

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Kenneth M. Sirocky,)	
)	
Complainant,)	
)	Case No. 10-3004-GA-CSS
v.)	
)	
Columbia Gas of Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On December 13, 2010, Kenneth M. Sirocky (complainant) filed a complaint against Columbia Gas of Ohio, Inc. (Columbia), stating that complainant was ordered by the local fire department to evacuate his business, a dental office located at 16360 Pearl Road, Strongsville, Ohio, on August 17, 2010, when Fabrizi Trucking & Paving Company, Inc. (Fabrizi Trucking) hit a six-inch medium pressure gas main at complainant's business. Complainant, his staff, and his patients waited for more than two hours in a parking lot for Columbia to fix the gas main. Complainant states that, during this time, his patient records were not accessible, preventing him from notifying patients of the emergency, and that he did not feel safe to reenter the building that day. Complainant alleges that he and his staff suffered lost wages and revenues. Complainant seeks a determination as to who made the call to mark the gas lines, and compensation from the culpable party.
- (2) On January 3, 2011, Columbia filed its answer to the complaint. In its answer, Columbia states that Fabrizi Trucking hit a six-inch medium pressure gas main near 16400 Pearl Road, Strongsville, Ohio, on August 17, 2010, and admits that gas service was shut off at 16360 Pearl Road for approximately two hours while crews worked to repair the leak. Columbia generally denies all of the remaining allegations contained in the complaint. Columbia asserts that complainant has failed to state reasonable grounds for complaint, that complainant seeks

an unavailable remedy of monetary damages, and that complainant lacks standing as he is not the listed account holder at the address involved in the complaint. Columbia also asserts that the Commission lacks jurisdiction over this matter, and that Columbia has complied with all applicable rules, regulations, and tariffs.

- (3) By entry issued January 27, 2011, this matter was set for a settlement conference on February 17, 2011. Complainant, Columbia, and Fabrizi Trucking were directed to attend the conference.
- (4) On February 17, 2011, Columbia and Fabrizi Trucking appeared for the settlement conference. Complainant, however, did not attend the conference or request a continuance. The attorney examiner subsequently contacted complainant by telephone to determine whether complainant intended to appear for the settlement conference. Complainant explained that he erroneously believed that the conference was scheduled for February 18, 2011 and, therefore, requested that the settlement conference be rescheduled.
- (5) Accordingly, the settlement conference shall be rescheduled for March 29, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Room 1246, Columbus, Ohio 43215-3793. The purpose of the settlement conference will be to explore the facts of this case. An attorney examiner from the Commission's legal department will facilitate the settlement conference.
- (6) Complainant, Columbia, and Fabrizi Trucking are directed to attend the conference, be prepared to discuss the facts of this case, and bring with them all relevant documents. In particular, the attorney examiner directs Columbia and Fabrizi Trucking to bring to the conference information and documents regarding their involvement, if any, in the marking of the gas line mentioned in this complaint.
- (7) The Commission's docketing division is directed to mail a copy of this entry to Fabrizi Trucking.
- (8) 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.

- (9) Moreover, complainant should note that the Commission has no authority to award monetary damages. It is, however, within the jurisdiction of the Commission to determine whether a public utility has violated any specific statute, order, or regulation of the Commission. If the Commission finds a violation, a complainant may pursue treble damages before a court of common pleas in accordance with Section 4905.61, Revised Code.

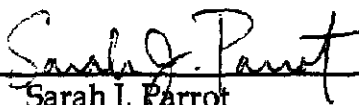
It is, therefore,


ORDERED, That the settlement conference be rescheduled for March 29, 2011, at 10:00 a.m., at the offices of the Commission. It is, further,

ORDERED, That the Commission's docketing division mail a copy of this entry to Fabrizi Trucking. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Sarah J. Parrot
Attorney Examiner

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Entered in the Journal

FEB 28 2011



Renee J. Jenkins
Secretary