

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
NATHAN KLEIN,**

**COMPLAINANT,**

**v.**

**CASE No. 17-1208-GA-CSS**

**THE EAST OHIO GAS COMPANY DBA  
DOMINION ENERGY OHIO,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on June 1, 2017

{¶ 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} Respondent, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On May 8, 2017, Nathan Klein (Complainant) filed a complaint against DEO. The complaint alleges that DEO underestimated the gas usage needs of a new development area where Complainant is currently building a house, and installed a three-inch diameter line there, rather than a six-inch line. According to the complaint, Dominion has told Complainant that, in order to receive service, he must personally pay the \$107,450 cost of the line upgrade that will be necessary to provide a sufficient amount of natural gas to his home and to the remaining undeveloped lots in the area. Complainant disputes Dominion's alleged claim that the 250,000 British Thermal Units per hour that it can currently provide to Complainant is a sufficient amount for his home and for any other homes that will be added to the development. Complainant states that

DEO has offered to refund to him \$4,553 for each line that, within the next decade, is tapped into the upgraded line that Complainant must initially personally finance; an offer Complainant finds to be ridiculous and unreasonable.

{¶ 4} DEO filed its answer on May 30, 2017. In its answer, Respondent admits some and denies other allegations in the complaint. DEO also states that it lacks sufficient knowledge to either affirm or deny still other allegations. In addition, DP&L sets forth in the answer several affirmative defenses.

{¶ 5} 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 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for July 13, 2017, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. 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.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility shall investigate the issues raised on 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 authority to settle those issues.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for July 13, 2017, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

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By: Daniel E. Fullin  
Attorney Examiner

JRJ/sc

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

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**Case No(s). 17-1208-GA-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference in accordance with Paragraph 6. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio