

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Richard)	
Lucente, Sr.,)	
)	
Complainant,)	
)	
v.)	Case No. 09-1937-GA-CSS
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On December 7, 2009, Richard Lucente, Sr. (complainant) filed a complaint against Columbia Gas of Ohio, Inc. (Columbia) stating that when Columbia relocated his gas meter it placed the meter in his driveway. Complainant states that he would like the meter moved to the opposite side of the residence, as the meter is currently in danger of being struck by vehicles in the driveway.
- (2) On December 30, 2009, Columbia filed its answer to the complaint. In its answer, Columbia asserts that complainant has not stated reasonable grounds for complaint. Columbia further asserts that complainant is making these allegations on behalf of his son and, therefore, lacks standing to bring the complaint. Finally, Columbia asserts that the Commission lacks jurisdiction over this matter.
- (3) By correspondence submitted March 10, 2010, complainant informed the Commission that complainant, complainant's wife, and complainant's son are co-owners of the home which is the subject of the complaint.
- (4) 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.

- (5) Accordingly, a settlement conference shall be scheduled for April 1, 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.
- (6) 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 April 1, 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

gfh
/dah

Entered in the Journal

MAR 12 2010

Renee J. Jenkins

Renee J. Jenkins
Secretary