

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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|---|---|------------------------|
| In the Matter of the Complaint of Jim and Heidi Humphrey, |) | |
| |) | |
| Complainants, |) | |
| |) | |
| v. |) | Case No. 16-765-GA-CSS |
| |) | |
| The East Ohio Gas Company d/b/a Dominion East Ohio, |) | |
| |) | |
| Respondent. |) | |

ENTRY

The attorney examiner finds:

- (1) The above-referenced complaint was filed on April 11, 2016. In the complaint, Jim and Heidi Humphrey (Complainants) state that, in order to facilitate the replacement of the gas line to a neighbor's residence, the top two sections of their driveway were removed and replaced by a subcontractor of The East Ohio Gas Company d/b/a Dominion East Ohio (DEO). However, the color of the concrete utilized to complete this replacement does not match the color of the original driveway, resulting in a two-toned, mismatched driveway. In addition, Complainants state that access to the water meter at their residence appears to have been sealed by the concrete work that was performed on the driveway. Complainants, who note that they are not customers of DEO, request compensation from DEO for the total estimated replacement cost of the driveway, as well as any other supplemental costs that might be required to complete the construction.
- (2) On May 2, 2016, DEO filed an answer generally denying the allegations in the complaint.
- (3) 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, 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.

- (4) Accordingly, a settlement conference shall be scheduled for May 20, 2016, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Room 1246, Columbus, Ohio 43215-3793. If a settlement is not reached at the conference, 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.
- (5) 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.
- (6) 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 the matter be scheduled for a settlement conference on May 20, 2016, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

jrj/vrm

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in

Case No(s). 16-0765-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference on May 20, 2016, at 1:00 p.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio