRST DEFENSE

1. VEDO admits that Mr. Leisz is a customer of the Company with Account No. 0586¹ for natural gas utility service consumed at 5279 Springboro Road, Lebanon, Ohio 45036.

Allegations Regarding Changes in Gas Supplier

2. VEDO avers that Mr. Leisz appears to consume service on a seasonal basis for the purpose of grain drying.

3. VEDO avers that Mr. Leisz was assigned to IGS Energy as his Standard Choice Offer (SCO) supplier when he reestablished service in November 2014.

4. VEDO avers that Mr. Leisz's prior SCO supplier was DTE Energy Supply, Inc.

5. VEDO denies that the assignment of IGS as his SCO supplier was unreasonable or unlawful.

¹ For ease of reference, only the last four numbers of the account are provided; the actual account number is longer.

Allegations Regarding Collection of Sales Tax

6. VEDO avers that under its tariffs, SCO suppliers who elect consolidated billing submit a customer's sales tax for billing and collection by VEDO. *See* VEDO P.U.C.O. No. 3, Sheet No. 52, p.4 (“[SCO] Customer shall receive one Bill from Company that . . . includes an amount for Choice Supplier's gas supply charges . . . , including any taxes for which Choice Supplier must collect.”).

7. VEDO avers that it is the customer's responsibility to duly notify his SCO supplier if he is exempt from the collection of sales tax.

8. VEDO admits that IGS submitted sales tax amounts for billing to Mr. Leisz in addition to gas supply charges.

9. VEDO avers that based on the images of checks appended to the complaint, it appears that Mr. Leisz may have resolved this issue with IGS, although VEDO is without sufficient knowledge or information to admit or deny the accuracy or authenticity of those documents.

Allegations Regarding Damage to VEDO Facilities

10. VEDO avers that its records indicate that on or around August 5, 2013, a one-inch steel riser was severed by a large mower at 4975 Springboro Rd., Lebanon, Ohio.

11. VEDO avers that its records indicate that the operator of the mower was Mr. Leisz.

12. VEDO admits that it has attempted to collect the costs of repairing the riser from Mr. Leisz.

13. VEDO avers that the photographs appended to the complaint are illegible. VEDO is without sufficient knowledge or information to either admit or deny, and VEDO does not concede, the accuracy or authenticity of these photographs.

Allegations Regarding Billing and Refunds

14. VEDO admits that its customer-service personnel have had multiple contacts with Mr. Leisz.

15. VEDO admits that it has removed all late fees from Mr. Leisz's account.

16. VEDO denies that it refunded \$82.51 on Mr. Leisz's account, but avers that it received payment of \$82.51 from Mr. Leisz's prior SCO supplier and credited this amount to his account.

17. VEDO admits that Mr. Leisz's account has been placed into collections on multiple occasions. VEDO avers that under its credit processes, accounts that receive a final bill and remain unpaid are automatically placed into collections.

18. VEDO avers that it recalled from collections a prior account of Mr. Leisz's after Mr. Leisz arranged for payment of the sales tax by his prior SCO supplier, DTE.

19. VEDO avers that Mr. Leisz's most recent account was placed into collections, based on an outstanding unpaid balance of \$128.70. VEDO avers that this balance does not reflect unpaid sales taxes, but unpaid distribution charges.

20. VEDO denies that Mr. Leisz is entitled to any of the remedies requested in the complaint.

21. VEDO is without sufficient knowledge or information to either admit or deny the remaining allegations in the complaint.

AFFIRMATIVE DEFENSES

SECOND DEFENSE

22. The complaint does not comply with the Commission's rules requiring "a statement which clearly explains the facts." Ohio Adm. Code 4901-9-01(B). The allegations are not in numbered-paragraph, but narrative, form; many of the allegations and statements in the complaint are compound and argumentative; and many of the allegations omit numerous details necessary to answer them. The Company has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its answer in the event it has incorrectly understood the allegations.

THIRD DEFENSE

23. The complaint is barred by laches, waiver, and estoppel.

FOURTH DEFENSE

24. The complaint does not set forth a claim for which relief may be granted.

FIFTH DEFENSE

25. Claims alleged in the complaint are not within the subject-matter jurisdiction of the Commission.

SIXTH DEFENSE

26. The complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26.

SEVENTH DEFENSE

27. VEDO at all times complied with the Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and VEDO's tariffs. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

EIGHTH DEFENSE

28. VEDO reserves the right to raise other defenses as warranted by discovery in this matter.

Accordingly, the Company respectfully requests an Order dismissing the complaint and granting it all other necessary and proper relief.

Dated: March 16, 2015

Respectfully submitted,

/s/ Andrew J. Campbell

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ATTORNEYS FOR VECTREN ENERGY
DELIVERY OF OHIO, INC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served to the following person
by U.S. mail on this 16th day of March 2015:

Randy Leisz
5279 Springboro Rd.
Lebanon, OH 45036

/s/ Rebekah J. Glover
One of the attorneys for Vectren Energy
Delivery of Ohio, Inc.

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Case No(s). 15-0400-GA-CSS

Summary: Answer electronically filed by Ms. Rebekah J Glover on behalf of Vectren Energy Delivery of Ohio, Inc.