

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
John A. Denker,)	
)	
Complainant,)	
)	
v.)	Case No. 12-2170-GA-CSS
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 26, 2012, John A. Denker (complainant) filed a complaint against The East Ohio Gas Company d/b/a Dominion East Ohio (DEO). Complainant asserts that, in April 2012, DEO or its subcontractor Kenmore Construction was in the process of moving gas lines near complainant's rental property at 4783 Hudson Drive, Stow, Ohio, as part of a road widening project. Complainant states that, during the course of the work, DEO shut off the gas to the rental property and then turned it back on when the work was completed. Complainant explains that, at that point, his tenant noticed and reported the smell of gas to DEO, which then disconnected the gas service to the property due to a leak near the meter. Complainant alleges that the leak was caused by DEO while it was moving gas lines as part of the road widening project, which occurred right at the meter and near where the leak was found. Complainant further alleges that he was informed by DEO that it was his responsibility to have the leak repaired, at his expense, before DEO would restore gas service to the property. Complainant seeks reimbursement of the expenses incurred in repairing the leak.
- (2) On August 16, 2012, DEO filed an answer to the complaint. In its answer, DEO admits that it disconnected and reconnected the gas service to the property in response to a street repairs

order on March 28, 2012, and that it was notified regarding an odor of gas on April 1, 2012. DEO further admits that it discovered a leak near the meter and disconnected the gas service due to a leak in the houseline. DEO, however, denies that it is responsible for the leak in the customer service line and denies that any work it may have performed near the property caused any leak in the customer service line. DEO asserts that complainant has failed to state reasonable grounds for complaint. DEO further asserts that it has complied with all applicable rules, regulations, and tariffs. Additionally, DEO argues that the complaint does not comply with Rule 4901-9-01(B), Ohio Administrative Code (O.A.C.). DEO concludes that the complaint should be dismissed.

- (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, 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 27, 2012, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Room 1246, 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) All parties attending the settlement 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, complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1996), 5 Ohio St.2d 189.
- (7) Moreover, complainant should note that the Commission has no authority to award monetary damages. It is, however, within the jurisdiction of the Commission to determine whether a public utility has violated any specific statute, order, or regulation of the Commission. If the Commission finds a violation, a complainant may pursue damages before a court of common pleas in accordance with Section 4905.61, Revised Code.

It is, therefore,

ORDERED, That a settlement conference be scheduled for September 27, 2012, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Room 1246, 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

s/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

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in

Case No(s). 12-2170-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for 09/27/12, 10:00 a. m. at the offices of the Commission, 180 E. Broad St., Rm. 1246, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio