

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Randy	)	
Coleman Sr.,	)	
Complainant,	)	
	)	
v.	)	
	)	Case No. 09-828-GA-CSS
The East Ohio Gas Company, d/b/a	)	
Dominion East Ohio and Interstate Gas	)	
Supply, Inc., d/b/a IGS Energy,	)	
	)	
Respondents.	)	

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.
- (2) On October 14, 2009, both Dominion and IGS filed their answers to the complaint, denying the material allegations in the complaint.
- (3) By entry of September 24, 2009, a settlement conference was scheduled in this case for October 29, 2009. Complainant did not attend the scheduled settlement conference. The attorney examiner contacted complainant after the scheduled settlement conference and was informed by complainant that he was unaware of the scheduled conference, but wished to participate in a settlement conference.
- (4) Accordingly, the attorney examiner finds that the October 29, 2009, settlement conference should be rescheduled for December 7, 2009, at 10:00 a.m., at the offices of the Commission, 12<sup>th</sup> Floor,

Conference Room 1246, 180 East Broad Street, Columbus, Ohio 43215.

- (5) The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. The parties should bring with them all documents relevant to this matter.
- (6) In the event that a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues at the conclusion of the settlement conference. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (7) Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (8) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That, in accordance with finding (4), the October 29, 2009, settlement conference should be rescheduled for December 7, 2009, at 10:00 a.m., at the offices of the Commission. It is, further,

ORDERED, That a copy of this entry be served upon the complainant by certified mail and upon all other parties of record by regular mail.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman

By: Katie L. Stenman  
Attorney Examiner

/dah <sup>720</sup>

Entered in the Journal

NOV 02 2009

Renee J. Jenkins

Renee J. Jenkins  
Secretary