

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

DAVID A. THOMPSON,)	
)	
and)	
)	
RDT INVESTMENT LLC,)	
)	
Complainants,)	Case No. 16-0348-GA-CSS
)	
v.)	
)	
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 David A. Thompson and RDT Investment LLC (RDT), states:

FIRST DEFENSE

1. DEO denies that Mr. Thompson is the customer of record with the Company for any of the accounts at issue in this complaint. DEO avers that RDT is the customer of record and that the billing address for RDT is 984 Tibbetts Wick Road, Girard, Ohio 44420.

2. DEO avers that as of the date of this answer, RDT has one active account with the Company pertaining to service at 4709 Tallmadge Road, Rootstown, Ohio 44272, account ending 4057 (Tallmadge Property).

Allegations regarding the Lafayette Properties

3. DEO avers that its records indicate that on January 23, 2008, meters were set at 210, 214, 216, and 218 Lafayette Avenue, Niles, Ohio 44446 (Lafayette Properties) and accounts

were opened for each property in the name of RDT. DEO further avers that according to its records, at that time, each meter was left in a “ready for use” state, which indicates an active account, subject to basic service charges.

4. DEO avers that the Lafayette Properties were subject to a landlord-reversion agreement, and thus written notice from the landlord was required to cancel service.

5. DEO avers that although no consumption was recorded on any of the Lafayette Properties meters at any time, DEO considered the accounts to be active and billed basic service charges to RDT for the months the accounts were active. DEO further avers that it received regular payments on the accounts pertaining to the Lafayette Properties from the time the accounts were opened until at least October 2015.

6. DEO avers that on June 29, 2011, the meter at 210 Lafayette was sealed, that RDT continued to receive bills on this account until November 2015, and that a refund has been issued for all charges dating back to June 29, 2011.

7. DEO avers that on July 20, 2013, the meter at 216 Lafayette was sealed, that RDT continued to receive bills on this account until November 2015, and that a refund has been issued for all charges dating back to July 20, 2013.

8. DEO avers that on July 24, 2013, the meter at 214 Lafayette was sealed, that RDT continued to receive bills on this account until November 2015, and that a refund has been issued for all charges dating back to July 24, 2013.

9. DEO avers that on October 15, 2015, RDT contacted the Company and requested the discontinuance of service to the Lafayette Properties. DEO avers that on November 16, 2015, DEO personnel visited 218 Lafayette, found the meter still in an active status, and sealed the

meter. DEO avers that it issued a credit for any charges incurred on the account after October 15, 2015, the date RDT requested the discontinuance of service.

10. DEO denies that “Dominion owes [RDT] a full refund back to 1-23-2008.” (Complaint at 7.) DEO avers that during initial conversations with RDT after the filing of an informal complaint with the Commission in November 2015, a DEO representative acknowledged the possibility of a refund back to that date. DEO avers that later investigation determined that the accounts discussed above had been active from January 23, 2008, until the respective dates on which each meter was sealed or the account was otherwise closed.

Allegations regarding the Simler and Church Properties

11. DEO is without sufficient knowledge or information to admit or deny the identity of the property owners of either 414 Simler Street, Hubbard, Ohio 44425 (Simler Property) or 20 Church Street, Hubbard, Ohio 44425 (Church Property).

12. DEO avers that the active service dates for the Simler Property, account ending 4726, were from November 20, 2009, through April 5, 2010. DEO further avers that the active service dates for the Church Property, account ending 6592, were from August 16, 2010, through January 5, 2011. DEO avers that both accounts were in the name of RDT.

13. DEO avers that in investigating RDT’s informal complaint with the Commission in November 2015, the Company discovered unpaid balances from the Simler Property and Church Property accounts, totaling \$298.01, and subsequently transferred these balances to the Tallmadge Property account.

14. DEO avers that it received a \$186.41 payment on February 16, 2016, from Lewis & Allen, LLC, to satisfy a portion of the unpaid \$298.01 balance. DEO avers that at this time, \$111.60 remains in dispute on the Simler and Church Properties.

15. DEO is without sufficient knowledge or information to admit or deny the remaining allegations in the complaint, and generally denies any allegations not specifically admitted or denied in this Answer in accordance with Ohio Adm. Code 4901-9-01(D). DEO neither attests nor concedes to the authenticity of any document attached to the complaint.

AFFIRMATIVE DEFENSES

SECOND DEFENSE

16. The complaint does not comply with the Commission's rules requiring "a statement which clearly explains the facts." Ohio Adm. Code 4901-9-01(B). The allegations are in narrative form; the allegations are divided and interspersed without explanation among numerous documents; many of the allegations and statements in the complaint are compound; and many of the allegations omit numerous details necessary to answer them. The Company, has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its answer in the event it has incorrectly understood the allegations.

THIRD DEFENSE

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

FOURTH DEFENSE

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

FIFTH DEFENSE

19. Complainant is a company apparently being represented by Mr. Thompson in violation of Ohio law and the rules of this Commission. Ohio Adm. Code 4901-1-08(A) states, "[E]ach party not appearing in propria persona shall be represented by an attorney-at-law authorized to practice before the courts of this state. Corporations must be represented by an

attorney-at-law.” Complainant is a self-described LLC and cannot act except through its agents. Therefore, Complainant cannot appear “in propria persona” in this case and accordingly “shall be represented by an attorney-at-law authorized to practice before the courts of this state.” Mr. Thompson, who does not appear to be an attorney authorized to practice law in Ohio, signed the complaint.

SIXTH DEFENSE

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

SEVENTH DEFENSE

21. 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 the Company’s tariffs. These statutes, rules, regulations, orders and tariff provisions bar RDT’s claims.

EIGHTH DEFENSE

22. 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 it all other necessary and proper relief.

Dated: March 14, 2016

Respectfully submitted,

/s/ Andrew J. Campbell

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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 address this 14th day of March, 2016:

RDT Investment LLC
c/o David A. Thompson
984 Tibbetts Wick Road
Girard, Ohio 44420

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

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Case No(s). 16-0348-GA-CSS

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