

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

RANDY COLEMAN,

Complainant,

v.

DOMINION EAST OHIO et. al.,

Respondents.

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Case No. 09-828-GA-CSS

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ANSWER

Pursuant to Rule 4901-9-01(D), Ohio Administrative Code ("O.A.C."), Respondent The East Ohio Gas Company d/b/a Dominion East Ohio ("DEO"), incorrectly named in the Complaint as "Dominion Gas Interstate Gas Supply," "Dominion" and "East Ohio Gas," for its Answer to the Complaint of Randy Coleman ("Complainant"):<sup>1</sup>

FIRST DEFENSE

1. In response to the unnumbered headings on the second page of the Complaint, DEO admits that Complainant has an account for service at 5333 Saint Andrews Street NW, Canton, Ohio 44708 (the "Account"). DEO denies any "slamming" occurred with regard to Complainant's Account, denies the existence of any company called "Dominion Gas Interstate Gas Company" and avers that DEO and a company known as Interstate Gas Supply ("IGS") are wholly separate and independent companies. DEO denies for lack of knowledge the remaining allegations in the unnumbered headings on the second page of the Complaint.

2. Denies for lack of knowledge the allegations contained in the paragraph numbered "1" of the Complaint.

<sup>1</sup> Although Complainant did not present all of his allegations in individually-numbered paragraphs, DEO hereby responds to the allegations in paragraph form. As noted in paragraph 5, any allegation not specifically admitted or denied herein is denied.

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3. Avers that, on or about October 9, 2008, IGS sent an electronic enrollment request to DEO informing DEO that Complainant had chosen IGS as his natural gas supplier. In response to IGS' electronic enrollment request, and in full compliance with the requirements of Rule 4901:1-29-06, O.A.C. regarding customer natural gas supplier enrollment, on October 10, 2008 DEO sent Complainant a written "Energy Choice Program Confirmation of Supplier" (the "Confirmation"), a copy of which is attached as Exhibit A to this Answer. Further answering, the Confirmation instructed Complainant that he had to contact DEO by October 23, 2008 if he wished to cancel his enrollment with IGS. Complainant did not do so. DEO denies for lack of knowledge the remaining allegations contained in the paragraphs numbered "2" and "3" of the Complaint.

4. Avers that any and all bills issued by DEO to Complainant have at all times contained only bona fide, valid and authorized charges; avers that the documents attached to the Complaint speak for themselves and denies any mischaracterization or incorrect statement regarding the contents of the documents, and further avers that some of the documents attached to the Complaint contain handwriting that was not contained on the original documents. Further answering, denies any "slamming" occurred with regard to Complainant's Account, and denies for lack of knowledge the remaining allegations contained in the unnumbered paragraphs after paragraph "3" of the Complaint.

5. Denies generally any allegations not specifically admitted in this Answer, pursuant to Rule 4901-9-01(D), O.A.C.

### **SECOND DEFENSE**

6. The Complaint fails to set forth reasonable grounds for complaint, as required by R.C. § 4905.26.

### **THIRD DEFENSE**

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

### **FOURTH DEFENSE**


8. The Complaint does not comply with the Commission's minimum standards for acceptable complaints. Specifically, 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," as required by Rule 4901-19-01(B), O.A.C.

### **FIFTH DEFENSE**

9. 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 (Counsel of Record)  
Joel E. Sechler  
CARPENTER LIPPS & LELAND LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, Ohio 43215  
(614) 365-4100 (Telephone)  
(614) 365-9145 (Facsimile)  
whitt@carpenterlipps.com  
sechler@carpenterlipps.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 served by ordinary U.S. mail, postage prepaid, to the following persons on this 14<sup>th</sup> day of October, 2009:

Randy Coleman, Sr.  
5333 Saint Andrews NW  
Canton, Ohio 44708



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One of the Attorneys for Respondent The  
East Ohio Gas Company d/b/a Dominion East Ohio

860:009:236562

October 10, 2008

RANDY E COLEMAN  
5333 SAINT ANDREWS ST NW  
CANTON OH 44708-1841

**ACCOUNT NO:**  
6500033515913  
**SERVICE ADDRESS:**  
5333 SAINT ANDREWS ST NW  
CANTON OH 44708-1841

**Subject: Energy Choice Program Confirmation Of Supplier**

This letter confirms your choice of Igs Energy (interstate Gas Supply) as your natural gas supplier under the Dominion East Ohio Energy Choice program.

Unless your account status changes, you will start receiving one combined bill from Dominion East Ohio on or after 12/01/2008. It will include your transportation (delivery) service from Dominion East Ohio and your natural gas supply from Igs Energy (interstate Gas Supply).

If any of this information is not correct, please contact our office at (800)362-7557 Monday through Friday from 7:00 a.m. through 7:00 p.m. by 10/23/2008. For your convenience, you can use our Interactive Voice Response program any time - day or night - to cancel this pending supplier change order, but you must do so by 10/23/2008. Simply call us at (800)362-7557.

- When prompted, choose "more options" and then say, or enter using your phone's keypad, your 13-digit account number (found at the top of this letter).
- Follow the prompts to "Energy Choice" and then "cancel pending supplier order."

If we do not hear from you by the deadline, we will assume this information is correct and will bill you accordingly.

**PLEASE NOTE:**

- If you are already a participant in the Energy Choice Program and your current contract has not yet expired, we urge you to review the terms of that contract for any fees which may apply. Please contact your supplier if you have any questions.
- If you have any past-due amounts owed to Dominion East Ohio by the date of your first Energy Choice bill, you will be enrolled automatically in Dominion's Payment Plan program. The plan amount (current amount due, plus one-sixth of your past-due balance) will be stated on your first Energy Choice bill.

We hope you will be pleased with our Energy Choice program and the natural gas supplier you chose. As always, Dominion East Ohio will continue to read your meter and provide you with the same quality service you now receive. Thank you for participating in the Energy Choice program.

Sincerely,

Customer Service Center  
Dominion East Ohio

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