

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Randy)	
Leisz,)	
)	
Complainant,)	
)	
v.)	Case No. 15-400-GA-CSS
)	
Vectren Energy Delivery of Ohio, Inc.,)	
)	
Respondents.)	

ENTRY

The attorney examiner finds:

- (1) On February 24, 2015, Randy Leisz (Mr. Leisz or Complainant) filed a complaint alleging, among other things, that Vectren Energy Delivery of Ohio, Inc. (Vectren or Respondent) continues to pursue collection for alleged arrearages that he does not owe. Additionally, Complainant alleges that Vectren continues to improperly bill for riser damage that is actually the responsibility of Vectren and another property owner. Further, the Complainant contends that Vectren changed his gas provider from DTE Energy, Inc. (DTE) to IGS Energy (IGS) without his knowledge or consent. The Complainant also asserts that Vectren refuses to demonstrate that refunds have been properly credited to his account related to a disputed sales tax issue.
- (2) On March 16, 2015, Vectren filed its answer in response to the complaint. With respect to the allegations regarding the change in Mr. Leisz's gas supplier, Vectren asserts that the Complainant was assigned to IGS as his Standard Choice Offer (SCO) supplier when he reestablished service in November 2014. Vectren denies that this assignment was unreasonable or unlawful.

With respect to the allegations regarding damages to the Respondent's facilities, Vectren asserts that on or around August 5, 2013, a one-inch steel riser was severed by a large

mower operated by the Complainant at 4975 Springboro Road, Lebanon, Ohio. Additionally, Vectren contends that the photographs attached to the complaint are illegible.

With respect to the allegations pertaining to billing and refund issues, Vectren states that it has received a payment of \$82.51 from the Complainant's prior SCO provider and has credited this amount to the account. Vectren avers that Mr. Leisz's most recent account was placed into collections based on an outstanding balance of \$128.70, which reflects unpaid distribution charges without unpaid sales tax. Vectren denies that Mr. Leisz is entitled to any of the remedies requested by the complaint.

In regard to any allegations regarding the collection of sales tax by Vectren, the Respondent states that SCO suppliers who elect consolidated billing may submit a customer's sales tax for billing and collection by Vectren. The Respondent states that IGS submitted sales tax amounts for billing to Mr. Leisz in addition to the gas supply charges. Based on the documentation included with the complaint, Vectren believes that Mr. Leisz may have resolved his dispute with IGS.

In addition to its answer to the specific counts of the complaint, Vectren sets forth five affirmative defenses.

- (3) This matter shall be scheduled for a settlement conference on Monday, April 13, 2015, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, Room 1246, Columbus, Ohio 43215.
- (4) 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.
- (5) 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. If the Complainant is unable to attend the settlement conference on April 13, 2015, he must file a letter in this docket by April 9, 2015, setting forth three alternative dates and times during regular business hours that he could attend a settlement conference in Columbus.

- (6) If the Complainant fails to attend the settlement conference and fails to file a letter as described in Finding (5), 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 (3). 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

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in

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

Summary: Attorney Examiner Entry that a settlement conference be scheduled in accordance with Finding (3); electronically filed by Debra Hight on behalf of Jay S. Agranoff, Attorney Examiner.