

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
INTERSTATE GAS SUPPLY, INC. D/B/A IGS
ENERGY,**

COMPLAINANT,

v.

CASE No. 17-2452-GE-CSS

**TITAN GAS LLC D/B/A TITAN POWER &
GAS,**

RESPONDENT.

ENTRY

Entered in the Journal on January 24, 2018

{¶ 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. Pursuant to R.C. 4928.16 and 4929.24, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company and retail natural gas supplier subject to certification under R.C. 4928.08 and 4929.20 of any service for which it is subject to certification.

{¶ 2} Respondent, Titan Gas LLC d/b/a Titan Power & Gas (Titan or Respondent), is a retail natural gas supplier, as defined in R.C. 4929.01, and an electric services company, as defined in R.C. 4928.01, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On December 1, 2017, Interstate Gas Supply, Inc. d/b/a IGS Energy (IGS) filed a complaint against Titan alleging that Titan violated Ohio law by contacting IGS' customers and engaging in misleading and deceptive sales and marketing practices.

{¶ 4} Specifically, IGS states that, starting on or about August 9, 2017, Respondent's sales representatives began contacting IGS' customers via telephone, and represented to those customers that the caller is an account manager employed by "IDS Energy." However,

according to IGS, “IDS Energy” is not affiliated with Respondent, nor is it registered with the Ohio Secretary of State or certified by the Commission to conduct business in Ohio. Further, IGS states that, as part of its sales pitch to IGS’ customers, Respondent’s representatives inform the customer that his or her low fixed rate plan has expired and will rollover to a variable rate plan that can go very high in any given month. IGS states that the representative then offers to renew the low fixed rate so long as the customer contacts Respondent immediately to discuss his or her account in more detail.

{¶ 5} IGS claims that Titan acts with intent to mislead IGS’ customers into believing that Titan is affiliated with IGS so that IGS’ customers will call Respondent to inquire about the status of their account. IGS further claims that Titan then solicits IGS’ customers with a different offer to enroll with Respondent’s products and services.

{¶ 6} Titan filed its answer on December 22, 2017. In its answer, Titan admits some and denies other allegations in the complaint. Titan also sets forth in the answer several affirmative defenses.

{¶ 7} On December 22, 2017, Titan filed a motion to dismiss the complaint. Thereafter, on January 8, 2018, IGS filed a memorandum contra Titan’s motion to dismiss. Titan filed a reply on January 16, 2018.

{¶ 8} 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.

{¶ 9} Accordingly, a settlement conference shall be scheduled for March 8, 2018, at 10:00 a.m. in Conference Room 1246 of 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.

{¶ 10} Pursuant to Ohio Adm.Code 4901-1-26(F), the parties 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.

{¶ 11} 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).

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That a settlement conference be held on March 8, 2018, at 10:00 a.m. in Conference Room 1246, in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

{¶ 14} 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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Summary: Attorney Examiner Entry scheduling a settlement conference for March 8, 2018, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio