

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE NOTICE OF  
MATERIAL DEFAULT SERVED BY THE  
EAST OHIO GAS COMPANY D/B/A  
DOMINION EAST OHIO UPON ENERGY 95,  
LLC D/B/A QUAKE ENERGY, LLC.

CASE NO. 15-1894-GA-UNC

### ENTRY

Entered in the Journal on June 20, 2016

{¶ 1} 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.

{¶ 2} Energy 95, LLC d/b/a Quake Energy, LLC (Quake) is a retail natural gas supplier as defined in R.C. 4929.01, is certified to provide competitive retail natural gas service (CRNGS) under R.C. 4929.20, and is subject to the jurisdiction of this Commission pursuant to R.C. 4929.24.

{¶ 3} Pursuant to Ohio Adm.Code 4901:1-27-13(F), the Commission has the authority to consider whether a CRNGS supplier has committed a material default, as defined by a natural gas company's tariff or by an agreement between a natural gas company and a CRNGS supplier. If a natural gas company believes a material default has occurred, it is to serve a written notice of such default in reasonable detail and with a proposed remedy to the Commission and the CRNGS supplier.

{¶ 4} Pursuant to Ohio Adm.Code 4901:1-29-13(C), natural gas companies are required to make eligible customer lists available to certified CRNGS suppliers on a quarterly basis. For good cause shown, the Commission may waive this requirement, among others, in accordance with Ohio Adm.Code 4901:1-29-02(C).

{¶ 5} On November 9, 2015, Dominion filed a notice of material default upon Quake and a motion for a temporary waiver of Ohio Adm.Code 4901:1-29-13(C). Regarding possible acts of material default by Quake, Dominion alleges it has received

numerous complaints regarding Quake's solicitation and enrollment of customers. Upon reviewing the complaints, Dominion addresses concern that, among other things, Quake may have failed to comply with minimum standards set by the Commission for CRNGS suppliers. Dominion's concerns regard possible violations of record-retention requirements; third-party verification requirements; and marketing, solicitation, and sales practices. To remedy the issues, Dominion proposes Quake participate in a collaborative process with Staff and other interested parties in order to identify and correct problems.

{¶ 6} Because of its concerns, Dominion requested a temporary waiver from the requirement to provide Quake a list of eligible customers, as necessitated by Ohio Adm.Code 4901:1-29-13(C).

{¶ 7} On November 16, 2015, Quake filed responses to both of Dominion's filings. Quake noted that it is willing to participate in a collaborative process with Staff and other parties.

{¶ 8} On January 22, 2016, Staff filed a report addressing Dominion's proposal for a collaborative process involving Dominion, Quake, and other interested parties. In its report, Staff asserted it has no objection to participating in the process and stated discussions have already started.

{¶ 9} By Entry issued on February 10, 2016, the Commission directed the parties to collaborate and identify specific, reasonable, and measurable steps to cure the alleged violations and avoid the repetition of future complaints. Further, Dominion's motion for a temporary waiver from the requirements of Ohio Adm.Code 4901:1-29-13(C) was granted.

{¶ 10} On March 18, 2016, Staff filed a letter indicating the collaborative process was productive, but the parties would benefit from additional time.

{¶ 11} On June 2, 2016, a joint stipulation and recommendation (stipulation) was filed on behalf of Dominion, Quake, and Staff. On June 6, 2016, the Ohio Consumers'

Counsel filed a letter stating that, though not a signatory party, it does not oppose the stipulation.

{¶ 12} The attorney examiner finds this matter should be set for hearing, in order to assist the Commission in its review of the stipulation. The hearing will be scheduled for July 14, 2016, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the hearing in this case be scheduled for July 14, 2016, in accordance with Paragraph 12. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Nicholas Walstra

By: Nicholas Walstra  
Attorney Examiner

jrj/vrm

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**6/20/2016 3:18:07 PM**

**in**

**Case No(s). 15-1894-GA-UNC**

Summary: Attorney Examiner Entry scheduling a hearing for July 14, 2016, at 1:30 p.m.; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio