

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Donald McGovern,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 13-1981-GA-CSS
	)	
The East Ohio Gas Company dba	)	
Dominion East Ohio,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On October 17, 2013, the attorney examiner issued an entry scheduling a November 5, 2013, settlement conference in this matter.
- (2) On November 1, 2013, the attorney examiner was contacted by Judith McGovern, wife of the complainant, with a request to reschedule the settlement conference because of her husband's inability to attend on November 5, 2013. No one filed a memorandum contra the request for an extension.
- (3) The attorney examiner finds the request to reschedule the settlement conference to be reasonable. Accordingly, the settlement conference shall be rescheduled to November 21, 2013, at 10:30 a.m. at the Commission offices, 180 East Broad Street, 12<sup>th</sup> floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties shall bring with them all documents relevant to this matter.

The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (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 process. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement 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.

- (4) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised on 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 authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (5) 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 the settlement conference be rescheduled to November 21, 2013, at 10:30 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference 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/James Lynn

By: James M. Lynn  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/14/2013 8:51:50 AM**

**in**

**Case No(s). 13-1981-GA-CSS**

Summary: Attorney Examiner Entry ordered the settlement conference rescheduled to 11/21/2013, 10:30 a.m., at the Commission offices on 180 E. Broad St., 12th Flr., Rm. 1246, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio