

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Paul)
J. Maholtz, Jr.,)
)
Complainant,)
)
v.) Case No. 10-1411-GA-CSS
)
The East Ohio Gas Company d/b/a)
Dominion East Ohio,)
)
Respondent.)

ENTRY

The attorney examiner finds:

- (1) On September 22, 2010, Paul J. Maholtz, Jr. (Mr. Maholtz or complainant) filed a complaint against The East Ohio Gas Company d/b/a Dominion East Ohio (Dominion East or respondent).

Based on a review of the complaint, it appears as though Mr. Maholtz alleges that Dominion East has overcharged him for some period of time due to incorrect meter readings.

- (2) On October 13, 2010, Dominion East filed its answer and delineated its affirmative defenses.
- (3) Pursuant to the attorney examiner Entry of October 22, 2010, a settlement conference was held in this matter on November 22, 2010. The purpose of the settlement conference was to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing.
- (4) Due to the fact that the parties have been unable to resolve their disputes in this matter, the complaint proceeding shall be scheduled for hearing at this time. Accordingly, a hearing in this matter shall be held beginning on April 5, 2011, at 1:30 p.m., in Hearing Room 11-C, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio, 43215.

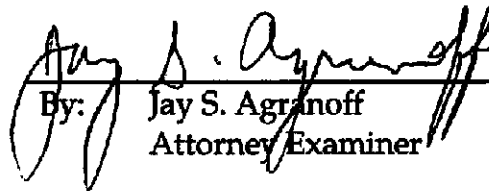
- (5) Any party intending to present direct expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code, which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint, (or the respondent with respect to its counterclaim). *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189.

It is, therefore,

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

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


 By: Jay S. Agranoff
 Attorney Examiner

jet/dah

Entered in the Journal **JAN 31 2011**



Renee J. Jenkins
Secretary