

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.,	)	
	)	
Respondent.	)	

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, Complainant contends that Vectren changed his gas provider from DTE Energy, Inc. (DTE) to IGS Energy (IGS) without his knowledge or consent. 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, setting forth five affirmative defenses. With respect to the allegations regarding the change in Mr. Leisz's gas supplier, Vectren asserts that 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 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 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.

- (3) Pursuant to the attorney examiner Entry of March 30, 2015, a settlement conference occurred at the office of the Commission on Monday, April 13, 2015.
- (4) While there appeared to be an indication that the parties were continuing settlement discussions, attempts to verify Complainant's view on continued discussions have been unsuccessful. The attorney examiner finds that a sufficient period of time has passed since the settlement conference occurred with no indication from Complainant as to whether this matter has been resolved or if settlement discussions are ongoing. Therefore, this matter should be scheduled for hearing at this time. Accordingly, Complainant is directed to identify three dates over the first three weeks of September for which he would be available for a hearing at the offices of the Commission. Additionally, Complainant should indicate if he would prefer a hearing commencing at 10:00 a.m. or 1:30 p.m. for the identified dates. This filing should be made in this docket on or before July 22, 2015. On or before July 27, 2015, the Respondent should formally indicate its availability relative to the dates identified by Complainant.

- (5) If Complainant fails to make the requisite filing pursuant to Finding (4), the attorney examiner may recommend dismissal of the pending complaint.
- (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 the parties comply with the directives set forth in Finding (4). 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

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**7/13/2015 3:28:06 PM**

**in**

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

Summary: Attorney Examiner Entry that the parties comply with the directives set forth in Finding (4); electronically filed by Debra Hight on behalf of Jay S. Agranoff, Attorney Examiner.