

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 Commission 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) By entry dated December 21, 2009, the attorney examiner scheduled this matter for a settlement conference to be held on February 10, 2010. Columbia appeared at the settlement conference. However, complainant did not appear at the settlement conference. By correspondence docketed January 12, 2010, complainant acknowledged receipt of the entry scheduling the settlement conference and demanded that instead, Columbia cover his claimed damages and expenses, and apologize.

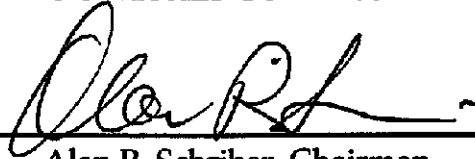
- (4) After the scheduled settlement conference, complainant was unable to be reached by telephone.
- (5) On February 16, 2010, the attorney examiner issued an entry directing the complainant to inform the Commission, in writing, if he wished to proceed with his complaint, within 10 days of the issuance of the entry. The entry further stated that if the Commission received no response from the complainant, the attorney examiner would recommend that the Commission dismiss the case for lack of prosecution.
- (6) To date, complainant has not filed anything with the Commission indicating his intent to proceed with his complaint. The Commission notes that on March 4, 2010, Columbia filed a motion to dismiss. Complainant did not file a response. Accordingly, this case should be dismissed for failure to prosecute.

It is, therefore,

ORDERED, That Case No. 09-1841-GA-CSS be dismissed for failure to prosecute.  
It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

Cheryl L. Roberto

KLS/dah

Entered in the Journal

**MAR 24 2010**



Renee J. Jenkins  
Secretary