

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**COMPLAINANTS,**

**CASE NO. 19-2023-GA-CSS**

**v.**

**COLUMBIA GAS OF OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on December 15, 2021

**I. SUMMARY**

{¶ 1} The Commission grants the joint motion to dismiss the complaint, with prejudice, filed by Columbia Gas of Ohio, Inc.

**II. DISCUSSION**

{¶ 2} 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.

{¶ 3} 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.

{¶ 4} 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 policy to replace sidewalks with as good or better than is removed. Complainants added that the sidewalk was very expensive and that they had agreed to a

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.

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

{¶ 6} 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 numerous times.

{¶ 7} By Entry issued August 20, 2021, a hearing was scheduled for September 20, 2021, with expert testimony to be filed by September 13, 2021.

{¶ 8} On September 13, 2021, Columbia filed a motion for continuance and memorandum in support. Columbia stated that the parties had resumed settlement discussions and that more time was needed to finalize the negotiations.

{¶ 9} The attorney examiner granted the motion for continuance on September 15, 2021.

{¶ 10} On November 16, 2021, Columbia filed a joint motion to dismiss the complaint, with prejudice, stating that all issues in the complaint have been resolved, and that the parties request dismissal of the case. The joint motion also states that, pursuant to Ohio Adm.Code 4901-9-01(F), and within 20 days of being served, the Complainants may file a response disagreeing with assertions made in the joint motion; if no objection is filed, the Commission may presume that settlement has occurred.

{¶ 11} The Complainants did not, within 20 days of November 16, 2021, file an objection to assertions made in the joint motion to dismiss. Therefore, the Commission finds the joint motion to dismiss to be reasonable, and the joint motion shall be granted with prejudice.

### III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the joint motion to dismiss be granted with prejudice. It is, further,

{¶ 14} 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

JML/hac

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

Summary: Entry granting the joint motion to dismiss the complaint, with prejudice,  
filed by Columbia Gas of Ohio, Inc. electronically filed by Heather A. Chilcote on  
behalf of Public Utilities Commission of Ohio