

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ALLISON ADAMS,

COMPLAINANT,

V.

CASE NO. 16-921-EL-CSS

**THE EAST OHIO GAS COMPANY, DBA
DOMINION EAST OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal on June 1, 2016

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility or an electric services company by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} The East Ohio Gas Company dba Dominion East Ohio (DEO) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On April 29, 2016, Allison Adams (Ms. Adams or Complainant) filed a complaint against DEO, alleging that when DEO replaced her analog meter with an automated meter reading (AMR) device in September 2010, she experienced increased frequency of respiratory and heart symptoms. She adds that she asked DEO to remove the meter and emphasized that it is a matter of health, but DEO has refused to do so.

{¶ 4} DEO filed an answer and motion to dismiss on May 20, 2016. DEO admits that it installed an AMR meter at Complainant's home in September 2010. DEO contends

that it has discussed Ms. Adams' concerns with her several times, and explained that the Commission has approved the use of AMR technology, which is safe. DEO denies all other allegations made by Complainant. Finally, DEO asserts that Ms. Adams is not the customer of record, and adds that the Commission should dismiss the complaint if she cannot cure the lack of standing.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for June 8, 2016, at 11:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility shall investigate the issues raised on 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 authority to settle those issues.

{¶ 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for June 8, 2016, at 11:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

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Case No(s). 16-0921-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for 06/08/2016 in accordance with paragraph 6. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio