

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

DAWN M. HELLER,)	
)	
Complainant,)	
)	
v.)	Case No. 17-1546-GA-CSS
)	
THE EAST OHIO GAS COMPANY D/B/A)	
DOMINION ENERGY OHIO,)	
)	
Respondent.)	

ANSWER

In accordance with Ohio Adm. Code 4901-9-01(D), the Respondent, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or the Company), for its answer to the complaint of Dawn M. Heller, states:

FIRST DEFENSE

1. DEO avers that it provides natural gas service to 883 Ada Street, Akron, Ohio 44306 (the Premises). DEO further avers that its records indicate that Ms. Heller is the landlord of the Premises but is neither the customer of record nor resides at the Premises.
2. DEO avers that it is required by law to inspect residential gas meters and interior service lines every 36 months and that the last such inspection at the Premises occurred November 11, 2014.
3. DEO avers that the gas meter at the Premises is located inside the residence and thus cannot be accessed without the cooperation of the property owner or resident.
4. DEO avers that in March 2017 it began attempting to make contact with Ms. Heller and with the tenant account holder including postcards sent to both on March 14, March

28, and April 11; calls made to the phone number on record for the account on March 21, April 4, and April 18; and a landlord notice letter to the address on record for Ms. Heller on April 11.

5. DEO avers that on April 28, the tenant called and scheduled an appointment for the inspection on May 1.

6. DEO avers that on May 1, it performed the inspection and discovered leaks both in the service line, which DEO is responsible to repair, and the house line, which the customer or property owner is responsible to repair. DEO further avers that on the same day, for safety reasons, it turned off gas service at the Premises until the leaks were repaired.

7. DEO avers that it replaced the damaged service line at the Premises on May 1, the same day that the leak was discovered, but that it left gas service off due to the remaining leak in the house line.

8. DEO avers that system-generated notices were sent to the Premises informing the tenant that service had been left off due to the service-line and house-line leaks.

9. DEO avers that on May 4, it received a call from the tenant to restore service, but that when the technician arrived on the same day to test the line he discovered additional repairs were required. DEO avers that for safety reasons, the technician did not restore service and advised the tenants to inform Ms. Heller about the need for further repairs.

10. DEO avers that on May 5, it sent a notice to the Premises that service had been left off due the house-line leak.

11. DEO avers that it received two calls from Ms. Heller on May 5, expressing displeasure with fact that the leaks prevented the restoration of service.

12. DEO avers that on May 18, it received notice that Ms. Heller had filed an informal complaint with the Commission. DEO further avers that it contacted Ms. Heller the next

day to discuss the complaint and to inform her that service could only be restored after the house line had been repaired and passed inspection.

13. DEO avers that on June 23, it received a call from the tenant requesting the restoration of service and that a technician performed a line test that day and was able to restore service at that time.

14. DEO is without sufficient knowledge or information to admit or deny the remaining allegations in the complaint, and generally denies any allegations not specifically admitted or denied in this Answer in accordance with Ohio Adm. Code 4901-9-01(D). DEO neither attests nor concedes to the authenticity of any document attached to the Complaint.

AFFIRMATIVE DEFENSES

SECOND DEFENSE

15. The complaint does not comply with the Commission's rules requiring "a statement which clearly explains the facts." Ohio Adm. Code 4901-9-01(B). The allegations are not in numbered-paragraph, but narrative, form; many of the allegations and statements in the complaint are compound and argumentative; and many of the allegations omit numerous details necessary to answer them. The Company, has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its answer in the event it has incorrectly understood the allegations.

THIRD DEFENSE

16. The complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26.

FOURTH DEFENSE

17. The complaint does not set forth a claim for which relief may be granted.

FIFTH DEFENSE

18. The complaint is barred by laches, waiver, and estoppel.

SIXTH DEFENSE

19. DEO at all times complied with the Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and the Company's tariffs. These statutes, rules, regulations, orders and tariff provisions bar Ms. Heller's claims.

SEVENTH DEFENSE

20. DEO reserves the right to raise other defenses as warranted by discovery in this matter.

WHEREFORE, DEO respectfully requests an Order dismissing the complaint and granting it all other necessary and proper relief.

Dated: July 25, 2017

Respectfully submitted,

/s/ Andrew J. Campbell

Mark A. Whitt (0067996)

Andrew J. Campbell (0081485)

Rebekah J. Glover (0088798)

WHITT STURTEVANT LLP

The KeyBank Building, Suite 1590

88 East Broad Street

Columbus, Ohio 43215

Telephone: (614) 224-3946

Facsimile: (614) 224-3960

whitt@whitt-sturtevant.com

campbell@whitt-sturtevant.com

glover@whitt-sturtevant.com

(All counsel are willing to accept service by email)

ATTORNEYS FOR THE EAST OHIO GAS
COMPANY D/B/A DOMINION ENERGY OHIO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served by mail to the following persons this 25th day of July, 2017:

Dawn M. Heller
838 May Street #1
Akron, Ohio 44311

/s/ Rebekah J. Glover
One of the Attorneys for The East Ohio Gas
Company d/b/a Dominion Energy Ohio

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/25/2017 4:51:55 PM

in

Case No(s). 17-1546-GA-CSS

Summary: Answer electronically filed by Ms. Rebekah J. Glover on behalf of The East Ohio Gas Company d/b/a Dominion Energy Ohio