

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Gwendolyn Tandy,)	
)	
Complainant,)	
)	
v.)	Case No. 12-2103-GA-CSS
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The Attorney Examiner finds:

- (1) On July 17, 2012, Gwendolyn Tandy (complainant) filed a complaint with the Commission against The East Ohio Gas Company d/b/a Dominion East Ohio, (Dominion or respondent). Generally, in the complaint, Ms. Tandy argues that her bill is inaccurate, that she has been overcharged and inappropriately enrolled in various payment plans. Ms. Tandy states that she is on the Percentage of Income Payment Plan (PIPP) Plus.
- (2) On August 7, 2012, Dominion filed its answer to the complaint. In its answer, Dominion admits that it established a new service account for Ms. Tandy at 1439 Sulzer Avenue, Euclid, Ohio and that Ms. Tandy received an eHEAP credit of \$117.10 as reflected on her December 9, 2011 billing statement. However, Dominion denies that the account was established on November 10, 2011, and that the account was established to eliminate any past due amount. Dominion states that Ms. Tandy was dropped from the PIPP Plus program for enrollment fraud on January 31, 2012. Dominion denies that the complainant was assigned to PIPP Plus. Further, Dominion states that it is without sufficient knowledge or information to admit or deny details as to Ms. Tandy's agreement to a "Plus Plan Agreement." Dominion denies that a new payment plan was established for Ms. Tandy on or about April 14, 2012, but states that she was automatically enrolled in the Company's

Current Plus Payment Plan as a result of the arrears on the account. Under the Current Plus Payment Plan, Dominion avers that Ms. Tandy was required to pay \$69.67 per month in addition to current charges. According to Dominion, Ms. Tandy failed to make the required payments due. Finally, Dominion denies any allegations not specifically admitted or denied in its answer.

- (3) Among the affirmative defenses offered, Dominion states that the complaint does not meet the requirements of Rule 4901-9-01(B), Ohio Administrative Code (O.A.C.), to include a statement of the relief sought, to set forth reasonable grounds to sustain a complaint as required by Section 4905.26, Revised Code, or to state a claim upon which relief can be granted. Further, Dominion states that the company, has at all times, acted in compliance with Title 49 of the Revised Code, its tariff on file with the Commission, and the rules, regulations and order of the Commission. Accordingly, Dominion requests that the complaint be dismissed.
- (4) At this time, the Attorney Examiner finds that this matter should be scheduled for a settlement conference. The purpose of the 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 in future proceedings in this case or be admissible to prove liability or invalidity of a claim. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An Attorney Examiner with the Commission's Legal Department will facilitate the settlement process.
- (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. Further, all parties participating in 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 participating in the settlement conference should have with them all documents relevant to this matter.

- (6) Accordingly, a settlement conference shall be scheduled for September 12, 2012, at 11:00 a.m., in Room 1246, at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215.
- (7) At the conference, the parties should also be prepared to establish a procedural schedule for discovery and a hearing date to facilitate the timely and efficient processing of this complaint in the event this matter cannot be resolved during the conference and Dominion's request to dismiss the complaint is denied.
- (8) As is the case in all Commission complaint proceedings, the complainant, Ms. Tandy, has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St. 2d 189 (1996).

It is, therefore,

ORDERED, That this case be scheduled for a conference on September 12, 2012, at 11:00 a.m., in Room 1246, at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That Dominion's request to dismiss the complaint shall be held in abeyance until after the conference. It is, further,

ORDERED, That a copy of this entry be served upon Ms. Tandy, Dominion and its counsel and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Greta See

By: Greta See
Attorney Examiner

jrj/vrm

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in

Case No(s). 12-2103-GA-CSS

Summary: Attorney Examiner Entry scheduling a conference on September 12, 2012, at 11:00 a.m. electronically filed by Vesta R Miller on behalf of Greta See, Attorney Examiner, Public Utilities Commission of Ohio