

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
FRANCES M. STEVENSON,**

CASE No. 20-590-GA-CSS

COMPLAINANT,

v.

VECTREN ENERGY DELIVERY OF OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on September 23, 2021

I. SUMMARY

{¶ 1} The Commission grants the motion, made orally at the August 3, 2021 evidentiary hearing, to dismiss this complaint with prejudice for failure of Complainant to prosecute the matter.

II. DISCUSSION

{¶ 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, Respondent, or Company), is a natural gas company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02. As such, VEDO is subject to the jurisdiction of this Commission.

{¶ 3} On March 12, 2020, Frances M. Stevenson (Ms. Stevenson or Complainant) filed a complaint against VEDO in the above-captioned case. The complaint alleges, among other things, that, when Complainant ended service with VEDO, the Company miscalculated the amount of the credit balance that had accumulated on her utility service

account and, as a result, refunded her an amount less than that to which she believes she is entitled.

{¶ 4} On April 1, 2020, VEDO filed its answer to the complaint. In its answer, VEDO admits some and denies others of the complaint's allegations and sets forth several affirmative defenses. VEDO explains that Complainant is a former Percentage of Income Payment Plan Plus (PIPP) recipient who, at various times during her customer relationship with VEDO, received PIPP program incentive credits, and, at other times, maintained a credit balance on her utility account with the Company. The Company points out that, under Ohio Adm.Code 4901:1-18-14(B), PIPP customers are not entitled to accumulate PIPP program incentive credits during periods when their utility account reflects a credit balance. VEDO avers that, pursuant to the cited rule provision, the Company did not apply PIPP incentive credits to Ms. Stevenson's account from May 21, 2015, through May 29, 2019, because, throughout that period, her utility account reflected a credit balance.

{¶ 5} Prehearing settlement teleconferences were scheduled for and held in this case on July 14, 2020, and August 11, 2020. However, the parties were unable to resolve through the mediation process the dispute giving rise to this complaint.

{¶ 6} On June 29, 2021, the attorney examiner issued an Entry scheduling an August 3, 2021 hearing. At the hearing, counsel for VEDO and other persons representing VEDO's interests were present, but Complainant neither attended nor entered an appearance. At the hearing, counsel for Respondent made an oral motion, which the presiding hearing examiner took under advisement, that the case should be dismissed with prejudice, based upon Ms. Stevenson's failure to appear and to adequately prosecute her complaint (Tr. at 8).

{¶ 7} Complainant has never contacted either the attorney examiner or the Commission to explain her absence from the hearing. On August 17, 2021, the

Commission received, as unclaimed returned mail, the copy of the June 29, 2021 Entry scheduling the hearing, which the Commission had mailed to Complainant on June 29, 2021, at her mailing address of record in this case. Nevertheless, on June 29, 2021, an electronic link to that same Entry was emailed to Complainant at the e-mail address which Complainant had used in communicating with the Commission throughout the settlement process, which, because of COVID-19 related emergency orders in place at the time, occurred virtually rather than in-person, in this case.

{¶ 8} As noted in Paragraph 4, the dispute which gives rise to this complaint case appears to revolve around Ms. Stevenson's belief, at least originally, that, when she ended service with VEDO, she would be entitled to a utility account refund in excess of \$1,400, rather than the \$296.14 refund amount that was reflected on her final bill. At the hearing, VEDO's Manager of Regulatory Relations, Michelle D. Quinn, presented unchallenged testimony that, at the time Ms. Stevenson's account became final, a credit balance of \$296.14 existed on her account, which Respondent calculated as the net result of account activity, including utility charges, customer/landlord payments, Home Energy Assistance Program payments, incentive credits, and adjustments that resulted from application of the deposit and a cancel/rebill. Moreover, undisputed testimony of record reflects that a credit refund check, dated December 31, 2019, identified of record by a specific check number, in the amount of \$296.14, was sent to Ms. Stevenson at an address in Santa Barbara, California, which Respondent identifies as Complainant's billing address on file, and, ultimately, was endorsed and cleared VEDO's bank account on January 21, 2020.

{¶ 9} The Commission observes that Complainant failed to appear at the August 3, 2021 hearing. Moreover, since the time of the last settlement teleconference on August 11, 2020, Complainant has failed to pursue, in any way, prosecution of her complaint. Accordingly, under the circumstances presented, the Commission finds it appropriate to

grant VEDO's oral motion, made at hearing, to dismiss this complaint, with prejudice, based on Complainant's insufficient prosecution.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the motion, made at hearing, to dismiss this case, with prejudice, be granted. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

DEF/kck

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Case No(s). 20-0590-GA-CSS

Summary: Entry granting the motion, made orally at the August 3, 2021 evidentiary hearing, to dismiss this complaint with prejudice for failure of Complainant to prosecute the matter. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio