

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CHRISTOPHER CRANE BERGERET,**

COMPLAINANT,

v.

CASE NO. 19-388-GA-CSS

COLUMBIA GAS OF OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on June 12, 2019

{¶ 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 Gas or Respondent) 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 February 7, 2019, Christopher Crane Bergeret (Complainant) filed a complaint against Columbia Gas, alleging that his gas was shut off without notice. Beyond that statement, the complaint consists of what purports to be a copy of a bill issued to Complainant by Columbia Gas and a copy of a bill issued by another utility company, as well as letters and materials from governmental authorities advising Complainant how he might choose to proceed in pursuing actions to enforce his rights.

{¶ 4} Columbia Gas filed its answer on February 25, 2019. In its answer, Respondent claims to be without sufficient knowledge to either admit or deny the

allegations of the complaint, denies any statement that it does not expressly admit, and sets forth several affirmative defenses.

{¶ 5} By Entry issued April 2, 2019, a prehearing settlement conference in this matter was scheduled to occur at the Commission's offices on April 15, 2019, at 1:30 p.m. At 12:15 p.m. on April 15, 2019, Complainant called the attorney examiner, informing him that he had a conflict and would be unable to attend the conference. He requested that it be rescheduled. The attorney examiner was able to reach Respondent and the mediating attorney examiner in time to prevent either from making an unnecessary trip and the settlement conference scheduled for that day was not convened.

{¶ 6} By Entry dated May 29, 2019, Complainant was directed to file, by June 6, 2019, at least three proposed dates on which he would be available to attend and participate in a settlement conference at the Commission's offices. To date, Complainant has not complied with the directives set forth in the Entry.

{¶ 7} At this time, the attorney examiner reschedules the settlement conference to July 8, 2019, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference.

{¶ 8} The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of the complaint. As stated in Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing is generally inadmissible 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} 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. 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, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaint and to facilitate settlement negotiations.

{¶ 10} 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).

{¶ 11} Complainant is advised that his failure to appear and participate at the July 8, 2019 settlement conference may result in dismissal of his complaint for lack of sufficient prosecution.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the settlement conference be rescheduled in accordance with Paragraph 7. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon each party and interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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Commission of Ohio Docketing Information System on

6/12/2019 2:08:32 PM

in

Case No(s). 19-0388-GA-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 07/8/2019 at 10:00 a.m. in accordance with Paragraph 7 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio