

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
RUSSELLA AND DAVID STEEHLER,**

COMPLAINANTS,

v.

CASE NO. 20-779-GA-CSS

**VECTREN ENERGY DELIVERY OF OHIO,
INC.,**

RESPONDENT.

ENTRY

Entered in the Journal on May 13, 2020

{¶ 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} Vectren Energy Delivery of Ohio, Inc. (VEDO) 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 April 13, 2020, Russella and David Steehler (Complainants, or Mrs. and Mr. Steehler) filed a complaint against VEDO. The complaint alleges that the installation of a new gas pipeline broke drainage tiles on Complainants' property, resulting in massive flooding. Complainants assert that the flooding, in turn, caused Complainants' basement drains to back up, with flooding conditions occurring in Complainants' basement, and has damaged the foundation of Complainants' house.

{¶ 4} On May 4, 2020, VEDO filed its answer to the complaint. In its answer, VEDO admits that Mrs. Steehler is the primary account holder of a VEDO residential natural gas service account at the address named in the complaint, while Mr. Steehler, though not

named on the account, is believed to reside there. VEDO avers that, using an independent contractor, it installed an eight-inch polyethylene gas main adjacent to, and on the same side of the road as Complainants' premises. According to VEDO's answer, on January 23, 2020, VEDO's contractor, responding to post-installation drainage concerns raised by Mr. Steehler, excavated while Mr. Steehler was present, in several areas adjacent to and on Complainants' premises, to assess the effect, if any, of the gas main's installation on clay drainage tiles (the Tile). According to the answer, VEDO's contractor, based on the excavation, found that the installation of the gas main did not damage the Tile. Moreover, VEDO claims that village of Jeffersonville officials who were also present during the excavation agreed with VEDO's contractor's assessment of the situation. On January 24, 2020, according to the answer, VEDO's contractor returned to Complainants' premises and used a push rod to ascertain the location of the Tile in relation to the gas main. VEDO avers that the push rod inspection did not indicate any damage to the Tile from the installation of the gas main. Further, in its answer, VEDO states its beliefs that (a) any damage to the Tile occurred prior to the installation of the gas main; (b) issues with water drainage and water pooling existed on Complainants' premises prior to installation of the gas main, and (c) Complainants' septic tank contributes to the water drainage and water pooling issues on their premises. Beyond this, VEDO denies all allegations of the complaint that it has not specifically admitted and sets forth several affirmative defenses.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement conference to be conducted by telephone. 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 teleconference.

{¶ 6} Accordingly, a telephone settlement conference shall be scheduled for June 10, 2020, at 10:00 a.m. To participate in the teleconference, the parties shall dial (866) 209-2820 and, when prompted, enter conference code 978-114-0448#.

{¶ 7} 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 teleconference, and all parties participating in the teleconference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement teleconference be scheduled for June 10, 2020, at 10:00 a.m., as indicated in Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

NJW/kck

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Case No(s). 20-0779-GA-CSS

Summary: Attorney Examiner Entry a telephone settlement conference shall be scheduled for 6.10.20, at 10:00 a.m. To participate in the teleconference, the parties shall dial (866) 209-2820 and, when prompted, enter conference code 978-114-0448#. electronically filed by Kelli C King on behalf of Daniel E. Fullin, attorney examiner, Public Utilities Commission of Ohio