

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
GWENDOLYN TANDY,**

COMPLAINANT,

v.

CASE NO. 17-155-GA-CSS

**THE EAST OHIO GAS COMPANY D/B/A
DOMINION EAST OHIO,**

RESPONDENT.

**IN THE MATTER OF THE COMPLAINT OF
GWENDOLYN TANDY,**

COMPLAINANT,

v.

CASE NO. 17-156-EL-CSS

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on March 29, 2017

I. SUMMARY

{¶ 1} The Commission dismisses the complaints against The East Ohio Gas Company d/b/a Dominion East Ohio and The Cleveland Electric Illuminating Company.

II. DISCUSSION

{¶ 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} The Cleveland Electric Illuminating Company (CEI) is an electric distribution utility, as defined in R.C. 4928.01(A)(6), and a public utility, as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} Pursuant to R.C. 4905.26, the Commission has the authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 5} On January 13, 2017, as supplemented on March 27, 2017, Gwendolyn Tandy (Complainant or Ms. Tandy) filed with the Commission a complaint against Dominion in Case No. 17-155-GA-CSS. In the complaint, Ms. Tandy states her gas utility service was disconnected for 15 months and notes that Dominion had been directed to explain a transfer of charges, in the amount of \$605.98, appearing on her gas bill dated February 12, 2014, for 1441 Sulzer Avenue, Euclid, Ohio. The Complainant argues that the charges do not total \$605.98 and additional late charges were added to the bill fraudulently. Further, Complainant reasons that Dominion also added fraudulent charges to her account in 2006, 2009, 2011, 2013, and 2014. In the 27-page complaint, the Complainant makes numerous notations asserting certain charges to her account represent theft and fraud or illegal fees or charges and repeatedly disputes billed charges due. Ms. Tandy believes that she has periodically had a credit balance or should have a credit balance on her account. In support of her complaint against Dominion, Ms. Tandy attached select pages from her Dominion bills dated September 14, 2006, January 21, 2009, February 19, 2009, March 20, 2009, December 9, 2011, February 12, 2014, and October 9, 2015, for 1439 Sulzer Avenue, Euclid, Ohio; a statement of account for 1439 Sulzer Avenue for the period December 4, 2013, through June 10, 2014; correspondence and copies of Dominion bills filed by counsel;¹ and select pages from the Commission's Entry issued

¹ These Dominion bills are dated September 11, 2013, October 10, 2013, November 8, 2013, November 29, 2013, and December 10, 2013, for 1441 Sulzer Avenue.

in *In re Gwendolyn Tandy v. Dominion*, Case No. 15-1922-GA-CSS (*Tandy v. Dominion* 5), Entry (Apr. 14, 2016).

{¶ 6} On January 13, 2017, as supplemented on March 27, 2017, Ms. Tandy also filed with the Commission a complaint against FirstEnergy Corporation in Case No. 17-156-EL-CSS. FirstEnergy Corporation is the parent company of CEI and CEI provides the Complainant's electric distribution service. In the complaint, Ms. Tandy states her electric service was illegally disconnected on September 23, 2015, and was not reconnected until November or December 2016. The Complainant asserts that, on multiple occasions, she has disputed her account balance with CEI. The Complainant notes payment assistance, in the amount of \$500, was applied to her account on October 19, 2016, and her electric service was restored. Ms. Tandy disputes the account balance reflected on her bill dated December 7, 2016, of approximately \$1,500 and disputes the installment payment plan amount reflected on the electric bills dated August 7, 2015, and December 7, 2016. Ms. Tandy states that she has over \$3,000 in credits dating from May 2006 through October 15, 2016, and, therefore, she should not have a balance due but a credit balance. Throughout the complaint, Ms. Tandy makes numerous notations asserting certain charges to her account represent theft and fraud or illegal fees or charges and disputes the amount of billed charges due. In support of her complaint against CEI, Ms. Tandy attached a statement of account for the period May 13, 2015, through October 12, 2015, purportedly on her prior electric account, and select pages from her CEI bills dated August 7, 2015, October 6, 2015, and December 7, 2016, for service to 1439 Sulzer Avenue.

