

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Randy
Coleman Sr.,

Complainant,

v.

The East Ohio Gas Company, d.b.a.
Dominion East Ohio and Interstate Gas
Supply, Inc., d.b.a. IGS Energy,

Respondents.

Case No. 09-828-GA-CSS

ENTRY

The attorney examiner finds:

- (1) On September 18, 2009, Randy Coleman Sr. (complainant) filed a complaint against the East Ohio Gas Company, d.b.a. Dominion East Ohio (Dominion) and Interstate Gas Supply, Inc., d.b.a. IGS Energy (IGS), alleging that Dominion and IGS failed to correctly bill him for natural gas used at a property occupied by the complainant. Specifically, the complainant alleged that either Dominion, IGS, or both, changed his natural gas supplier from Dominion to IGS without his consent. The complainant also moved for an order prohibiting the termination of service for nonpayment during the pendency of this complaint, pursuant to Rule 4901-9-01(D), Ohio Administrative Code (O.A.C.).
- (2) Rule 4901-9-01(E), O.A.C., provides that, if a complainant is facing termination of service by the public utility, the complainant may request that the Commission prevent the termination of service during the pendency of the complaint. Rule 4901-9-01(E), O.A.C., also provides that a person making a request for such assistance must agree to pay to the utility, during the pendency of the complaint, all amounts that are not in dispute.
- (3) Consistent with Rule 4901-9-01(E), O.A.C., the complainant has requested that the Commission prevent the termination of service during the pendency of the complaint. The attorney examiner finds this request to be reasonable. Therefore, Dominion shall not

disconnect the natural gas service of the complainant at this time, for nonpayment of the amounts in dispute. However, nothing in this entry excuses complainant from making payment of all amounts not in dispute. The complainant is directed to timely pay all billings that he does not dispute.

- (4) Upon review of the pleadings and the docket card in this matter, the attorney examiner notes that the Commission's docketing division did not serve the complaint on IGS. Therefore, the docketing division shall serve a copy of the complaint in this proceeding on IGS. Furthermore, in order to allow IGS sufficient time to prepare an answer to the complaint and to have both respondents answer contemporaneously, both IGS and Dominion are directed to file an answer or other responsive pleading to this complaint by October 14, 2009.
- (5) The attorney examiner also finds that a settlement conference should be held in this case. Accordingly, this matter should be scheduled for a settlement conference on Thursday, October 29, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Legal Conference Room 1246, Columbus, Ohio 43215-3793. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. The parties should bring all relevant documents with them to the conference. In accordance with Rule 4901-1-26, O.A.C., any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint, pursuant to *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189 (1966).

It is, therefore,

ORDERED, That the Commission's docketing division serve IGS with a copy of the complaint filed in this case, in addition to a copy of this entry. It is, further,

ORDERED, That IGS and Dominion file their answers or other responsive pleadings to the complaint in this proceeding within 20 days after the issuance of this entry. It is, further,

ORDERED, That Dominion not terminate service to the complainant based on nonpayment of disputed amounts. It is, further,

ORDERED, That a settlement conference be scheduled in accordance with finding (5). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman
By: Katie L. Stenman
Attorney Examiner

/dah PSD

Entered in the Journal
SEP 24 2009

Reneé J. Jenkins

Reneé J. Jenkins
Secretary