

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.

- (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 ccfs of gas was used since the prior actual reading on April 11, 2011.
- (3) On April 30, 2013, the attorney examiner issued an entry to schedule this matter for a settlement conference to occur on May 22, 2013. By letter dated May 17, 2013, the complainant advised the attorney examiner that she would not be able to

attend the conference. The attorney examiner, therefore, postponed the conference.

- (4) The settlement conference shall be rescheduled for July 29, 2013, at 10:00 a.m. EDT in Room 1246 at the offices of the Commission, 180 East Broad St., Columbus, Ohio 43215. 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. 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. 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. If a settlement is not reached at the conference, the attorney examiner may 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 July 29, 2013, at 10:00 a.m. EDT in Room 1246 at the offices of the Commission, 180 East Broad St., Columbus, Ohio 43215. 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 July 29, 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