{¶ 7} Pursuant to Ohio Adm.Code 4901-9-01(B), Dominion and CEI are required to file an answer with the Commission within 20 days after a complaint is filed. However, in a prior complaint case filed by the Complainant, the Commission ruled that Dominion and CEI would not be required to file an answer responding to the allegations set forth in future complaints filed by Ms. Tandy unless and until directed by the Commission or

the attorney examiner. *In re Gwendolyn Tandy v. CEI*, Case No. 15-395-GA-CSS (*Tandy v. CEI 4*), Entry (May 6, 2015) at 7; *In re Gwendolyn Tandy v. Dominion*, Case No. 15-396-GA-CSS (*Tandy v. Dominion 3*), Entry (May 6, 2015) at 6. In those cases, the Commission also directed the Complainant to provide a statement of how the allegations raised in any new complaint are different from previous allegations raised in prior complaints against CEI and Dominion. *Tandy v. CEI 4* at 7; *Tandy v. Dominion 3* at 6. The Complainant did not provide such a statement with either pending complaint and, accordingly, failed to comply with the Commission's prior directive.

{¶ 8} Further, the Commission notes that this is the sixth complaint against Dominion and the fifth complaint against CEI filed by the Complainant since July 2012: *In re Tandy v. Dominion*, Case No. 12-2103-GA-CSS (*Tandy v. Dominion 1*), Entry (Mar. 27, 2013); *In re Gwendolyn Tandy v. Dominion*, Case No. 14-795-GA-CSS (*Tandy v. Dominion 2*), Entry (July 30, 2014); *Tandy v. Dominion 3*; *In re Gwendolyn Tandy v. Dominion*, Case No. 15-1139-GA-CSS (*Tandy v. Dominion 4*), Entry (Aug. 19, 2015); *Tandy v. Dominion 5*; *In re Gwendolyn Tandy v. CEI*, Case No. 12-2102-EL-CSS (*Tandy v. CEI 1*), Opinion and Order (Mar. 6, 2013), Entry on Rehearing (May 1, 2013); *In re Gwendolyn Tandy v. CEI*, Case No. 14-686-EL-CSS (*Tandy v. CEI 2*), Entry (July 30, 2014); *In re Gwendolyn Tandy v. CEI and FirstEnergy Solutions Corporation*, Case No. 14-1241-EL-CSS (*Tandy v. CEI 3*), Entry (Dec. 10, 2014); and *Tandy v. CEI 4*. All of the aforementioned complaints filed by Ms. Tandy, including the pending complaints, dispute the utility charges billed or due.

{¶ 9} In the pending cases, in addition to repeating claims made in prior complaints that have been rejected by the Commission, the Complainant asserts the respective utility account balances due are incorrect, unjust, or unreasonable. After reviewing the allegations raised in the complaints, the Commission finds the pending complaints are an attempt to relitigate issues that have previously been extensively and exhaustively reviewed and rejected by the Commission. *Tandy v. Dominion 1*, Entry (Mar. 27, 2013); *Tandy v. Dominion 2*, Entry (July 30, 2014); *Tandy v. Dominion 3*, Entry (May 6,

2015); *Tandy v. Dominion* 4, Entry (Aug. 19, 2015); *Tandy v. Dominion* 5, Entry (Apr. 14, 2016); *Tandy v. CEI* 1, Opinion and Order (Mar. 6, 2013), Entry on Rehearing (May 1, 2013); *Tandy v. CEI* 2, Entry (July 30, 2014); *Tandy v. CEI* 3, Entry (Dec. 10, 2014); and *Tandy v. CEI* 4, Entry (May 6, 2015).

