

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Tina Lee,)	
)	
Complainant,)	
)	
v.)	Case No. 13-593-GA-CSS
)	
Columbia Gas of Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On March 6, 2013, Ms. Tina Lee (complainant) filed a complaint against Columbia Gas of Ohio (Columbia Gas or respondent). In the complaint, Ms. Lee alleges that Columbia Gas charged her for gas that she did not use. In support of her allegation, she states that from January 2011 to June 2012 her home furnace was damaged and inoperable as a result of a flood. She replaced the furnace in June 2012.

Ms. Lee contests Columbia Gas' claim that she used 1,538 hundred cubic feet (ccf) of gas during the period that her furnace was inoperable. Ms. Lee believes that Columbia Gas' claim that she used 1,538 ccf while her furnace was inoperable is evidence of a gas meter malfunction. As a remedy, she seeks a refund. The complainant currently resides in Texas.

- (2) Columbia Gas filed an answer to the complaint on March 26, 2013. Columbia Gas denies that its gas meter malfunctioned or that it owes the complainant a refund. Columbia Gas explains that the actual meter reading taken on June 4, 2012, indicates that 1,538 ccf of gas was used since the prior actual reading on April 11, 2011.
- (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 statement 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 May 22, 2013, at 10:00 a.m. EDT. Because the complainant currently resides in Texas, the settlement conference shall be conducted by telephone. The attorney examiner will contact the parties to provide instructions for participating in the conference. 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., 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.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference be held on May 22, 2013, at 10:00 a.m. EDT. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

jrj/vrm

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in

Case No(s). 13-0593-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference on May 22, 2013, at 10:00 a.m., electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio