

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Richard Collins,)	
)	
Complainant,)	
)	
v.)	Case No. 11-4368-GA-CSS
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 18, 2011, Richard Collins (Complainant) filed a complaint against The East Ohio Gas Company, d/b/a Dominion East Ohio (DEO). Complainant is the owner and landlord of a rental property consisting of four units. According to Complainant, each tenant was instructed to place DEO service in their own name, which all tenants complied with. Complainant states that, according to DEO, service was turned off at various times for nonpayment at each of the four units. Further, Complainant alleges that he had no knowledge that gas usage at the property was unwarranted, and was unaware that future usage by the tenants would be unauthorized.

Complainant maintains that DEO continued to allow gas usage at the four units for periods ranging from five to nine months before turning off service and removing the meter at Complainant's request. Complainant states that the total gas bills from all four tenants total \$3,171.58 and explains that DEO has added the bills from the four tenants to the DEO account for his personal residence. Complainant seeks a determination that he is not responsible for the tenants' unpaid gas bills, and requests that DEO be ordered to remove the tenants' gas bills from his personal residence account.

- (2) On August 8, 2011, DEO filed its answer to the complaint. In its answer, DEO admits that service was terminated at the rental premises at various points in time and that Complainant was not notified of the terminations, but claims it was not aware that Complainant was the landlord for the premises at the time of the disconnections. Further, DEO admits that the tenants' unpaid gas bills totaling \$3,171.58 were originally billed to Complainant's personal residential account, but have since been removed and established on an account in Complainant's name at the address of the rental property. Further, DEO avers that Complainant, as landlord and property owner of the premises, is the consumer of gas when tampering and unauthorized usage occurs, and is responsible for payment pursuant to Rule 4901:1-18-03(E), Ohio Administrative Code (O.A.C.). 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.
- (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, 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 September 15, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, 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.

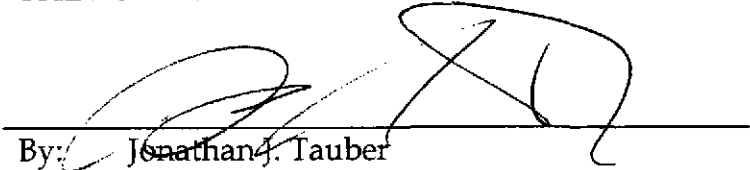
- (5) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite 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 this matter be scheduled for a settlement conference on September 15, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, 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

GRG/sc

Entered in the Journal

AUG 17 2011



Betty McCauley
Secretary