{¶ 10} The Ohio Supreme Court held that it has long been the law of Ohio that an existing final judgment or decree between the parties to litigation is conclusive as to all claims, which were or might have been litigated in a first lawsuit. *Grava v. Parkman Twp.*, 73 Ohio St.3d 379, 382, 653 N.E.2d 226 (1995) (quoting *Rogers v. Whitehall*, 25 Ohio St.3d 67, 69, 494 N.E.2d 1387, 1388 (1986)). Accordingly, as the Commission has repeatedly expressed in several Entries, Complainant's claims in these matters are barred and will not be further considered by the Commission. To that end, the Commission finds that the pending complaints against Dominion and CEI should be dismissed.

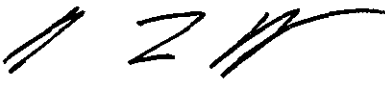
III. ORDER

{¶ 11} It is, therefore,

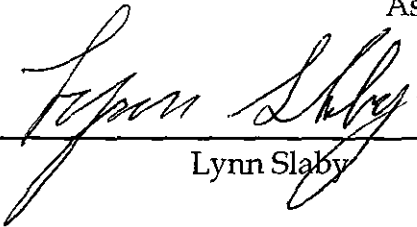
{¶ 12} ORDERED, That the complaints against Dominion and CEI be dismissed.
It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman

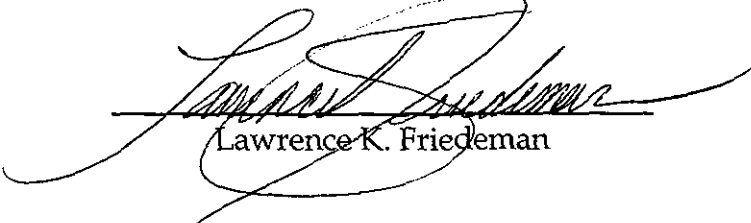


Lynn Slaby



M. Beth Trombold

Thomas W. Johnson




Lawrence K. Friedeman

GNS/dah

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MAR 29 2017



Barcy F. McNeal
Secretary

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CONCURRING OPINION OF COMMISSIONER LYNN SLABY

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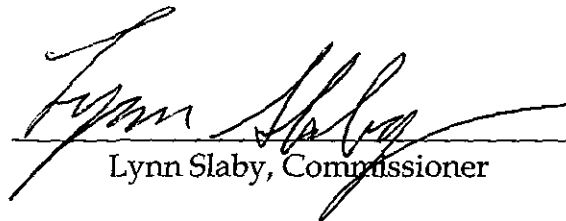
{¶ 1} While I yet again concur in the majority's Entry, I would, at this point, assess costs to Ms. Tandy on the filings in these matters.

{¶ 2} I wrote separately in Case No. 15-1922-GA-CSS, stressing the importance of the Commission's admonishment that, in all future filings, Ms. Tandy must state how the new complaint is new or different from the allegations raised in prior complaints. Similarly to Case No. 15-1922-GA-CSS, Ms. Tandy has yet again failed to adhere to this Commission's requirement.

{¶ 3} We refrained from enforcing our statutorily prescribed right, under R.C. 4903.24, to assess all fees, expenses, and costs of, or in conjunction with, any hearing or investigation, in Case No. 15-396-GA-CSS. We yet again failed to do so in Case No. 15-1922-GA-CSS.

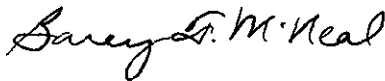
{¶ 4} Ms. Tandy, to date, has filed six complaints against Dominion and five against CEI. All of the complaints dispute the utility charges billed or due. Res judicata precludes the hearing of these claims - not to mention the prior warnings make them even more flagrant. In light of all of this, it is time to send a stern warning to Ms. Tandy. Our words have fallen on deaf ears; maybe it is time to bring these duplicative and time wasting claims to an end. A small monetary assessment may end Ms. Tandy's filings, unless there is a new and unique dispute.

LS/dah



Lynn Slaby, Commissioner

Entered in the Journal
MAR 29 2017



Barcy F. McNeal
Secretary