

NC

Ohio

Public Utilities Commission

12
16-575-GA-CSS
Case Number

Public Utilities Commission of Ohio
Attn: Docketing
180 E. Broad St.
Columbus, OH 43215

Formal Complaint Form

JAMES A AND DEBORAH L MASTERS
Customer Name (Please Print)

648 BROAD BLVD
Customer Address

CUYAHOGA FALLS OHIO 44221
City State Zip

Against

2422101833714
Account Number

Customer Service Address (if different from above)

DOMINION EAST OHIO
Utility Company Name

City State Zip

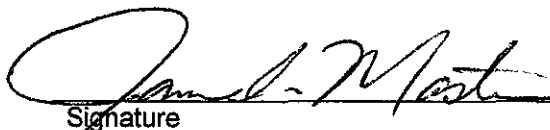
Please describe your complaint. (Attach additional sheets if necessary)

ATTACHED

RECEIVED-DOCKETING DIV

2016 MAR 16 PM 3:17

PUCO


Signature

216 849 7245
Customer Telephone Number

Deborah Masters
330 926 8033

Upon the filing of a complaint by one hundred subscribers or five per cent of the subscribers to any telephone exchange, whichever number be smaller, or by the legislative authority of any municipal corporation served by such telephone company that any regulation, measurement, standard of service, or practice affecting or relating to any service furnished by the telephone company, or in connection with such service is, or will be, in any respect unreasonable, unjust, discriminatory, or preferential, or that any service is, or will be, inadequate or cannot be obtained, the commission shall fix a time for the hearing of such complaint.

The hearing provided for in the next preceding paragraph shall be held in the county wherein resides the majority of the signers of such complaint, or wherein is located such municipal corporation. Notice of the date, time of day, and location of the hearing shall be served upon the telephone company complained of, upon each municipal corporation served by the telephone company in the county or counties affected, and shall be published for not less than two consecutive weeks in a newspaper of general circulation in the county or counties affected.

Such hearing shall be held not less than fifteen nor more than thirty days after the second publication of such notice.

How to File a Complaint with the Public Utilities Commission of Ohio

There are two ways you can file a complaint with the Public Utilities Commission of Ohio (PUCO). One is an informal complaint, which is handled by the staff of the PUCO's Service Monitoring and Enforcement Department, and the other is a formal complaint, which is handled by the PUCO's Legal Department staff and ultimately decided by the PUCO's Commissioners.

Informal Complaint Procedure

Most utility complaints can be resolved by the staff of the PUCO's Call Center through an informal process. The Call Center can be reached at (800) 686-PUCO (7826) from 8:00 am to 5:00 pm Monday through Friday. Consumers can also fill out the online informal complaint form available at www.PUCO.ohio.gov, or can write to the PUCO at 180 East Broad Street, Columbus, Ohio, 43215.

When you contact the PUCO, please be prepared to provide the facts about your complaint clearly and completely. After your initial contact with our Call Center, an investigator will contact the utility and try to resolve your issue in a way that is agreeable to both you and the company. If the investigator is unable to resolve your informal complaint, you have the right to file a formal complaint against the utility company in accordance with Ohio Revised Code Section 4905.26.

Formal Complaint Procedure

The following information outlines the formal complaint procedure and contains a form you can use to initiate your formal complaint. Please be sure to read the following information carefully. There are procedures that must be followed in order for your formal complaint to be investigated further by the PUCO.

A formal complaint states in writing the reason for your complaint. The filing of a formal complaint starts a case before the PUCO. The proceedings involved in the formal complaint process are similar to those held in a court of law. Certain rules must be followed during the formal complaint process.

Your complaint should include:

- Your name, address, and telephone number.
- The account number and service address your complaint is referencing.
- A statement indicating whether you are a customer of the utility company.
- The name of the public utility you are filing a complaint against.
- A brief statement that summarizes the facts which are the basis of your complaint, including the time period involved in your complaint.
- A brief statement that describes what you would like the Commission to do about your complaint.

Your complaint should show that a rule, tariff, rate, charge or practice affecting the service of the public utility is unjust and unreasonable or that the public utility has:

- Violated the law.
- Failed to follow the rules and regulations on file with the PUCO.
- Discriminated against you.
- Provided you with inadequate service.
- Failed to provide you with service.

When you have completed the formal complaint form, please mail **one original and two copies on 8 ½" x 11" paper** to:

Public Utilities Commission of Ohio
Docketing Division
180 E. Broad St.
Columbus, OH 43215-3793

Once the PUCO receives your complaint, a case number will be assigned to the complaint and a copy will be mailed to the utility with instructions to file an answer and any other response with the Commission within 20 days. The utility will also provide you with a copy of its answer or other response.

