

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Stephanie Amos,)	
)	
Complainant,)	
)	
v.)	Case No. 14-1626-WW-CSS
)	
Aqua Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 15, 2014, Stephanie Amos (Ms. Amos) filed a complaint against Aqua Ohio, Inc. (Aqua). Ms. Amos is a customer of Aqua. In her complaint, Ms. Amos alleges that Aqua's rates are discriminatory, and that Aqua failed to perform a thorough inspection of the water meter at her residence upon her request.
- (2) Ms. Amos asserts that her water bill is normally in the range of \$15.00 to \$25.00, but for the billing cycle period of June 6, 2014 to July 8, 2014, Aqua charged her \$284.71.¹ Ms. Amos raises several reasons as to why she firmly believes that this is a billing error on the part of Aqua. First, Ms. Amos states that she employed a licensed plumber to inspect the pipes at her residence and, after a careful and thorough inspection, he was unable to find any leaks at her property. Second, Ms. Amos alleges that Aqua failed to inspect adequately the water meter at her residence to ensure that the bill amount was not due to a meter error. Ms. Amos contends that a thorough meter

¹ Ms. Amos provided a bill from Aqua for the billing period July 8, 2014 to August 7, 2014, in which Ms. Amos was charged \$27.89 for her water usage. According to the bill's historical usage graph, Ms. Amos used approximately 1,100 gallons of water on average per day during the contested billing period, whereas in all other months listed, she used no more than 100 gallons on average per day.

inspection should include disengaging the meter, disassembling the meter, and meticulously inspecting all electrical and mechanical components of the meter, all of which Aqua failed to execute upon her request. Finally, Ms. Amos claims that there have been a number of meter errors within the immediate area of her residence. Ms. Amos contends that these errors were attributable to water meters of Aqua, which were produced by the same manufacturer and contain the same model number as Ms. Amos' meter. Ms. Amos asserts this evidence is suggestive of a meter error at her residence. Ms. Amos concludes by stating that this evidence, in addition to the failure of Aqua to provide a thorough inspection of the water meter and the results of the plumber's inspection, is enough to establish Aqua's discriminatory practices against her. Ms. Amos requests the Commission order Aqua to adjust the water bill to reflect her normal historical usage of \$15.00 to \$25.00 per month.

- (3) On October 6, 2014, Aqua filed its response to the allegations contained in Ms. Amos' complaint. Aqua agrees that Ms. Amos is an Aqua customer receiving waterworks service and the contested bill amount as provided by Aqua to Ms. Amos was, in fact, \$284.71. However, Aqua disputes Ms. Amos' allegations that the bill was discriminatory and disagrees that it failed to inspect the water meter thoroughly to rule out a meter error. Aqua claims that Ms. Amos never requested that Aqua inspect her meter. Aqua further asserts that a company employee had re-read Ms. Amos' water meter and confirmed the accuracy of the meter reading on the contested bill.
- (4) In addition to contesting the statements alleged by Ms. Amos, Aqua raises several affirmative defenses. Aqua contends the complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26. Aqua further alleges the complaint fails to state a claim upon which relief can be granted. Finally, Aqua asserts Ms. Amos' claims should be barred as Aqua complied with the applicable rules, regulations, and orders of the

Commission, as well as Aqua's approved tariffs. Aqua requests an order from the Commission dismissing the complaint and granting Aqua all necessary and proper relief.

- (5) 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(E), 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (6) Accordingly, a settlement conference shall be scheduled for November 20, 2014, at 10:00 a.m. in Conference Room 1246 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If the conference does not result in a settlement, 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.
- (7) 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.
- (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).

It is, therefore,

ORDERED, That a prehearing settlement conference be held in accordance with Finding (6). It is, further,

ORDERED, That a copy of this Entry be served on all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jeffrey Jones

By: Jeffrey R. Jones
Attorney Examiner

SEF/MJA/sc

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10/20/2014 1:57:51 PM

in

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Summary: Attorney Examiner Entry scheduling a prehearing settlement conference to be held in accordance with Finding (6). - electronically filed by Sandra Coffey on behalf of Jeffrey R. Jones, Attorney Examiner, Public Utilities Commission of Ohio