

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

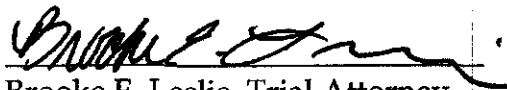
Donald Howard)	
)	
Complainant,)	
)	Case No. 10-1438-GA-CSS
v.)	
)	
Columbia Gas of Ohio, Inc.)	
)	
Respondent.)	

RECEIVED-DOCKETING DIV
 2011 MAR 25 PM 4:37
PUCO

**MOTION TO DISMISS
OF COLUMBIA GAS OF OHIO, INC.**

Now comes the Respondent, Columbia Gas of Ohio, Inc. ("Columbia") to file its Motion to Dismiss the Complaint of Donald Howard filed September 27, 2010. For the reasons more fully discussed in the attached Memorandum in Support, Columbia submits that the Complainant has failed to prosecute the claims found in his complaint. Therefore, Columbia respectfully requests that the Public Utilities Commission of Ohio ("Commission") dismiss the Complaint.

Respectfully submitted by,
COLUMBIA GAS OF OHIO, INC.



Brooke E. Leslie, Trial Attorney
Stephen B. Seiple, Assistant General
Counsel

Brooke E. Leslie, Counsel
200 Civic Center Drive
Columbus, OH 43216-0117
Telephone: (614) 460-5558
Fax: (614) 460-6986
Email: bleslie@nisource.com

**Attorneys for Respondent
COLUMBIA GAS OF OHIO, INC.**

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Am Date Processed 3/27/11

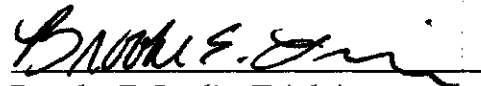
MEMORANDUM IN SUPPORT

Complainant filed the Complaint in this matter on September 27, 2010. In an Entry filed on October 10, 2010, the Attorney Examiner ordered Complainant to file a more definite statement expressing the facts underlying the allegations in the Complaint within 20 days. To date, Complainant has not provided this statement. On December 23, 2010, the Attorney Examiner filed an Entry ordering that a settlement conference be held in this matter on January 24, 2011. Complainant was unable to attend this conference due to illness and on January 28, 2011, the Attorney Examiner filed an Entry continuing the settlement conference to March 15, 2011. However, Complainant failed to appear for this conference without giving notice to the Commission or Columbia.

The Commission has previously dismissed a complaint for a complainant's failure to prosecute when it failed to attend a prehearing conference. In *Complaint of Salim*, the attorney examiner issued an entry to remind the parties of a prehearing settlement conference. In *the Matter of the Complaint of Farah Salim v. American Electric Power*, 2006 Ohio PUC LEXIS 351 (Ohio PUC 2006), Case No. 06-362-EL-CSS (Entry, June 6, 2006). Ms. Salim did not appear at the prehearing conference and did not provide a reason for failing to do so. *Id.* The Commission dismissed the complaint because of Ms. Salim's failure to appear without reason.

Complainant has similarly failed to attend either date scheduled for settlement conferences with Columbia, once without notice. For these reasons, Columbia submits that Complainant has failed to prosecute his claim. Additionally, Complainant has failed to comply with orders from the Attorney Examiner requiring him to file a more definite statement of the fact underlying his complaint. Therefore, Columbia respectfully requests that the Commission dismiss the complaint.

COLUMBIA GAS OF OHIO, INC.



Brooke E. Leslie, Trial Attorney
Stephen B. Seiple, Assistant General
Counsel

Brooke E. Leslie, Counsel
200 Civic Center Drive
Columbus, OH 43216-0117
Telephone: (614) 460-5558
Fax: (614) 460-6986
Email: bleslie@nisource.com

Attorneys for Respondent
COLUMBIA GAS OF OHIO, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing *Motion to Dismiss of Columbia Gas of Ohio, Inc.*, by ordinary U.S. mail, postage prepaid, to Donald Howard, 506 Riley Avenue, Worthington, OH 43085, this 25th day of March, 2011.

A handwritten signature in cursive script, appearing to read "Brooke E. Leslie", written over a horizontal line.

Brooke E. Leslie

Attorney for
COLUMBIA GAS OF OHIO, INC.