Be sure to include your case number on any information or response that you send to the PUCO that is related to your case.

An attorney examiner from the PUCO will then be assigned to review your complaint and the utility's response to determine jurisdiction and if reasonable grounds for your complaint exist. If the attorney examiner determines that there are reasonable grounds and jurisdiction for your complaint, the attorney examiner will schedule a prehearing settlement conference and a hearing on separate days. Both the settlement conference and hearing will be held at the PUCO's offices in Columbus.

The PUCO has made it a policy to conduct prehearing settlement conferences for every complaint case brought before it. The PUCO wants to ensure that every attempt to settle the matter to the satisfaction of both parties has been made before a formal hearing is held. An attorney examiner, who has not been assigned to the complaint, presides over the settlement conference. If a resolution to the complaint is still not achieved by the end of the settlement conference, the public hearing will be held on the scheduled date.

Both sides must attend the settlement conference. The prehearing settlement conference gives each side an opportunity to discuss the issues relevant to the complaint, allow both sides to ask questions of each other, and provide an atmosphere where there is ample opportunity to resolve the complaint. Failure to attend the settlement conference may result in the Commission concluding that you do not wish to pursue your claims and dismissing the complaint.

At the public hearing if the party filing the complaint (complainant) is a corporation an attorney must represent that party. In all complaint cases, the complainant must prove the allegations he/she is

making. The complainant must be prepared to attend the public hearing and present any and all evidence that supports the complaint. The utility will have a chance to present its side of the story. After the hearing, the Commission will review the evidence presented in the case and issue a decision in the form of a written "Opinion and Order". The Commission will base its decision on the evidence presented and Ohio law. You will receive a copy of the Commission's decision by mail. Both you and the utility can ask the Commission to reconsider its decision. The reconsideration request must be made within 30 days from the date of the Commission issues its decision.

Helpful Provisions in Ohio Law

4901-9-01 Ohio Administrative Code

Complaint proceedings

(A) All complaints filed under section 4905.26 of the Revised Code, except complaints filed by a public utility concerning a matter affecting its own product or service, shall be in writing and shall contain the name of the public utility complained against, a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought. Sample complaint forms may be obtained by contacting the commission's Service Monitoring and Enforcement Department. If discrimination is alleged, the facts that allegedly constitute discrimination must be stated with particularity. Upon receipt of such a complaint, the docketing division shall serve a copy of the complaint upon the public utility complained against, together with instructions to file an answer with the commission in accordance with the provisions of this rule. The public utility complained against shall file its answer with the commission within twenty days, or such period of time directed by the commission, the legal director or attorney examiner assigned to the case, after the mailing of the complaint, and shall serve a copy upon all parties in accordance with rule 4901-1-05 of the Administrative Code. An answer must be filed in accordance with this paragraph, whether or not the public utility files a motion to dismiss the complaint or any other motion in response to the complaint.

(B) Each defense to a complaint shall be asserted in an answer. In addition, the following defenses or assertions may, at the option of the public utility complained against, also be raised by motion.

- (1) Lack of jurisdiction over the subject matter;
- (2) Lack of jurisdiction over the person;
- (3) Failure to set forth reasonable grounds for complaint; and
- (4) Satisfaction of the complaint or settlement of the case.

(C) The public utility shall state in its answer, in short and plain terms, its defenses to each claim asserted, and shall admit or deny the allegations upon which the complainant relies. If the public utility is without sufficient knowledge or information to form a belief as to the truth of an allegation, it shall so state and this has the effect of a denial. If the public utility intends in good faith to deny all of the allegations in the complaint, it may do so by general denial. If it does not intend to deny all of the allegations in the complaint, it shall either make specific denials of designated allegations or paragraphs, or generally deny all allegations except those

allegations or paragraphs that it expressly admits. Unless otherwise ordered by the commission, the legal director, or the attorney examiner assigned to the case, all material allegations in the complaint which are not denied in the answer shall be deemed admitted for purposes of the proceeding.

(D) If a person filing a complaint against a public utility is facing termination of service by the public utility, the person may request, in writing, that the commission provide assistance to prevent the termination of service during the pendency of the complaint. The person must explain why he or she believes that service is about to be terminated and why the person believes that the service should not be terminated. A person making a request for assistance must agree to pay during the pendency of the complaint all amounts to the utility that are not in dispute. The Commission will issue a ruling on the request.

