

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Michelle)	
Player,)	
)	
Complainant,)	
)	
v.)	Case No. 16-587-GA-CSS
)	
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.
- (2) The East Ohio Gas Company d/b/a Dominion East Ohio (Dominion) is a natural gas company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.
- (3) On March 18, 2016, Michelle Player (Complainant or Ms. Player) filed a complaint with the Commission against Dominion. In the complaint, Complainant argues that she has been overcharged by Dominion. Ms. Player states she was removed from the Percentage of Income Payment Plan (PIPP) Plus program in January 2015 for missed PIPP payments. Further, the Complainant states she has been discriminated against and Dominion has violated government rules, among other claims. In support of the complaint, Complainant submits several documents: (a) Dominion bills issued October 1, October 30, and December 2, 2014; January 2, February 4, April 2, May 4, July 1, July 31, August 31, October 2, and October 29, 2015; (b) e-mails for scheduled payments on

September 3, September 25, and December 3, 2014; February 2, March 20, April 22, July 3, and October 1, 2015; (c) two letters from Dominion dated February 4, 2015, and April 24, 2015, regarding Complainant's PIPP Plus enrollment; and (d) a printout, which appears to be generated from Dominion's website, dated April 10, 2015, that indicates Complainant's PIPP Plus enrollment status.

- (4) On April 8, 2016, Dominion filed its answer to the complaint and made a request to dismiss the complaint. In its answer, Dominion admits that Complainant is a residential customer who has been receiving service at her current address, on Shady Way Road in Garfield Heights, Ohio since November 1, 2012. Dominion denies that it has misread Complainant's meter or provided Complainant incorrect information regarding her account, PIPP Plus eligibility, and enrollment status. Dominion avers that payments made on Complainant's account have been properly applied to her account. Dominion denies that it billed Ms. Player's account twice in February 2015, as asserted in the complaint. Dominion denies that it engaged in any wrongdoing or acted with ill will with respect to the Complainant or that Complainant is entitled to compensation from Dominion. Otherwise, Dominion denies the remaining allegations set forth in the complaint. Dominion claims that the complaint fails to set forth reasonable grounds to sustain a complaint, as required pursuant to R.C. 4905.26. Dominion states that it has, at all times relevant to this complaint, complied with R.C. Title 49, applicable rules, regulations, and orders of the Commission and Dominion's tariffs.
- (5) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the 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 in future proceedings in this case or be admissible to prove liability or invalidity of a claim. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An attorney examiner with

the Commission's Legal Department will facilitate the settlement process.

- (6) Accordingly, a settlement conference shall be scheduled for May 17, 2016, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Commission, 11th 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, including discovery dates, possible stipulations of facts, and potential hearing dates.
- (7) Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the utility, in this case, Dominion, shall investigate the issues raised in the complaint prior to the settlement conference. Further, all parties participating in 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 participating in the settlement conference should have with them all documents relevant to this matter.
- (8) As is the case in all Commission complaint proceedings, the complainant, in this instance, Ms. Player, has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That this case be scheduled for a conference on May 17, 2016, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That Dominion's request to dismiss the complaint shall be held in abeyance. 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

SEF/dah

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in

Case No(s). 16-0587-GA-CSS

Summary: Attorney Examiner Entry ordering this case be scheduled for a conference on May 17, 2016, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215; and that Dominion's request to dismiss the complaint shall be held in abeyance - electronically filed by Debra Hight on behalf of Greta See, Attorney Examiner.