

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DARLENE BRIGHT AND TONY TODD,**

COMPLAINANTS,

v.

CASE No. 19-2023-GA-CSS

COLUMBIA GAS OF OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on August 20, 2021

{¶ 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) 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 November 8, 2019, Darlene Bright and Tony Todd (Complainants) filed a complaint against Columbia, alleging that replacement of a gas line also involved digging up an “aggregate with double color sidewalk” on their property. Complainants expected the sidewalk to be replaced with the same material, but assert that Columbia did not do so, despite its purported policy “to replace sidewalks with as good or better than what they tear out.” Complainants add that the sidewalk was very expensive and “several times the cost of a standard sidewalk.” Complainants contend that they had agreed to replacement with gray cement only because, initially, they were told of no other alternatives; later, however, they were told that they might have received the preferred replacement if they had persisted.

{¶ 4} Columbia filed its answer on November 26, 2019. Columbia states that its knowledge is insufficient to form a belief as to the truth of Complainants' statements. Columbia further contends that Complainants did not state reasonable grounds for complaint, and that it has complied with applicable Ohio statutes, Commission rules, and its tariff.

{¶ 5} The parties participated in a settlement conference on January 16, 2020, and continued negotiating in subsequent months, but were unable to resolve the matter. Because of the ongoing COVID-19 pandemic, scheduling of a hearing was postponed until a date that could be determined with certainty.

{¶ 6} Accordingly, an evidentiary hearing shall commence on September 20, 2021, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing. Consistent with CDC Guidelines and the May 17, 2021 Ohio Department of Health Order, individuals who are not fully vaccinated should continue to wear a face covering and socially distance. Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the hearing. As pandemic restrictions are evolving, additional instructions regarding further safety requirements or accommodations for the hearing room may be forthcoming, either posted on the Commission's website or communicated to the parties.

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

{¶ 8} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a hearing be scheduled for September 20, 2021, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

{¶ 11} ORDERED, That any party intending to present direct, expert testimony comply 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/James M. Lynn

By: James M. Lynn
Attorney Examiner

MJA/hac

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in

Case No(s). 19-2023-GA-CSS

Summary: Attorney Examiner Entry ordering that a hearing be scheduled for September 20, 2021, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215-3793 and that any party intending to present direct, expert testimony comply with Paragraph 7 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission