

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. Dominion also filed a motion to dismiss stating that it has complied with its obligation to give the complainant an opportunity to rescind his enrollment with IGS and that the complainant did not set forth reasonable grounds for complaint. No one filed a memorandum contra Dominion's motion to dismiss.
- (3) A settlement conference was held on December 7, 2009; however, the parties were unable to resolve the matter.
- (4) The examiner finds that reasonable grounds for complaint have been stated. Accordingly, Dominion's motion to dismiss should be denied and this matter should be scheduled for a hearing on Tuesday, February 2, 2010, at 10:00 a.m., at the

offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.

- (5) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code, which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (6) In complaint proceedings, the burden of proof rests with the complainant. Therefore, at the hearing, it shall be complainant's responsibility to appear and be prepared to present evidence in support of the complaint.

It is, therefore,

ORDERED, That Dominion's motion to dismiss be denied. It is, further,

ORDERED, That the hearing be scheduled in accordance with Finding (4). It is, further,

ORDERED, That any party intending to present expert testimony comply 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

jjd
/dah

Entered in the Journal

DEC 17 2009
Renee J. Jenkins

Renee J. Jenkins
Secretary