

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint)	
of Denise Gipson,)	
Complainant,)	
)	
v.)	Case No. 17-2541-GA-CSS
)	
Columbia Gas of Ohio, Inc.)	
Respondent.)	

MOTION TO DISMISS OF COLUMBIA GAS OF OHIO, INC.

Columbia Gas of Ohio, Inc. ("Columbia") respectfully requests that the Commission dismiss the Complaint in this case for failure to prosecute. Good cause exists to grant Columbia's motion to dismiss, which is set forth in the attached memorandum in support.

Respectfully submitted by,

COLUMBIA GAS OF OHIO, INC.

/s/ Joseph M. Clark

Joseph M. Clark, Counsel of Record

Stephen B. Seiple, Asst. General Counsel
(0003809)

Joseph M. Clark, Sr. Counsel (0080711)

P.O. Box 117

290 W. Nationwide Blvd.

Columbus, Ohio 43216-0117

Telephone: (614) 460-6988

E-mail: sseiple@nisource.com

josephclark@nisource.com

(Willing to accept service by e-mail)

Attorneys for
COLUMBIA GAS OF OHIO, INC.

MEMORANDUM IN SUPPORT

I. BACKGROUND

On December 22, 2017, Ms. Gipson filed a Complaint against Columbia, alleging that Columbia overcharged her on her payment plan. Columbia filed its Answer to the Complaint on January 10, 2018. In its Answer, Columbia stated that it accurately calculated the payment plan amounts and that Complainant had not overpaid any amounts.

The Commission scheduled a settlement conference for February 6, 2018. On February 5, 2018, Ms. Gibson contacted the Attorney Examiner requesting the settlement conference be rescheduled to March so that she could obtain additional information concerning her complaint.¹ Columbia appeared at the rescheduled settlement conference on March 20, 2018, however Ms. Gipson did not attend. The Commission rescheduled another settlement conference for June 1, 2018. Columbia again appeared at the conference but Ms. Gibson did not appear. The last contact Columbia had with Complainant was on May 22, 2018.

II. ARGUMENT

The Commission has routinely dismissed complaints when the complaining party has failed to appear for multiple settlement conferences without providing any notice or reason for the failure to appear.² Ms. Gipson has failed to appear at settlement conferences, and she has not attempted to settle or prosecute her complaint against Columbia. Ms. Gibson has been given ample opportunity to present her case. Columbia believes, based on the lack of communication from Complainant and her failure to appear at settlement conferences, that she has no interest in pursuing her Complaint against Columbia or attempting to resolve the dispute. Therefore, the Commission should dismiss the Complaint.

¹ Entry at 1 (February 5, 2018).

² See, e.g., *Aaron Cockrell v. DP&L*, Case No. 12-2085-EL-CSS, Entry at 2 (Nov. 7, 2012); *Anita Deal v. DP&L*, Case No. 11-6052-EL-CSS, Entry at 1-2 (Aug. 15, 2012); *Elbert Stidham v. Duke Energy Ohio*, Case No. 11-4788-GE-CSS, Entry at 2 (Dec. 14, 2011); *Donald Howard v. Columbia Gas of Ohio*, Case No. 10-1438-GA-CSS, Entry at 2 (Apr. 27, 2011).

Respectfully submitted by,

COLUMBIA GAS OF OHIO, INC.

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290 W. Nationwide Blvd.

Columbus, Ohio 43216-0117

Telephone: (614) 460-6988

E-mail: sseiple@nisource.com

josephclark@nisource.com

Attorneys for

COLUMBIA GAS OF OHIO, INC.

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served via ordinary U.S. Mail, postage prepaid on the 21st day of June, 2018 upon the parties listed below.

/s/ Joseph M. Clark

Joseph M. Clark

**Attorney for
COLUMBIA GAS OF OHIO, INC.**

Denise Gipson
2450 Teakwood Drive, Apt. #4
Columbus, Ohio 43229

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

Summary: Motion to Dismiss and Memorandum in Support electronically filed by Cheryl A MacDonald on behalf of Columbia Gas of Ohio, Inc.