

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 September 7, 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 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} On May 8, 2017, Nathan Klein (Complainant) filed a complaint against DEO, alleging 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.

{¶ 4} DEO filed its answer on May 30, 2017.

{¶ 5} By Entry issued June 1, 2017, a settlement conference in this case was originally scheduled to occur on July 13, 2017. Later, by Entry issued on June 13, 2017, that settlement conference was, at Complainant's request, rescheduled to occur, instead, on July 5, 2017. However, before the July 5, 2017 settlement conference could occur, the

parties contacted the attorney examiner requesting that the settlement conference be rescheduled for a second time. The attorney examiner granted that request informally, and instructed the parties to apprise the attorney examiner of a new proposed date for the holding of the settlement conference. On September 7, 2017, the parties informally contacted the attorney examiner, requesting that the settlement conference now be scheduled for September 13, 2017.

{¶ 6} Upon consultation with both parties, the attorney examiner finds that a settlement conference in this case should, by this Entry, be scheduled to occur, on September 13, 2017, at 2:00 p.m., at the Commission offices, 180 East Broad Street, 12th floor, Hearing Room 1246, Columbus, Ohio 43215-3793.

{¶ 7} 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.

{¶ 8} 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 authority to settle those issues.

{¶ 9} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference is hereby scheduled to occur on September 13, 2017, at 2:00 p.m., at the Commission offices, 180 East Broad Street, 12th floor, Hearing Room 1246, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

This foregoing document was electronically filed with the Public Utilities

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in

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

Summary: Attorney Examiner Entry ordering a settlement conference be scheduled to occur on September 13, 2017, at 2:00 p.m., at the Commission offices, 180 East Broad Street, 12th floor, Hearing Room 1246, Columbus, Ohio 43215-3793. Entry electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.