(E) If the public utility complained against files an answer or motion which asserts that the complaint has been satisfied or that the case has been settled, the complainant shall file a written response within twenty days after the service of the answer or motion, indicating whether the complainant agrees or disagrees with the utility's assertions, and whether he or she wishes to pursue the complaint. If no response is filed within the prescribed period of time, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint. Any filing by a utility that asserts that a complaint has been satisfied or that the case has been settled shall include a statement or be accompanied by another document that states that, pursuant to a commission rule, the complainant has twenty days to file a written response agreeing or disagreeing with the utility's assertions and that, if no response is filed, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

4905.26, Ohio Revised Code

Complaints as to Service

Upon complaint in writing against any public utility by any person, firm, or corporation, or upon the initiative or complaint of the public utilities commission, that any rate, fare, charge, toll, rental, schedule, classification, or service, or any joint rate, fare, charge, toll, rental, schedule, classification, or service rendered, charged, demanded, exacted, or proposed to be rendered, charged, demanded, or exacted, is in any respect unjust, unreasonable, unjustly discriminatory, unjustly preferential, or in violation of law, or that any regulation, measurement, or practice affecting or relating to any service furnished by the public utility, or in connection with such service, is, or will be, in any respect unreasonable, unjust, insufficient, unjustly discriminatory, or unjustly preferential, or that any service is, or will be, inadequate or cannot be obtained, and, upon complaint of a public utility as to any matter affecting its own product or service, if it appears that reasonable grounds for complaint are stated, the commission shall fix a time for hearing and shall notify complainants and the public utility thereof. Such notice shall be served not less than fifteen days before hearing and shall state the matters complained of. The commission may adjourn such hearing from time to time.

The parties to the complaint shall be entitled to be heard, represented by counsel, and to have process to enforce the attendance of witnesses.

3-13-16

DURING THE SUMMER OF 2015 DOMINION EAST OHIO GAS INSTALLED NEW LINES ALONG BROAD BOULEVARD, CUYAHOGA FALLS, OHIO. OUR HOUSE IS LOCATED AT 648 BROAD BOULEVARD. H.M. MILLER CONSTRUCTION COMPANY WAS IN CHARGE OF THE PROJECT. BETWEEN SEPTEMBER AND NOVEMBER 2015 OUR ELECTRIC LINES WERE DAMAGED TWICE. THE FIRST INCIDENT OCCURRED IN SEPTEMBER. THEY SENT ONE OF THEIR SUPERVISORS TO MY HOME AND WE LOCATED MY ELECTRIC LINES AND INSPECTED THE DAMAGE. H.M. MILLER REFUSED TO ACCEPT RESPONSIBILITY.

FORTUNATELY THE CITY OF CUYAHOGA FALLS REPAIRED THE DAMAGE. TWO MONTHS LATER, AROUND THE MIDDLE OF NOVEMBER, OUR ELECTRIC SERVICE WAS INTERRUPTED A SECOND TIME. THE CITY REFUSED TO MAKE THE REPAIRS A SECOND TIME. WE HIRED THOMPSON ELECTRIC TO LOCATE THE SECOND BREAK IN OUR LINE. THEY DETERMINED THAT IT WAS NEAR THE GAS LINE ON THE EDGE OF THE NEW SIDE WALKED THAT WAS POURED IN OCTOBER. AGAIN WE CONTACTED H.M. MILLER AND DOMINION.

H.M. MILLER GAVE US THE SAME EXCUSE, THAT THE LINES WERE NOT MARKED. WE HAVE REACHED A DEAD END.

AFTER FOUR MONTHS WITH NO 220 POWER TO OUR HOME WE ARE REQUESTING YOUR ASSISTANCE. WE WERE NOT CONSULTED AND DID NOT GRANT PERMISSION FOR THIS DIGGING ON OUR PROPERTY. THEREFORE, WE SHOULD NOT BE RESPONSIBLE FOR THE COST OF THE REPAIR. H.M. MILLER CONSTRUCTION COMPANY MAY BE ABLE TO CLAIM THAT THEY WERE UNAWARE OF THE LOCATION OF OUR ELECTRIC LINE WHEN THEY DAMAGED THEM THE FIRST TIME, HOWEVER, THEIR CONTENTION THAT THEY WERE UNAWARE THE SECOND TIME IS BASELESS.

James A Masters
Deborah L Masters

JAMES A MASTERS

DEBORAH L MASTERS



FIRST
DAMAGE



SECOND
DAMAGE BY
GAS LINE



Dominion®



February 05, 2016

000000119 I=0000



119 1 AT 0.413

JAMES A MASTERS
648 BROAD BLVD
CUYAHOGA FALLS OH 44221-3838

ACCOUNT NO:
2422101833714
SERVICE ADDRESS:
648 BROAD BLVD
CUYAHOGA FALLS OH 44221-3838

Subject: Your Inquiry Was Received

Your inquiry regarding a billing, credit or service issue has been received by Dominion East Ohio.

