

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Jon A.
Olivito,

Complainant,

v.

Columbia Gas of Ohio, Inc.,

Respondent.

Case No. 09-1841-GA-CSS

ENTRY

The attorney examiner finds:

- (1) On November 20, 2009, Jon A. Olivito (complainant) filed a complaint against Columbia Gas of Ohio, Inc. (Columbia), making numerous allegations including that Columbia damaged his lawn, caused him to incur legal expenses, and caused other damages. Complainant requests that Columbia reimburse him for those damages and legal expenses.
- (2) On December 10, 2009, Columbia filed its answer to the complaint. In its answer, Columbia denies the allegations in the complaint, and states that Columbia has not violated any rule, regulation, or tariff provision and that the complainant has failed to set forth reasonable grounds for the complaint. Moreover, Columbia requests that the complaint be dismissed, arguing that the Commission does not have jurisdiction over complainant's request for damages that appear unrelated to any of Columbia's services or rates.
- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. 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. 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. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

- (4) Accordingly, a settlement conference shall be scheduled for February 10, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Room 11th Floor, Room 11-D, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) 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.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That, in accordance with finding (4), a settlement conference be scheduled for February 10, 2010, at 10:00 a.m., at the offices of the Commission. 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

JRG
/dah

Entered in the Journal

DEC 21 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary