FILE

Dawn M. Heller 838 May Street #1 Akron, Ohio 44311 (234)678-7809 2017 JUL 24 PH 1: 18

07/14/2017

Ohio Public Utilities Commission Michael Coady, Customer Service Investigator 180 East Broad Street Columbus, Ohio 43215-3793

17-1546. 6A-CSS

Re: FORWARDING OF filing of PUCO COMPLAINT DOCUMENTS

Dear Mr. COADY

I am writing to follow up on the recent application for docketed appeal: Please forward this

Appellant Brief for filing; Please notify me when such Settlement offers or approvals has been made: I

have served a copy of notices on Dominion East Ohio Gas Company along with a copy of this Appeal.

As stated: I am seeking settlement on terms.

Enclosed are the official cease and desist letter in protection of property interests against unlawful civil actions: as Evidence Item #2.

Evidence Item #1. Omitted herein as it notice of cease and desist. Already on file with you.

Thank you so much for your assistance in this matter.

Sincerely,

Dawn M. Heller, prose

### 1 PUBLIC UTILITIES COMMISSION OF OHIO 2 Dawn M. Heller, pro se, 3 Appellant 4 Complaint No.: DHEL0528217SX 5 v. 6 Dawn M. Heller Re: Investigation by: 7 PUCO Customer Service Investigator; -838 May Street #1, Mr.Choady 8 Akron, Ohio 44311 9 Dominion East Ohio Gas Company/ Ohio Public Utilities Commission Service Provider 180 East Broad Street 10 For address 883 Ada Street Columbus, Ohio 43215-3793 11 Akron, Ohio 44306 c/o: PUCO Commissioners 12 M. Beth Trombold Thomas W. Johnson 13 Lawrence K Friedman 14 Daniel R. Conway Azim S. Harque, Chairman 15 16 17 Appellant Brief 18 19 20 Į 21 Plaintiff/ Appellant, herein Seeks to appeal and overturn of the findings of Dominion East 22 Ohio Gas/ Service Provider, for temporary shut off of gas services for tenant address located at 23 883 Ada Street Akron, Ohio 44306. 24 Who's practices in the inspection of equipment leave something to be desired. 25 Appellant under ORC \$4905.26 Complaints as to service. Appellant files this complaint, 26 showing particularity, with regards to matters of discriminatory treatment in the forced entry and 27 shut off of gas services without notice to the appellant as homeowner, making her liable for full 28 upgrades of gas lines in the home, and doing so in violation of law.

[Pleading Title] - 1

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Appeal is to resolve remaining matters with the Public Utility Company and or their advisors, as by distinct arguments in dispute of the current temporary suspension of services, without verification of need. Making preliminary repairs demanded by the Corporation and then with never ending demands for upgrades, citing it as a need to prevent permanent shut off notices; repairs were made in fear as by tenants, who feared on air bubble pressure test, and multiple tests thereafter after approved areas had been inspected and approved.

There are no notices, nor any specific mention of these "verification documents" during the time of PUCO investigations:

This appeals process is pre-requisite, to all parties of interest to prevent such further civil actions against the appellant, or in substantiation of claims being arbitrarily closed, or properly settled upon, and to prevent future actions against the property unlawfully.

EAST Ohio Gas Company is a Natural Gas provider for end user usage as defined under ORC§4905.02 Public utility defined. Operating Company: with a distinct interest in claims, as reviewed by PUCO in that they are a Municipal Corporation Owned and Operated, "Public Utility" or for Gas Service provisions received within the State as a "Public Utility" under 4905.03 Public utility company definitions. With distinct interests in these claims.

Such operator parties have made errant misrepresentations of material facts in this case, to submit claims for underlying or to possibly aid in the potential for illicit purposes for possible future joint interest in making civil action against my property.

Agency seeks to enforce make an errant and unfounded mandatory request for full upgrade of residential gas lines. Without verification of any inspection being done on the premises.

Appellant herein cites that such joint participation under public agency is sufficient enough to warrant further investigations into

In the failure to settle this matter properly, without PUCO involvment.

Appellant cites that is no substantiation of matters of fact to sustain a civil order for forfeiture, i.e. permanent shut off of services by civil order, and or attachments to the property which might ensue.

