

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
TIMOTHY L. SHEVEL,**

**COMPLAINANT,**

**CASE NO. 19-1565-WS-CSS**

**v.**

**AQUA OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on September 13, 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} Aqua Ohio, Inc. (Aqua) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On August 9, 2019, Timothy L. Shevel (Complainant) filed a complaint against Aqua. In the complaint, Complainant alleges that Aqua charged him unreasonable amounts for water usage during the period from January 1, 2019, through March 1, 2019. The Complainant alleges that these charges are unreasonable because he was told that the building's water tank only holds 1,000 gallons, pumped out every other year, yet Aqua reported that over 50,000 gallons of water were used at the building.

{¶ 4} On August 29, 2019, Aqua filed its answer to the complaint. Aqua claims that Catherine Rider is the customer of record for the premises and not the Complainant. Aqua states that the water charges on the February 28, 2019 bill and March 29, 2019 bill for the premises were in the amounts of \$582.11 and \$98.52, respectively. Aqua's answer indicates that, in responding to Complainant's reported concerns about the high consumption reflected on the bill, a field service representative visited the premises on March 26, 2019,

and, at that time, removed the original water meter, arranged to have it tested, and installed a new meter. Aqua further states that on April 9, 2019, it received the meter test results, which showed the meter was in good working order. Aqua claims that it has reviewed the account and the associated billing statements for the premises for accuracy and has not identified any errors. As of August 29, 2019, Aqua claims the total amount due on the account was \$688.02. Also, Aqua states that water to the premises has been shut off and that the account is currently inactive. In all other respects, Aqua denies any allegations of the complaint not specifically admitted or denied within its answer and sets forth within its answer several affirmative defenses.

{¶ 5} To facilitate a possible resolution in this matter, the attorney examiner now schedules a prehearing settlement conference on October 22, 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 hearing.

{¶ 6} 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.

{¶ 7} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues including discovery deadlines, possible stipulations of fact, and potential hearing dates.

{¶ 8} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of Aqua 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.

{¶ 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for October 22, 2019, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew Sandor

By: Matthew Sandor  
Attorney Examiner

MJA/mef

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 19-1565-WS-CSS**

Summary: Attorney Examiner Entry setting a settlement conference for 10/22/19 at 10:00 am electronically filed by Ms. Mary E Fischer on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission