

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Daniel K. Ellison and Kimberly Dot Ellison,)	
)	
Complainant,)	
)	
v.)	Case No. 11-4895-GA-CSS
)	
The East Ohio Gas Company d/b/a Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On August 26, 2011, Daniel K. Ellison and Kimberly Dot Ellison (complainants) filed a complaint against The East Ohio Gas Company d/b/a/ Dominion East Ohio (DEO) alleging that, in May 2011, DEO inappropriately terminated complainants' gas service without notice. According to complainants, DEO is alleging that tampering has occurred with complainants' gas meter and DEO will not restore service until all owed sums are paid. Complainants state that they did not tamper with their meter. After DEO refused to restore service without full payment, complainants state that they contacted the Commission's customer call center (call center), but were not able to resolve their situation through the call center. Complainants request that their natural gas service be restored and that they be reimbursed by DEO for their damages, losses, and other hardships caused by the disconnection of their natural gas service.
- (2) On September 19, 2011, DEO filed its answer to the complaint, stating that it terminated gas service to complainants' property on May 3, 2011, due to tampering. DEO also explains that it is requiring complainants to pay the outstanding balance on their account prior to reconnecting service. In addition, DEO asserts that complainants have failed to state reasonable grounds for complaint and that complainants are seeking monetary damages, which the Commission is unable to grant. DEO states that, at all times, it has complied with all applicable statutes, rules, regulations, and tariffs.

Finally, DEO avers that the Commission lacks jurisdiction over this matter.

- (3) At this time, 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 process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for September 30, 2011, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, Room 11-C, Columbus, Ohio 43215-3793. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) Pursuant to Rule 4901-1-26(F), O.A.C., DEO 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. Pub. Util. Comm.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That a settlement conference be scheduled for September 30, 2011, at 1:00 p.m., at the offices of the Commission. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman

By: Katie L. Stenman
Attorney Examiner

gef
/dah

Entered in the Journal
SEP 28 2011

Betty McCauley

Betty McCauley
Secretary