

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, and he asserts that DEO improperly billed him for his tenants' unpaid gas bills. 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 the tenants' unpaid gas bills 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. 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).

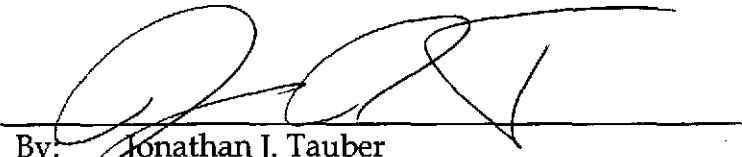
- (3) A settlement conference was held on September 23, 2011; however, the parties were unable to settle this matter.
- (4) By entry issued November 1, 2011, this matter was scheduled for a hearing to commence on January 5, 2012.
- (5) On December 9, 2011, DEO filed a motion to dismiss and a motion to continue the hearing. In its motion, DEO explains that it has satisfied the complaint and cites Rule 4901-9-01(F), O.A.C., which allows a utility to file a motion representing that a complaint has been satisfied, and provides that the complainant then has 20 days to respond. Furthermore, DEO notes that, due to the fact that the deadline to file expert testimony and the Complainant's deadline to respond to the December 9, 2011, motion are both on December 29, 2011, a continuance of the hearing is necessary.
- (6) The attorney examiner finds DEO's request for continuance of the hearing should be granted; therefore, the January 5, 2012, hearing shall be held in abeyance.
- (7) As a final matter, the attorney examiner notes that, as pointed out by DEO, Rule 4901-9-01(F), O.A.C., provides that, when a public utility files a motion stating that the case has been satisfied or settled, the complainant shall file a response within 20 days. If no response is filed, the Commission may presume that settlement has occurred and may dismiss the complaint. Therefore, the Complainant has until December 29, 2011, to file a response to DEO's December 9, 2011, filing and, if no response is filed, the attorney examiner may recommend that this case be dismissed.

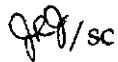
It is, therefore,

ORDERED, That the January 5, 2012, hearing be held in abeyance. It is, further,

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

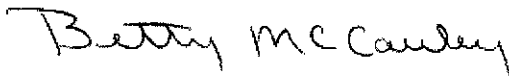
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Jonathan J. Tauber
Attorney Examiner



Entered in the Journal

DEC 21 2011



Betty McCauley
Secretary