

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Erica)	
Russell-Averette,)	
)	
Complainant,)	
)	
v.)	Case No. 09-1997-GA-CSS
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On December 29, 2009, Erica Russell-Averette (complainant) filed a complaint against Columbia Gas of Ohio, Inc. (Columbia) stating that Columbia failed to disconnect and transfer her gas service after she placed a disconnect and transfer order with Columbia's automated service for October 5, 2009. After the disconnect date had passed, complainant states she received a bill indicating that gas service had not been disconnected at her prior residence. Complainant states that she contacted Columbia's customer service department and scheduled disconnection for October 20, 2009. After setting the disconnection date, complainant called Columbia's customer service department and, through further conversations with Columbia, discovered that Columbia had no record of her scheduled disconnection on October 20, 2009, and subsequently received a new disconnection date of October 26, 2009. Complainant states that she received another bill from Columbia in November of 2009, at which time she contacted Columbia, and was informed that Columbia had discretion as to whether to disconnect gas at the curb, and that they choose not to, in this instance. Complainant states that, on November 19, 2009, Columbia finally disconnected the service because a new tenant moved into the residence and requested service. Complainant alleges that, throughout her conversations with Columbia, she was informed that the

company would not credit her account back to the date of her original disconnection order.

- (2) On December 7, 2009, Columbia filed its answer to the complaint. In its answer, Columbia states that service to complainant's former residence was not disconnected on October 5, 2009, because Columbia could not gain access to the residence and curb disconnection was impossible due to a foreign object lodged in the curb box. In addition, Columbia asserts that no disconnection order was ever recorded for October 20, 2009, and that disconnection was impossible on October 26, 2009, due to lack of access to the residence and the presence of the foreign object in the curb box. Columbia states that it has complied with all applicable rules, regulations, and tariffs.
- (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 March 19, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, 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 a settlement conference be scheduled for March 19, 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

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Entered in the Journal
FEB 16 2010

Renee J. Jenkins

Renee J. Jenkins
Secretary