

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of James F. Dagley,)	
)	
)	
Complainant,)	
)	
v.)	Case No. 14-1283-WS-CSS
)	
Mohawk Utilities, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 24, 2014, James F. Dagley (Mr. Dagley or Complainant) filed a complaint against Mohawk Utilities, Inc. (Mohawk or respondent) alleging that for the period of February 1, 2014 through March 1, 2014, Mohawk billed an unjust and unreasonable charge for water. Specifically, the Complainant states that the bill for this time frame reflected water usage of 645,100 gallons and amount due of \$5,744.06.

While the Complainant acknowledges that the property in question was unoccupied and did experience water damage from frozen pipes for a nine day period from February 21, 2014 through March 2, 2014, Complainant submits that it is physically impossible for the amount of water billed to have moved through the house during the time period of the leak in question. In support of his contention, Mr. Dagley asserts that the accuracy of the water meter cannot be relied upon because it was damaged by the frozen pipes. Based on his calculations, the Complainant believes that the maximum volume of water used could not exceed 138,000 gallons. Therefore, he believes that the maximum amount of water that he should be responsible for is \$610.75.

- (2) On August 22, 2014, Mohawk filed an answer to the complaint denying the complaint and requesting full payment for the billed amount.
- (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 Ohio Adm.Code 4901-1-26, 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 Tuesday, September 23, 2014, at 1:30 p.m. in Conference Room 1247 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. 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 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 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 Tuesday, September 23, 2014, at 1:30 p.m. in Conference Room 1247 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That a copy of this Entry be served upon all parties

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jay S. Agranoff

By: Jay S. Agranoff
Attorney Examiner

JRJ/dah

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/28/2014 4:10:33 PM

in

Case No(s). 14-1283-WS-CSS

Summary: Attorney Examiner Entry that a settlement conference be held on Tuesday, September 23, 2014; electronically filed by Debra Hight on behalf of Jay S. Agranoff, Attorney Examiner.