

FILE

8

RECEIVED-DOCKETING DIV

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

2008 AUG 20 PM 4:10

LINDA L. NELLIS,)
)
Complainant,)
)
v.)
)
THE EAST OHIO GAS CO. d/b/a)
DOMINION EAST OHIO,)
)
Respondent.)

PUCO

Case No. 08-812-GA-CSS

AMENDED ANSWER

Pursuant to Ohio Administrative Code § 4901-9-01(D), Respondent The East Ohio Gas Company d/b/a Dominion East Ohio ("DEO"), for its Amended Answer¹ to the Complaint, responds as follows:

FIRST DEFENSE

1. Denies the allegation that Complainant has "been dealing with this matter since January of 2008" for lack of knowledge or information sufficient to form a belief as to the truth thereof. DEO avers that it has been in contact with Complainant several times since October 2006 regarding billing disputes.

2. Denies that Complainant is a customer of "Dominio Gas" but avers that Complainant is a customer of DEO and received natural gas service at 13407 Clifton Boulevard, Lakewood, Ohio 44107.

¹ At the time DEO filed its original Answer, only the first page of the Complaint was posted on the docketing information system website, and DEO was not aware that the Complaint contained a second page. DEO files this Amended Answer after receiving notice of the second page. DEO's responses to the additional allegations begin with paragraph 18. In responding to the second page, DEO also discovered that its response to paragraph 15 was incorrect, insofar as there was a meter change in November 2006 as well as April 2008; this paragraph has been amended accordingly.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed 8/20/08

3. Denies the allegation that “this did not start off right because, I have not been living in the house for two years” for lack of knowledge or information sufficient to form a belief as to the truth thereof.

4. Denies the following allegations for lack of knowledge or information sufficient to form a belief as to the truth thereof: “[W]ithout [Complainant’s] knowing as an older person, Nopec had [an] agreement with Dominion to be a carrier.”

5. Denies the allegation that Complainant “received no notification as to this new line of service” for lack of knowledge or information sufficient to form a belief as to the truth thereof.

6. Denies any and all allegations related to or describing the actions or omissions of NOPEC or any of its representatives or employees for lack of knowledge or information sufficient to form a belief as to the truth thereof.

7. Denies any and all allegations related to or describing the actions or omissions of the Public Utilities Commission of Ohio or any of its representatives or employees for lack of knowledge or information sufficient to form a belief as to the truth thereof.

8. Denies the allegation that “[i]f you did not sign for an opt out they automatically attached themselves to the Domi[ni]on Bill” for lack of knowledge or information sufficient to form a belief as to the truth thereof.

9. Denies the allegation that Complainant was “not aware of this for months since [Complainant] was not living there” for lack of knowledge or information sufficient to form a belief as to the truth thereof.

10. Denies the allegation that “this is an unfair practice [by] Domi[ni]on . . . because they did not prepa[re] the public better for what was to transpire” for lack of knowledge or information sufficient to form a belief as to the truth thereof.

11. Denies the allegation that Dominion and NOPEC “should [have] given us a letter within the billing statement notif[y]ing me and others that there was this chang[e]” for lack of knowledge or information sufficient to form a belief as to the truth thereof. DEO further avers that whether it should have included any information with any billings statements is a legal conclusion and as such cannot be admitted or denied.

12. Denies the allegation that Complainant is “not the only one who has gone through this” for lack of knowledge or information sufficient to form a belief as to the truth thereof.

13. Admits that Dominion personnel have contacted Complainant several times.

14. Denies that Complainant “[has] not live[d] in the house” for lack of knowledge or information sufficient to form a belief as to the truth thereof.

15. Denies that Complainant “did not turn on gas until /Nov/Dec” for lack of knowledge or information sufficient to form a belief as to the truth thereof. DEO avers that Complainant began receiving service from DEO in 1981, and in the last two years the only times service has been turned on or off was related to meter changes in November 2006 and April 2008.

16. Denies that “thermostat[] was on 50 deg.” for lack of knowledge or information sufficient to form a belief as to the truth thereof.

17. Denies that Complainant has “a 7,000 bill.” DEO avers that Complainant’s account balance as of June 23, 2008, was \$7,328.74. DEO further avers that between May 4, 2007, and March 18, 2008, Complainant made no payments on her gas bill which resulted in her

removal from the budget plan. DEO further avers that all charges DEO seeks to collect from Complainant are based on actual usage. DEO further avers that Complainant's meter has been tested and is accurate under R.C. 4933.09.

18. Denies that it has made any "misrepresentation" to Complainant.

19. Denies that it has "descriminated [sic] against" Complainant. DEO denies that DEO did not "admit[] their [sic] was a descrapancy [sic]" on Complainant's bill for lack of knowledge or information sufficient to form a belief as to the truth thereof.

20. Denies that it "did a[n] improper meter reading" for lack of knowledge or information sufficient to form a belief as to the truth thereof.

21. Denies the allegation that "[o]ne admitted they thought the meter from outside was not matching the reading from inside" for lack of knowledge or information sufficient to form a belief as to the truth thereof.

22. Denies it "installed a meter inside in 07." DEO avers it changed both gas meters at Complainant's service address on November 13, 2006. DEO further denies the following allegation for lack of knowledge or information sufficient to form a belief as to the truth thereof: "When they did this I noticed the meter inside was racing, [s]o the outside meter had to be wrong."

23. Denies the following allegation for lack of knowledge or information sufficient to form a belief as to the truth thereof: "I call again claimed there was nothing wrong, [s]o they decided on a [m]eter test and did see it was racing, but still[] dening [sic] this, I kept complaining" DEO avers that a meter test showed Complainant's meter to be accurate and that Complainant has contacted DEO numerous times regarding her account.

24. Denies it "is impossible to have a high mcf[] in one months time."

25. Admits that Complainant received estimated bills.
26. DEO admits Complainant had a credit balance of \$1,953.95 in April 2006. DEO denies Complaint “was sending 100.00 anyway, when [her] budget was 67.00 dollars or so” for lack of knowledge or information sufficient to form a belief as to the truth thereof. DEO admits Complainant was sent a bill for approximately \$6,000 in December 2007.
27. Denies it provided “inaduate [sic] services and information” for lack of knowledge or information sufficient to form a belief as to the truth thereof.
28. Denies it “has made a mistake since the fall of 07” for lack of knowledge or information sufficient to form a belief as to the truth thereof.
29. Denies it was “never reading the outside remote at all.”
30. Denies the following allegation for lack of knowledge or information sufficient to form a belief as to the truth thereof: “So when they fi[na]lly did read it, this was way off showing large figures, they knew their [sic] was something wrong.”
31. Denies the following allegation for lack of knowledge or information sufficient to form a belief as to the truth thereof: “They wanted to do a test, on the meter, so they took it, and they were suppose[d] to notify me so I could be there, and did not.”
32. Denies that the tested meter “was running to [sic] fast” for lack of knowledge or information sufficient to form a belief as to the truth thereof. DEO avers that Complainant’s meter was tested and shown to be accurate under R.C. 4933.09.
33. Denies generally any allegation not specifically admitted or denied in this Answer, pursuant to Section 4901-9-01(D), Ohio Administrative Code.

SECOND DEFENSE

34. The Complaint does not comply with Commission’s minimum standards for acceptable complaints and should not have been docketed or served on DEO. The Complaint

does not contain “a statement which clearly explains the facts which constitute the basis of the complaint,” nor does it contain “a statement of the relief sought.” See Ohio Admin. Code § 4901-19-01(B).

THIRD DEFENSE

35. The Complaint fails to state a claim for which relief can be granted.

FOURTH DEFENSE

36. The Complaint fails to set forth reasonable grounds for complaint.

FIFTH DEFENSE

37. DEO at all times complied with Title 49, Ohio Revised Code; the rules, regulations, and orders of the Commission; and DEO’s tariffs. These statutes, rules, regulations, and tariff provisions bar Complainant’s claims.

38. DEO reserves the right to raise other defenses as warranted by discovery in this matter.

WHEREFORE, DEO respectfully requests an Order dismissing the Complaint and granting DEO all other necessary and proper relief.

Respectfully submitted,



Mark A. Whitt

Andrew J. Campbell (Counsel of Record)
JONES DAY

325 John H. McConnell Boulevard, Suite 600

P.O. Box 165017

Columbus, OH 43216-5017

Telephone: (614) 469-3939

Facsimile: (614) 461-4198

mawhitt@jonesday.com

ajcampbell@jonesday.com


ATTORNEYS FOR RESPONDENT
THE EAST OHIO GAS COMPANY d/b/a
DOMINION EAST OHIO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was sent by ordinary U.S. mail to the following parties this 20th day of August, 2008:

Linda L. Nellis
13407 Clifton Boulevard
Lakewood, Ohio 44107

Thomas O'Brien, Esq.
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215-4291


Andrew J. Campbell