

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Todd Pearson,)	
)	
Complainant,)	
)	
v.)	Case No. 11-286-GA-CSS
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On January 18, 2011, Todd Pearson (complainant) filed a complaint against The East Ohio Gas Company d/b/a Dominion East Ohio (DEO) alleging that he has received monthly shut-off and disconnect service threats since establishing service with DEO in his name on November 16, 2009. Specifically, the complainant asserts that, on November 16, 2009, DEO's service technician lit the furnace in the complainant's residence to initiate service and that, subsequently, he received unusually high gas bills. The complainant specifically alleges that his gas bill was over \$300 in June, July, and August 2010. The complainant further asserts that, on September 27, 2010, a DEO service technician turned off a burner that erroneously had been left on and that, since that date, his gas bills were not unusual.
- (2) On February 7, 2011, DEO filed its answer admitting that it established service in the complainant's name on November 16, 2009, and that a DEO service technician turned off a lit burner tube at the complainant's residence on September 27, 2010. DEO denies that the complainant has received monthly shut-off and disconnect service threats since that date, but admits that the complainant

received disconnection notices on March 7, 2010, April 8, 2010, September 7, 2010, October 6, 2010, and November 3, 2010. DEO further denies that it received any complaints from the complainant until September 24, 2010, to which it responded by sending a service technician on September 27, 2010. DEO also denies that the complainant was billed over \$300 solely for natural gas service in June, July, and August 2010, and avers that the complainant was billed \$120.40, \$92.63, and \$83.10, respectively, for service in addition to late payment charges accruing from the complainant's failure to make any payments during those months. DEO states that the service technician who initially lit the furnace specifically remembered turning off the burner tube before leaving the residence. Further, DEO states that the complainant's hot water tank was "red-tagged" during the November 16, 2009, service initiation, but was found to be repaired during the inspection on September 27, 2010.

Further, DEO asserts that the complainant was billed for bona fide, valid, and authorized charges, and that all meter readings are correct. DEO avers that the complaint fails to set forth reasonable grounds for complaint as required by Section 4905.26, Revised Code. DEO argues that, at all times, it has complied with applicable statutes, rules, regulations, and orders of the Commission. Finally, DEO contends that the complaint does not comply with the Commission's minimum standards for acceptable complaints in that it does not contain a statement of relief sought.

- (3) By entry issued March 1, 2011, the attorney examiner scheduled a settlement conference for March 22, 2011. Thereafter, the parties conferenced by telephone, at complainant's request, on several occasions, but were unable to resolve their dispute.
- (4) Section 4905.26, Revised Code, provides, in pertinent part, that:

"Upon complaint in writing against any public utility by any person . . . that any regulation, measurement, or practice affecting

or relating to any service furnished by said public utility, or in connection with such service, is, or will be, in any respect unreasonable, unjust, insufficient . . . if it appears that reasonable grounds for complaint are stated, the commission shall fix a time for hearing."

- (5) The attorney examiner finds that the complainant has presented reasonable grounds for complaint pursuant to Section 4905.26, Revised Code. Accordingly, the attorney examiner finds that a hearing shall be scheduled for July 12, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Room 11-D, Columbus, Ohio 43215-3793.
- (6) 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.
- (7) 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.* (1966), 5 Ohio St.2d 189. Thus, at the hearing, it shall be Mr. Pearson's responsibility to appear and be prepared to present evidence in support of the complaint. Should Mr. Pearson fail to appear, the attorney examiner may recommend to the Commission that this case be dismissed.

It is, therefore,

ORDERED, That the matter be scheduled for a hearing on July 12, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Room 11-D, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That any party intending to present direct, expert testimony comply with Finding (6). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

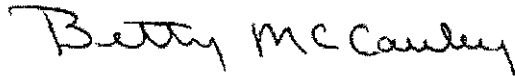
By:


Mandy L. Willey
Attorney Examiner

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Entered in the Journal

MAY 26 2011



Betty McCauley
Secretary