Thank you for calling this problem to our attention. We value your business and regret causing you any inconvenience. Dominion East Ohio strives to maintain high quality service to our customers.

While in the process of researching and investigating this matter, we appreciate your patience as we work to address your inquiry.

The Company will contact you once the research is complete. If you have any questions, please feel free to call us at (866)344-6260, Monday through Friday 8 a.m. to 5 p.m.

Sincerely,

Customer Relations Department
Customer Service Center

001ez 064023/3020150 0000119 0000177 I=0000

H. M. MILLER CONSTRUCTION CO.

(Equal Opportunity Employer)

CONSTRUCTION & RENTAL CO.

P.O. Box 131 • Mogadore, Ohio 44260

Phone 330-628-4811

November 24, 2015

James & Debbie Masters
648 Broad Blvd.
Cuyahoga Falls, OH 44221

H. M. Miller Construction Co. is in receipt of your claim regarding a damaged electric line at 648 Broad Blvd. H. M. Miller denies responsibility for any damage caused to the electric line in question. We have enclosed copies of the OUPS Ticket information establishing the fact that H. M. Miller Construction did notify OUPS of its intention to excavate in the location where this incident occurred. The lines were unmarked at the time the damage occurred.

Based upon Ohio Law, H. M. Miller satisfied its duty by notifying OUPS prior to excavation. Other lines in the area were marked so there was no reason for H. M. Miller to believe that all the lines, including electric lines, which may have been present, were not marked.

Sincerely,



John Smith, President
H. M. Miller Construction Co.

cc. Eric Saulnier
Dominion East Ohio Gas
Supervisor-Claims
1201 East 55th Street
Cleveland, OH 44103

August 5, 2015

Summit County Cuyahoga Falls
PIR 2474-C
15474

Install Gas Main & Services for Dominion East Ohio Gas

- 1) Both sides of Broad Blvd. from 9th St. to 7th St., including entire intersections.
- 2) Both sides of Broad Blvd. from 7th St. to 5th St., including entire intersections.
- 3) Both sides of Broad Blvd. from 5th St. to 2nd St. (southernmost location) including entire intersections.

Called in: 8/5/15 Clear: 8/7/15 @ 4:30 pm

- 1) A521703784
- 2) A521703789
- 3) A521703811

Recalled: 8/14/15 Clear: 8/18/15 @ 2:40 pm

- 1) A522602472
- 2) A522602476
- 3) A522602479

4) Add on—Per Jeff K—Both sides of 5th Street from Broad Blvd going south 120 ft., including entire intersection

Called in: 8/18/15 Clear: 8/20/15 @ 11:50 am

A523002250

Recalled: 8/24/15 Clear: 8/26/15 @ 3:45 pm

- 1) A523603894
- 2) A523603900
- 3) A523603901
- 4) A523603903

Recalled: 9/2/15 Clear: 9/4/15 @ 10:45 a

- 1) A524501472
- 2) A524501475
- 3) A524501478
- 4) A524501482

Recalled: 9/11/15 Clear: 9/15/15 @ 5:20

- 1) A525403398
- 2) A525403399
- 3) A525403402
- 4) A525403403

Recalled: 9/18/15 Clear: 9/22/15 @ 12:

- 1) A526101985
- 2) A526101988
- 3) A526101991
- 4) A526102024

H. M. MILLER CONSTRUCTION CO.

(Equal Opportunity Employer)

CONSTRUCTION & RENTAL CO.

P.O. Box 131 • Mogadore, Ohio 44260

Phone 330-628-4811

December 17, 2015

James & Debbie Masters
648 Broad Blvd.
Cuyahoga Falls, OH 44221

H. M. Miller Construction Co. is in receipt of your claim regarding a damaged electric line at 684 Broad Blvd. The information which you provided to Dominion East Ohio Gas indicated that the damage is new and you believe was caused during the sidewalk repair may be accurate; however, H. M. Miller Construction subcontracted this work to X-Treme Elements. They contacted OUPS prior to their work and once again, Cuyahoga Falls Electric failed to mark the underground electric lines, hence damage may have occurred as a result.

I am sorry to deny this claim. You need to submit this damage claim to Cuyahoga Falls Electric for failing to properly locate their underground electric lines.

Sincerely,



John Smith, President
H. M. Miller Construction Co.

cc. Eric Saulnier
Dominion East Ohio Gas
Supervisor-Claims
1201 East 55th Street
Cleveland, OH 44103