

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
NIKITA STEWART,**

COMPLAINANT,

v.

CASE NO. 19-1107-GA-CSS

**THE EAST OHIO GAS COMPANY D/B/A
DOMINION ENERGY OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal on August 14, 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} Respondent, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO 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 May 24, 2019, Nikita Stewart (Ms. Stewart or Complainant) filed a complaint against DEO alleging that Respondent is engaging in unfair billing practices. Specifically, Complainant states that DEO has overcharged her from July 2018 through January 2019, during which she lived at 4464 Parkton Drive, Warrensville Heights, Ohio 44128 (Property). Additionally, Complainant avers that she scheduled a turn-off appointment to occur on February 1, 2019, in anticipation of moving to a new address. Complainant avers that the appointment did not take place as scheduled but occurred on February 5, 2019, and, consequently, Complainant requested an adjustment to her shut-off date be made. Ms. Stewart states that, after she moved to her current address, she received

an \$800 bill from DEO, which she believes is an inaccurate reflection of her gas usage. Additionally, on June 3, 2019, Ms. Stewart filed a correspondence in this docket to supplement her complaint.

{¶ 4} DEO filed its answer on June 13, 2019. In its answer, DEO admits that Ms. Stewart was a residential customer receiving natural gas services for an account at the Property from July 30, 2018, through February 5, 2019. DEO avers that, when service at the Property was initiated, a balance of \$538.78 was transferred from Ms. Stewart's previous account for service at 21230 Tracy Avenue, Euclid, Ohio 44123. DEO states that Ms. Stewart contacted DEO customer service to schedule a turn-off appointment for January 28, 2019, but rescheduled the appointment for January 30 and then again for February 1, 2019. DEO avers that, on February 1, 2019, a DEO technician visited the Property and attempted to turn off service at the curb box but was unable to locate the box because the ground was frozen. DEO states that a second attempt to turn off service was initiated on February 4, 2019, but the DEO technician was unable to locate the curb box due to snow and ice. Ultimately, DEO asserts that, on February 5, 2019, service to the Property was turned off at the curb box, and a balance of \$665.65 was transferred to Ms. Stewart's current account for service at 3930 East 177th Street, Cleveland, Ohio 44128.

{¶ 5} Additionally, DEO states that, on February 25, 2019, Ms. Stewart received a bill for \$806.60, which included the balance transferred from the Property and usage charges of \$140.95 from her current residence. DEO avers that, between March 12 and April 9, 2019, Ms. Stewart contacted DEO to inquire about her account balance and requested an adjustment be made to the end service date at the Property. In preparing its answer, DEO determined that, due to an inadvertent administrative error, no adjustment was made. DEO avers that it has since credited Ms. Stewart's account in the amount of \$34.68, which reflects usage associated with the adjustment of the service end date from February 5 to February 1, 2019, at the Property. Lastly, DEO avers that, since Ms. Stewart's February 25, 2019 bill, she has accrued \$247.54 in current charges and has made one payment of \$101. DEO further

avers that, as of May 24, 2019, Ms. Stewart's account balance, including past due charges and the end-date adjustment, is \$918.46. DEO also states that it is without sufficient knowledge or information to admit or deny the remaining allegations in the complaint. In addition, DEO sets forth in the answer several affirmative defenses.

{¶ 6} On July 23, 2019, a settlement conference was held in an attempt to informally resolve the matter. The parties, however, were unable to reach a resolution of the issues presented in the complaint.

{¶ 7} Upon review, the attorney examiner finds that the Complainant has stated reasonable grounds for complaint pursuant to R.C. 4905.26. Accordingly, the attorney examiner finds that a hearing in this matter shall be scheduled for September 26, 2019, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor to participate in the hearing.

{¶ 8} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29 which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

{¶ 9} 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). Therefore, Ms. Stewart carries the burden of proving the allegations in her complaint.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing in this matter be scheduled for September 26, 2019, at 10:00 a.m., in accordance with Paragraph 7. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini
Attorney Examiner

JRJ/hac

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/14/2019 3:33:22 PM

in

Case No(s). 19-1107-GA-CSS

Summary: Attorney Examiner Entry scheduling hearing electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio