

1   BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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4   In the Matter of the Complaint :  
   of Angela Bennett vs. Dominion : Case No.  
5   East Ohio Gas Company.       : 07-297-GA-CSS

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9                   PROCEEDINGS

10   Before Scott Farkas, Attorney Examiner, held at  
11   the offices of the Public Utilities Commission  
12   of Ohio, 180 East Broad Street, Hearing Room  
13   11-D, Columbus, Ohio, on Thursday, February 28,  
14   2008, at 10:00 A.M.

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21           Armstrong & Okey, Inc.  
            185 S. Fifth Street, Suite 101  
22           Columbus, Ohio 43215  
            (614) 224-9481 - (800) 223-9481  
23           Fax - (614) 224-5724  
  
24           - - -

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1 APPEARANCES:

2 Jones Day  
By Mr. Andrew J. Campbell  
3 and  
Mr. Mark A. Whitt  
4 325 McConnell Boulevard  
Suite 600  
5 Columbus, Ohio 43215-3880

6 On behalf of Dominion East  
Ohio.

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1                   Thursday Morning Session,

2                   February 28, 2008.

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4           ATTORNEY EXAMINER: The Commission

5 has called for hearing at this time and place in

6 the matter of Angela Bennett versus Dominion

7 East Ohio, Case No. 07-297-GA-CSS. My name is

8 Scott Farkas and I am the Attorney Examiner

9 assigned to this case. At this time could I

10 have the appearances?

11           MR. CAMPBELL: Andrew Campbell for

12 Dominion East Ohio and I am with Jones Day.

13 Mark Whitt is my colleague. And Margaret

14 Callahan is an employee of Dominion East Ohio

15 and will be our witness.

16           ATTORNEY EXAMINER: Okay. I would

17 note for the record that Ms. Bennett is not

18 present. We will take a recess at this time and

19 come back in a short time.

20 (RECESS TAKEN)

21 ATTORNEY EXAMINER: We have waited

22 for over 20 minutes and Ms. Bennett has not made

23 an appearance. I should also note for the

24 record she did not contact me prior to the

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1 hearing today, although I did speak with her and  
2 advised her of the hearing date and she was  
3 aware of it.

4 Is there a statement you would like  
5 to make, Mr. Campbell?

6 MR. CAMPBELL: I would like to make  
7 the motion to dismiss the complaint for failure  
8 to prosecute. Ms. Bennett has established a  
9 record in this case of not showing up or not  
10 meeting deadlines. On May 22, 2007 she did not  
11 show, did not call ahead of time for a  
12 settlement conference at the Commission despite  
13 the entry of April 27th, 2007 establishing that  
14 conference.

15 She later through the Attorney  
16 Examiner communicated a settlement offer to us.  
17 We responded to that settlement offer by sending  
18 her paperwork. She never responded.

19 ATTORNEY EXAMINER: I would just

20 note that was another Attorney Examiner.

21 MR. CAMPBELL: Another Attorney

22 Examiner. On January 25, 2008 Ms. Bennett did

23 not show up or attend a telephonic pre-hearing

24 conference despite a January 2nd entry

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1 establishing the conference. She didn't call

2 and she didn't show up.

3 She did not respond to discovery

4 submitted on January 16th, 2008. We had no

5 response to that. And today she has not showed

6 up, not called ahead for this hearing.

7 Ms. Bennett has failed to prosecute

8 this case. Therefore, the company, Dominion

9 East Ohio, moves to dismiss this case with

10 prejudice.

11 ATTORNEY EXAMINER: Okay. Go off

12 the record for a second.

13 (DISCUSSION OFF THE RECORD)

14 ATTORNEY EXAMINER: I will take

15 the motion under advisement. Is there anything

16 further?

17 MR. CAMPBELL: Nothing further.

18 ATTORNEY EXAMINER: Okay. Thank

19 you. We are adjourned. Thank you.

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21           (At 10:25 A.M. the hearing was

22 concluded)

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CERTIFICATE

I do hereby certify that the foregoing  
is a true and correct transcript of the  
proceedings taken by me in this matter on  
February 28, 2008, and carefully compared with  
my original stenographic notes.

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Michael O. Spencer,  
Registered Professional  
Reporter.

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

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**in**

**Case No(s). 07-0297-GA-CSS**

Summary: Transcript Bennett/East Ohio Dominion 2-28-08 electronically filed by Mrs. Jennifer D. Duffer on behalf of Armstrong & Okey, Inc.