At present as stated, the Tenants at 883 Ada Street completed the upgrades cited as necessary: they did so under duress and having no other place to live, and not for imminent threat which would have required immediate civil shut off for specific cited dangers, and report.

In order to settle at this time, I wish for an apology to both myself and my tenants for making such unlawful and abrupt scare tactics to enforce upgrades by EPA that are mandated to agencies and not to residential property owners, but were to demand upgrades be made by the owner.

Appellant notes that the price for repairs was covered in part by tenants who paid 1/3 of the costs involved in upgrades, to avoid hardship on the landlord and civil loss of property.

Such issues because of public trust shared gas easement interests: are linked related property matters:

Property matters currently on appeal by Summons of Complaint ironically, with active cease and desist orders, enforced therein by the Appellant, in re-opening of CV-2015-09-4345.

Retributive and ongoing threats by civil order/ and municipal corporation manager involvement have been ongoing and abusive, and I wish it to be estopped.

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Defense Parties as by municipal Corporation Managers, (name redacted) in making civil property related actions: are in continuous violation of active Cease and Desist Motions filed on Summons of Complaint on September 24<sup>th</sup>, 2015, making constant civil threat to the homeowner. A copy of that Notice to Cease and desist attached, hereto.

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Appellant in lieu of settlement requests a docketed hearing, to be held, with copies sent to all parties in congruence with ORC 4901.-1-05.

To discuss, and reverse all matters due to:

- 1. Lack of Jurisdiction over subject matter of related to potential real property inversion
- 2. Lack of Personal Jurisdiction over the person having sole ownership rights, inclusive of all related linked property rights.

The Corporation: "Operator" has a burden of proof in asserting proper Inspections and notices in gas testing and corrosion/ leak repairs. by and on behalf of the appellant, the Investigating Commission errantly and possibly under coercion, deems it necessary to uphold such initiating orders, to demand the permanent shut off in the failure to upgrade all facilities in the Appellants rental property with no promise of ever returning gas services, for any cited reason.

### Facts of the Case:

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Made final opinion on investigations conducted by him, and reported on May 19<sup>th</sup>, 2017. Appellant made dispute of those claims and letter asserting first notice of agency being in breach of active cease and desist orders against that property until the conclusion of all trial matters on it and any related property interests under CV-2015-09-4345, currently awaiting overturn, on any appeal allowed in the State of Ohio:

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Appellant cites that parties received entry into the home to make preliminary inspections, found one small air bubble which was repaired within 24 hours, and more verbal testing requirements ensued. No party may assume shared interest in the property as by tenancy, by encroachment, or by easement: please advise the Utility Company, Operator, and Municipal Corporation Manger, to cease from all adverse actions on that property.

To Make Settlement: Please follow the instructions above: Cease and desist order was made under summons of complaint and affidavit in support of all claims made.

In the event that the Corporation is unwilling to proceed lawfully with regards to the treatment of said services: Further Tort Action May ensue in the Federal Jurisdiction for further review. Please submit your formal opinion to the address en-captioned above.

m. Heller, pies,

Respectfully Submitted,

Dawn M. Heller

## Appendices: Appendix 1: First Notice to PUCO, concerning Cease and Desist Orders (on record Dated June 5<sup>th</sup>, 2017) Appendix 2: Notice of Cease and Desist under Summons of Complaint (Active while pending lawful appeal and finalization of all trial court proceedings on the matter)Attached:0

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Such demands for service of Complaint on parties of interest must be incurred 15 days prior to
Docketed hearing date. In accordance with 4905.26 Complaints as to service. Please serve all
Parties in congruence with notices of State and Government parties: Service on an agent is
service upon the principal under: FRCP Rule 4.

Rules to the following parties:

Dominion East Ohio Gas
c/o: Legal Department & Corporate Communications
P.O. Box 26666
Richmond VA 23261

Ohio Public Utilities Commission 180 East Broad Street Columbus, Ohio 43215-3793

c/o: PUCO Commissioners
M. Beth Trombold
Thomas W. Johnson
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Humbly submitted this day,

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