

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Kelly Hinkley,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 11-3659-GA-CSS
	)	
The East Ohio Gas Company d/b/a	)	
Dominion East Ohio,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On June 17, 2011, Kelly Hinkley (Complainant) filed a complaint against The East Ohio Gas Company, d/b/a Dominion East Ohio (DEO). Complainant explains that, in January 2010, DEO installed an automated meter reading (AMR) device at her residence. Subsequently, she contacted DEO to inquire about moving the natural gas meter, in light of the fact that she was putting an addition on her house. In response to her inquiry, DEO told her that the company does not provide that service; therefore, DEO provided her with a phone number to obtain a qualified contractor to perform the service. Complainant hired a contractor from DEO's list of qualified contractors. According to Complainant, she was told by the contractor that, while he could move the meter to the inside of the house, the regulator shut off could not be moved inside, but it could be replaced to a box once the construction began on the addition.

Complainant maintains that, in April 2011, DEO shut off her natural gas service between the regulator and the house, a lock was placed on the shut off, and a tamper device was placed on the regulator. According to Complainant, DEO informed her that the gas was cut off because a tilt switch had been activated and the meter would have to be relocated to the original location outside her residence. Complainant requests that she be reimbursed for usage, investigation, and reconnection fees,

as well as plumbing costs that resulted from relocating the meter.

- (2) On July 11, 2011, DEO filed its answer to the complaint. In its answer, DEO admits that it shut off natural gas service due to the tampering switch being activated on the meter, as well as the relocation of the meter to the inside of the residence, which DEO alleges causes a potentially serious hazard. DEO denies all other allegations and states it has complied with all relevant statutes, rules, regulations, and approved tariffs, and that Complainant has failed to set forth reasonable grounds for the complaint. Further, DEO avers that Complainant has been billed by DEO for bona fide, valid, and authorized charges.
- (3) The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's Legal Department will facilitate the settlement discussion. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for August 8, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Hearing Room 1247, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (5) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.


- (6) 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.

It is, therefore,

ORDERED, That the matter be scheduled for a settlement conference on August 8, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Hearing Room 1247, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Jonathan J. Tauber  
Attorney Examiner

S<sup>2</sup>/sc

Entered in the Journal

**JUL 20 2011**



Betty McCauley  
Secretary