

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Faye E. Daniels,)	
)	
Complainant,)	
)	
v.)	Case No. 15-1287-EL-CSS
)	
Ohio Power Company,)	
)	
Respondent.)	

In the Matter of the Complaint of Faye E. Daniels,)	
)	
Complainant,)	
)	
v.)	Case No. 15-1288-GA-CSS
)	
The East Ohio Gas Company d/b/a Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 13, 2015, in Case No. 15-1287-EL-CSS (electric complaint), Faye E. Daniels (Complainant) filed a complaint with the Commission against Ohio Power Company (AEP Ohio) asserting that, for the past several years, AEP Ohio has disconnected her electric utility service after accepting assistance on her behalf from the Home Energy Assistance Program. According to the Complainant, AEP Ohio has again disconnected her electric service and will not accept a deposit.
- (2) On the same date, in Case No. 15-1288-GA-CSS (gas complaint), the Complainant also filed with the Commission a complaint against The East Ohio Gas Company d/b/a Dominion East Ohio (Dominion). In the gas complaint, Complainant contends Dominion has disconnected her gas

utility service after accepting the \$175 payment made pursuant to the *Winter Reconnect Order*.¹

- (3) On July 17, 2015, AEP Ohio filed its answer to the electric complaint, including a request that the complaint be dismissed. On August 3, 2015, Dominion filed its answer to the gas complaint and made a request to dismiss the gas complaint.
- (4) By Entries issued August 11, 2015, a conference was scheduled in these cases for August 27, 2015. However, at the Complainant's request, the conference was rescheduled for September 3, 2015. While the conference was held, as rescheduled, the parties were unable to reach a resolution of the issues in either the electric complaint or the gas complaint.
- (5) By Entries issued October 14, 2015, these matters were scheduled for hearings on November 10, 2015, at the offices of the Commission.
- (6) On November 9, 2015, the Complainant left a message for the assigned attorney examiner that she had car trouble and would not likely be able to get the car repaired or find a ride in time for the hearings. Accordingly, the Complainant requested that the hearings be rescheduled.
- (7) By Entry issued November 13, 2015, the hearings in these matters were rescheduled for December 14, 2015, at the offices of the Commission.
- (8) On the morning of December 14, 2015, at approximately 9:00 a.m., Complainant contacted the assigned attorney examiner. Complainant stated that she was unable to rent a vehicle to travel to Columbus for the hearings and again requested that the hearings be rescheduled.
- (9) At each of the hearings, counsel for the respective respondent appeared and was ready to proceed. In light of the Complainant's failure to attend the hearings, counsel for each of the respondents orally requested that the complaints be dismissed. At the attorney examiner's request, AEP Ohio and

¹ See, most recently, *In re Commission's Consideration of Emergencies for 2015-2016 Winter Heating Season*, Case No. 15-1460-GE-UNC, Finding and Order (Sept. 2, 2015); *In re Commission's Consideration of Emergencies for 2014-2015 Winter Heating Season*, Case No. 14-1371-GE-UNC, Finding and Order (Sept. 10, 2014); and *In re Commission's Consideration of Emergencies for 2013-2014 Winter Heating Season*, Case No. 13-1889-GE-UNC, Finding and Order (Sept. 11, 2013) (*Winter Reconnect Orders*).

Dominion filed written motions. On December 15, 2015, AEP Ohio filed, in the electric complaint, and Dominion filed, in the gas complaint, a motion to dismiss, with prejudice, for failure to prosecute.

- (10) The attorney examiner will once again reschedule the hearings, as requested by the Complainant. AEP Ohio's and Dominion's motions to dismiss shall be held in abeyance. Accordingly, the hearing in the electric complaint should be rescheduled for February 1, 2016, at 10:00 a.m., and the hearing in the gas complaint should be rescheduled for February 1, 2016, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room C, Columbus, Ohio 43215. The attorney examiner notes that, while the hearing in the gas complaint is scheduled to begin at 1:30 p.m., the parties should recognize that it is scheduled to follow the hearing in the electric complaint and the time for the hearing may be adjusted as necessary.
- (11) As is the case in all Commission complaint proceedings, the Complainant, Ms. Daniels, has the burden of proving the allegations set forth in the complaints. *Grossman v. Public Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966). Thus, at the hearings, it shall be Ms. Daniels' responsibility to appear and be prepared to present evidence in support of the complaints. Should Ms. Daniels again fail to appear, the attorney examiner may recommend to the Commission that these complaints be dismissed.

It is, therefore,

ORDERED, That the hearings in these cases be rescheduled for February 1, 2016, to commence at 10:00 a.m., in Hearing Room C, at the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio, as discussed in Finding (10). It is, further,

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Greta See

By: Greta See
Attorney Examiner

JRJ/dah

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in

Case No(s). 15-1287-EL-CSS, 15-1288-GA-CSS

Summary: Attorney Examiner Entry ordering the hearings in these cases be rescheduled for February 1, 2016, to commence at 10:00 a.m., in Hearing Room C, at the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio, as discussed in Finding (10)
- electronically filed by Debra Hight on behalf of Greta See, Attorney Examiner.