

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
LARRY STURGILL AND PATRICIA  
GILGENBACH,**

**COMPLAINANTS,**

**v.**

**CASE No. 17-2127-GA-CSS**

**NORTHEAST OHIO PUBLIC ENERGY  
COUNCIL,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on December 1, 2017

{¶ 1} Pursuant to R.C. 4929.26(F), a governmental aggregator shall be subject to supervision and regulation by the Commission to the extent of any competitive retail natural gas service that it provides and the Commission's authority under R.C. Chapter 4929.

{¶ 2} Respondent, the Northeast Ohio Public Energy Council (NOPEC), is a governmental aggregator, as defined in R.C. 4929.01(K)(1), for the provision of competitive retail natural gas service and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On October 16, 2017, Larry Sturgill and Patricia Gilgenbach (Complainants) filed a complaint alleging that NOPEC changed their gas supplier without their knowledge. Complainants further allege that they have never received the required opt-out notices from NOPEC.

{¶ 4} NOPEC filed its answer on November 6, 2017. In its answer, NOPEC generally denies all allegations in the complaint and sets forth several affirmative defenses.

{¶ 5} At this time, 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 of this complaint in lieu of an evidentiary

hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for December 18, 2017, at 1:30 p.m. in Conference Room 1246, at the offices of the Commission, 180 East Broad Street, 12th Floor, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may 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), Respondent's representatives 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 requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 8} As is the case in all Commission complaint proceedings, Complainants have 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). Complainants are advised that failure to attend the scheduled settlement conference in this case may result in dismissal of the complaint by the Commission.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be held on December 18, 2017, at 1:30 p.m. in Conference Room 1246, at the offices of the Commission, 180 East Broad Street, 12th Floor, Columbus, Ohio 43215. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Kerry K. Sheets

---

By: Kerry K. Sheets  
Attorney Examiner

jrj/vrm

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

**Commission of Ohio Docketing Information System on**

**12/1/2017 3:54:35 PM**

**in**

**Case No(s). 17-2127-GA-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference on December 18, 2017, at 1:30 p.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio