BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Ralph Schroer,

Complainant,

v.

Interstate Gas Supply, Inc.,

Respondent.

Case No. 08-332-GA-CSS

<u>ENTRY</u>

The Commission finds:

- On March 26, 2008, Ralph Schroer (complainant) filed a (1)complaint against Interstate Gas Supply, Inc. (IGS). The complainant alleges that IGS advertised a fixed rate for the year beginning in November. The complainant states that, from April 2006 to April 2007, without his knowledge or consent, IGS changed his rates. According to the complainant, this change resulted in his rates being 50 percent higher than comparable rates. Complainant says that, when he discovered the high rates in December 2006, he stopped his automatic payment for the month, which resulted in his gas being turned off. To resolve this issue, complainant requests that he be charged a competitive rate for the time period in guestion and that he be refunded \$1,000, which is the amount he had to pay to have his service reconnected.
- (2) On June 11, 2008, IGS filed its answer to the complaint denying the material allegations of the complaint and requesting that the complaint be dismissed for failure to state reasonable grounds for complaint and for failure to state a claim. Specifically, IGS states that, while IGS did offer a fixed rate that would last from November 2006 through the November 2007 billing cycle, the complainant did not enroll in this offer. Further, IGS maintains that it did not act contrary to its advertising by changing the complainant's rate for the April 2006 billing cycle and that complainant's rate changed in accordance with the complainant's contract terms. In addition,

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 Fechnician _____ Bate Processed HOV 2 5 2005 IGS submits that the fixed annual rate that began in the April 2006 billing cycle bears no relationship to a fixed rate offer occurring seven months later in November 2006. Finally, IGS denies providing gas to the complainant from April 2006 through April 2007 because IGS stopped serving the complainant's accounts on or about January 17, 2007.

- (3) By entry issued June 26, 2008, the attorney examiner scheduled a settlement conference in this matter for Thursday, July 24, 2008.
- (4) The attorney examiner conducting the settlement and counsel for IGS were present at the settlement conference on July 24, 2008; however, the complainant did not appear. Attempts to contact the complainant by telephone were unsuccessful, because the telephone number provided on the complaint had been disconnected.
- (5) By entry issued September 9, 2008, the attorney examiner required the complainant to file a letter in this docket, by October 15, 2008, identifying a telephone number at which the attorney examiner would be able to contact the complainant in order to reschedule the settlement conference. The attorney examiner noted in the entry that, if the complainant failed to file a letter in this docket as required by the entry, the attorney examiner might recommend to the Commission that this case be dismissed because the complainant failed to prosecute the case. The entry was served upon the complainant by certified mail.
- (6) On September 16, 2008, a return receipt for the entry that had been served upon the complainant by certified mail was filed in this docket. The signature on the return receipt was "Ralph Schroer."
- (7) To date, the complainant has failed to file a letter in this docket identifying a telephone number at which he can be contacted or to make any other filings indicating his desire to prosecute the case.
- (8) Therefore, in light of the complainant's failure to appear at the settlement conference and failure to provide a telephone number at which he can be reached for scheduling purposes,

the Commission finds that this complaint should be dismissed for lack of prosecution.

It is, therefore,

ORDERED, That this complaint be dismissed. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC ATTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

Paul A. Centolella

Valerie A. Lemmie

Ronda Hartman gus

Roberto

Chervl L. Roberto

CMTP/vrm

Entered in the Journal

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Reneé J. Jenkins Secretary