

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)
Jon Cook,)
)
 Complainant,)
)
 v.) Case No. 14-406-GA-CSS
)
 Columbia Gas of Ohio, Inc.,)
)
 Respondent.)

ENTRY

The attorney examiner finds:

- (1) On March 13, 2014, Jon Cook (Complainant) filed a complaint against Columbia Gas of Ohio, Inc. (Columbia). Complainant asserts that, in August 2011, Columbia threatened to disconnect Complainant's gas service in order to access and inspect the meter. Complainant further asserts that Columbia assessed a \$35.00 charge for an outside automated meter reading (AMR) device, although the gas meter inside Complainant's home was already equipped with an AMR device. Additionally, Complainant alleges that Columbia installed a pressure gauge on the gas line to Complainant's furnace and then increased the pressure, thereby damaging the furnace pressure regulator. Complainant seeks reimbursement of \$450.00 attributable to replacement of the furnace pressure regulator. Complainant also requests that the \$35.00 charge for the AMR device be refunded, and that Columbia be directed to read the meter from outside Complainant's home or to accept a meter reading provided to Columbia by Complainant. Finally, Complainant requests that Columbia be instructed to maintain Complainant's gas service during the complaint proceeding.
- (2) On April 2, 2014, Columbia filed an answer to the complaint. In its answer, Columbia admits that it contacted Complainant, in August 2011, to install an AMR device on the meter located in Complainant's basement. Columbia

further admits that it was given access by Complainant to install the AMR device. Columbia states that Complainant previously had a remote meter index device installed at his home, which was no longer used by Columbia following installation of the AMR device. With respect to the material allegations of the complaint, Columbia generally denies any allegations that are not specifically denied in the answer, pursuant to Ohio Adm.Code 4901-9-01(D).

Further, Columbia admits that numerous written notifications have been sent to Complainant, requesting access to inspect the meter, pursuant to 49 C.F.R. Part 192, Ohio Adm.Code 4901:1-16-03, and Ohio Adm.Code 4901:1-13-04(C). Columbia asserts that, pursuant to Ohio Adm.Code 4901:1-18-03(E)(1) and (E)(2), Complainant's gas service may be disconnected, if Columbia is refused access to read and inspect its meter and facilities. Columbia also agrees that, pursuant to Ohio Adm.Code 4901-9-01(E), Complainant's gas service will not be disconnected during the pendency of this proceeding, if so ordered by the Commission.

Finally, Columbia avers that Complainant has failed to state reasonable grounds for complaint, as required by R.C. 4905.26. Columbia contends that it has complied with all applicable statutes, rules, regulations, and tariffs. Columbia concludes that the complaint should be dismissed.

- (3) 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 Ohio Adm.Code 4901-1-26, 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.
- (4) Accordingly, a settlement conference shall be scheduled for May 1, 2014, 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) Pursuant to Ohio Adm.Code 4901-1-26(F), 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 authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (6) Ohio Adm.Code 4901-9-01(E) provides that, if a person filing a complaint against a public utility is facing termination of service by the public utility, the person may request that the Commission prevent the termination of service during the pendency of the complaint. A person making such request must agree to pay, during the pendency of the complaint, all amounts to the utility that are not in dispute.
- (7) The attorney examiner finds that it is not appropriate for Columbia to disconnect Complainant's gas service during the pendency of this complaint. However, nothing in this Entry excuses Complainant from timely making payment of all amounts not in dispute.
- (8) 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).
- (9) 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 R.C. 4905.61.

It is, therefore,

ORDERED, That a settlement conference be scheduled for May 1, 2014, 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, in accordance with finding (7), Complainant's request that Columbia not terminate service during the pendency of this complaint be granted. 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

JRJ/sc

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Case No(s). 14-0406-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for 05/01/2014 at 10:00 a.m. as indicated in finding (4) and granting Complainant's request that Columbia not terminate service during the pendency of this complaint in accordance with finding (7). - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio