

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DENISE GIPSON,

COMPLAINANT,

v.

CASE NO. 17-2541-GA-CSS

COLUMBIA GAS OF OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on May 21, 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.

{¶ 2} Columbia Gas of Ohio, Inc. (Columbia) 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 December 22, 2017, Denise Gipson (Complainant or Ms. Gipson) filed a complaint against Columbia concerning her payment plan. Ms. Gipson states that she has paid a monthly sum that includes current gas charges and arrears. Complainant alleges that, upon examining Columbia's summary of her February 2017 to July 2017 payments, she realized that she has overpaid by \$160.00.

{¶ 4} Columbia filed its answer on January 10, 2018. Columbia admits that it placed Complainant on a payment plan and that Ms. Gipson made payments. Columbia denies that Ms. Gipson overpaid any amount.

{¶ 5} On January 26, 2018, the attorney examiner issued an Entry scheduling a February 6, 2018 settlement conference in this matter.

{¶ 6} On February 5, 2018, at Ms. Gipson's request, the settlement conference was rescheduled to March 20, 2018.

{¶ 7} Complainant contacted the attorney examiner several days before the settlement conference, stating that she would not be present. However, after some discussion, Ms. Gipson indicated that she would still consider attending the conference.

{¶ 8} On March 20, 2018, an attorney examiner from the Commission's legal department and a representative of Columbia were in attendance for the scheduled conference. However, Complainant was not present and, consequently, the settlement conference was not convened.

{¶ 9} To allow Complainant an additional opportunity to resolve the matter, the settlement conference shall be rescheduled to June 1, 2018, at 10:00 a.m., in Conference Room 1246 at the Commission offices, 180 East Broad Street, 12th Floor, Columbus, Ohio 43215-3793. If Complainant does not attend the conference, the complaint may be dismissed for failure to prosecute the matter.

{¶ 10} 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. 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.

{¶ 11} 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 authority to settle those issues.

{¶ 12} 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).

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the settlement conference be rescheduled to June 1, 2018, at 10:00 a.m., in Conference Room 1246, as indicated in Paragraph 9. It is, further,

{¶ 15} 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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in

Case No(s). 17-2541-GA-CSS

Summary: Attorney Examiner Entry rescheduling settlement conference to 06/01/2018 in accordance with Paragraph 9 - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio