

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CAPO STEAK, INC.,**

COMPLAINANT,

v.

CASE NO. 17-1374-GA-CSS

**THE EAST OHIO GAS COMPANY D/B/A
DOMINION ENERGY OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal on June 27, 2017

{¶ 1} 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 relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Respondent, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO), is a natural gas company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On May 31, 2017, James Muhammad, on behalf of Capo Steak, Inc. (Complainant), filed a complaint against DEO alleging the following: that DEO failed to contact area businesses before beginning construction on a pipeline replacement project in the neighborhood, that the project was prolonged four and a half months more than what DEO initially claimed, that Complainant's basement suffered water damage due to the pipeline replacement project, and that the pipeline replacement project destroyed area business income.

{¶ 4} DEO filed its answer on June 21, 2017. In its answer, DEO admits some and denies other allegations in the complaint. DEO also states that it lacks sufficient knowledge

to either confirm or deny still other allegations. In addition, DEO sets forth in the answer several affirmative defenses.

{¶ 5} At this time, 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 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for July 18, 2017, at 1:30 p.m. in Conference Room 1246, at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. 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.

{¶ 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. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 9} Moreover, Complainant should note that the Commission has no authority to award monetary damages. It is, however, within the jurisdiction of the Commission to determine whether a public utility has violated any specific statute, order, or regulation of the Commission. If the Commission finds a violation, a complainant may pursue damages before a court of common pleas in accordance with R.C. 4905.61.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be held on July 18, 2017, at 1:30 p.m. in Conference Room 1246, at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

jrj/vrm

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Case No(s). 17-1374-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference on July 18, 2017, at 1:30 p.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio