

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

GWENDOLYN TANDY,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 15-396-GA-CSS
	)	
THE EAST OHIO GAS COMPANY D/B/A	)	
DOMINION EAST OHIO,	)	
	)	
Respondent.	)	

**ANSWER**

In accordance with Ohio Adm. Code 4901-9-01(D), the Respondent, The East Ohio Gas Company (DEO or the Company), for its answer to the complaint of Gwendolyn Tandy, states:

**FIRST DEFENSE**

1. The complaint consists of numerous unnumbered pages. DEO will attempt to specifically answer the allegations. To the extent that DEO does not respond to a specific allegation, it denies such allegation.
2. DEO admits that Complainant is a customer receiving service at 1439 Sulzer Avenue under an account number ending 8356<sup>1</sup>.
3. DEO avers that on July 17, 2012, Complainant filed a document initiating a complaint proceeding under Case No. 12-2103-GA-CSS (*Tandy I*). DEO avers that *Tandy I* primarily pertained to the accounting of payments on her account from May 2006 through April 2012; the Company's efforts to collect unpaid balances; the disconnection of Complainant's

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<sup>1</sup> For ease of reference, only the last four numbers of the respective accounts are provided; the actual accounts numbers are longer.

natural gas utility service for non-payment; and other issues pertaining to service received from 2006 to 2013.

4. DEO avers that the Commission held hearings regarding the claims raised in *Tandy I* on January 15, 2013, February 6, 2013, and February 28, 2013. Ms. Tandy, however, failed to timely appear for the January 15 hearing, and failed to appear at all for the February 6 and February 28 hearings.

5. DEO avers that on March 27, 2013, the Commission issued an Entry dismissing *Tandy I* with prejudice for failure to prosecute.

6. DEO avers that on May 1, 2013, the Commission issued an Entry on Rehearing in *Tandy I* denying Complainant's request for rehearing in its entirety.

7. DEO avers that Complainant did not appeal from the Commission's decisions dismissing the case and thus that *Tandy I* became final.

8. DEO admits that on April 15, 2013, it disconnected Complainant's service for account number ending 1404 for nonpayment.

9. DEO admits that on December 9, 2013, Complainant's service was reconnected under a new account number, ending 8356, under the Commission's Winter Reconnect Order.

10. DEO avers that on April 28, 2014, Complainant filed a document initiating a complaint proceeding under Case No. 14-795-GA-CSS (*Tandy II*). DEO avers that *Tandy II* raised substantially similar issues as were raised in *Tandy I*.

11. DEO avers that on July 30, 2014, the Commission issued an Entry granting DEO's May 19, 2014 Motion to Dismiss under the doctrine of res judicata.

12. DEO avers that after *Tandy I* and *Tandy II* were decided, Complainant continually failed to pay her bills, including the amounts that the Commission had determined were her responsibility in *Tandy I*.

13. DEO avers that from December 9, 2013, to the present, Complainant has continually failed to timely pay the full amount of her bills.

14. In accordance with Ohio Adm. Code 4901-9-01(D), DEO generally denies all allegations in the Complaint except those allegations or paragraphs expressly admitted above.

### **AFFIRMATIVE DEFENSES**

#### **SECOND DEFENSE**

15. The complaint is barred by res judicata.

#### **THIRD DEFENSE**

16. The complaint is barred by laches, waiver, and estoppel.

#### **FOURTH DEFENSE**

17. The complaint does not set forth a claim for which relief may be granted.

#### **FIFTH DEFENSE**

18. The complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26.

#### **SIXTH DEFENSE**

19. DEO at all times complied with the Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and DEO's tariffs. These statutes, rules, regulations, orders, and tariff provisions bar Ms. Tandy's claims.

**SEVENTH DEFENSE**

20. DEO reserves the right to raise other defenses as warranted by discovery in this matter.

WHEREFORE, DEO respectfully requests an Order dismissing the complaint and granting DEO all other necessary and proper relief.

Dated: March 16, 2015

Respectfully submitted,

/s/ Andrew J. Campbell  
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Andrew J. Campbell (0081485)  
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ATTORNEYS FOR THE EAST OHIO GAS  
COMPANY D/B/A DOMINION EAST OHIO

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer was served by mail to the following person this 16th day of March 2015:

Gwendolyn Tandy  
1439 Sulzer Ave.  
Euclid, Ohio 44132

/s/ Rebekah J. Glover  
One of the Attorneys for The East Ohio Gas  
Company d/b/a Dominion East Ohio

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Summary: Answer electronically filed by Ms. Rebekah J. Glover on behalf of The East Ohio Gas Company d/b/a Dominion East Ohio