

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
KELLY RASHEDI,

COMPLAINANT,

v.

CASE NO. 16-718-GA-CSS

CONSTELLATION ENERGY SERVICES -
NATURAL GAS, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on July 20, 2016

I. SUMMARY

{¶ 1} In this Entry, the Commission finds that the complaint should be dismissed as the case has been settled.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory. Pursuant to R.C. 4929.24, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by a retail natural gas supplier subject to certification under R.C. 4929.20 of any service for which it is subject to certification.

{¶ 3} Constellation Energy Services - Natural Gas, Inc. (Constellation or Company) is a retail natural gas supplier as defined in R.C. 4929.01, and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On April 5, 2016, Kelly Rashedi (Complainant) filed a complaint with the Commission against Constellation. In the complaint, Complainant stated that her gas

supplier was switched from Columbia Gas of Ohio, Inc. (Columbia) to Constellation without her knowledge. Further, Complainant stated that she is seeking a credit for the difference between the rates of Constellation and Columbia from July 18, 2013, until the present.

{¶ 5} On May 12, 2016, Constellation filed an answer generally stating that the Company is without sufficient knowledge or information to form a belief as to the truth of the allegations in the complaint. Along with its answer, Constellation also filed a motion for leave to file the answer out-of-time. In the memorandum in support of the motion, Constellation stated that, in order to answer and address the allegations contained in the complaint, additional time was needed to investigate and determine the facts and the timeline of events in the complaint. Constellation, therefore, requested that the Commission permit it to file its answer out-of-time so that the complaint could be resolved and settled.

{¶ 6} The Commission notes that, although Constellation seeks leave to file its answer 17 days past the April 25, 2016 deadline for filing an answer in this matter, no memorandum contra Constellation's motion was filed. Therefore, under the circumstances, the Commission finds that Constellation's motion to file its answer out-of-time should be granted.

{¶ 7} In addition, on May 12, 2016, Constellation filed a motion for a protective order. In the memorandum in support of the motion, Constellation requested that the information designated as confidential in its answer - certain account numbers of the Complainant - be protected from public disclosure. Constellation stated that the need to protect the designated information from public disclosure is clear and that Ohio Adm.Code 4901-1-24(D) provides that the Commission may issue an order that is necessary to protect the confidentiality of this information. No memoranda contra were filed.

{¶ 8} The Commission finds that Constellation's motion for a protective order is reasonable with regard to the customer account numbers in its answer and should be granted. Ohio Adm.Code 4901-1-24(F) provides that, unless otherwise ordered, protective orders issued pursuant to Ohio Adm.Code 4901-1-24(D) automatically expire after 24 months. Therefore, confidential treatment shall be afforded for a period ending 24 months from the date of this Entry. Until that date, the docketing division should maintain, under seal, the information filed confidentially.

{¶ 9} On May 27, 2016, Constellation filed a motion to dismiss the complaint. In the motion, Constellation states that the Company made an offer to the Complainant to settle the complaint and that a check was delivered to the Complainant in furtherance of the settlement offer in the week of May 16, 2016. Further, Constellation states that, according to the Company's records, the check was cashed and endorsed by the Complainant and her husband on or about May 19, 2016. Citing Ohio Adm.Code 4901-9-01(F), Constellation notes that a complainant has 20 days to file a written response disagreeing with a utility's representation that a complaint has been settled, and if no response is filed, the Commission may dismiss the complaint.

{¶ 10} Ohio Adm.Code 4901-9-01(F) provides that, if an answer or motion is filed that asserts that a complaint has been satisfied and no response is filed within 20 days, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint. No response to Constellation's motion to dismiss has been filed. Accordingly, pursuant to Ohio Adm.Code 4901-9-01(F), the Commission finds that this case should be dismissed.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Constellation's motion to dismiss be granted and that Case No. 16-718-GA-CSS be dismissed and closed of record. It is, further,


{¶ 13} ORDERED, That Constellation's motion for leave to file its answer out-of-time be granted. It is, further,

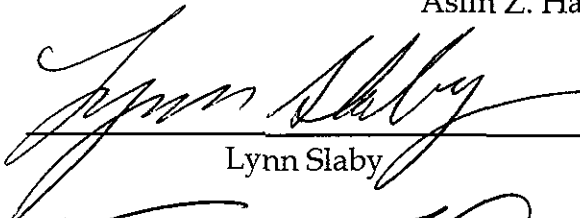
{¶ 14} ORDERED, That the motion for a protective order filed by Constellation be granted with regard to the Complainant's customer account numbers contained in Constellation's answer. It is, further,


{¶ 15} ORDERED, That the Commission's docketing division maintain, under seal, Constellation's unredacted answer, which was filed under seal in this docket on May 12, 2016, for a period of 24 months. It is, further,


{¶ 16} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Asim Z. Haque, Chairman


Lynn Slaby


M. Beth Trombold

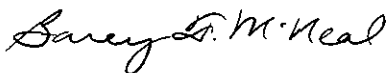

Thomas W. Johnson


M. Howard Petricoff

KKS/vrm

Entered in the Journal

JUL 20 2016


Barcy F. McNeal

Barcy F. McNeal
Secretary