

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 February 23, 2018

{¶ 1} The above-referenced complaint was filed on October 16, 2017. In the complaint, Larry Sturgill and Patricia Gilgenbach (collectively, Complainants) filed a complaint alleging that the Northeast Ohio Public Energy Council (NOPEC) changed their gas supplier without their knowledge. Complainants further allege that they have never received the required opt-out notices from NOPEC.

{¶ 2} 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.

{¶ 3} On December 1, 2017, the attorney examiner issued an Entry which scheduled a settlement conference for December 18, 2017.

{¶ 4} On December 11, 2017, NOPEC filed a motion to dismiss the complaint due to Complainants' alleged failure to set forth reasonable grounds for their complaint.

{¶ 5} As scheduled, a settlement conference was convened in this matter on December 18, 2017. An attorney examiner and counsel for NOPEC were present for the proceeding; however, neither of the Complainants attended the conference.

{¶ 6} On December 18, 2017, NOPEC again filed a motion to dismiss. In the motion, NOPEC renewed its December 11, 2017 motion to dismiss, and also moved to dismiss the complaint for failure to prosecute.

{¶ 7} By Entry dated January 23, 2018, the attorney examiner directed Complainants to proceed utilizing one of two options: a) file a letter, by February 9, 2018, requesting either dismissal or continued action by the Commission on the complaint, or (b) take no action with regard to the complaint by the close of business on February 9, 2018, and the attorney examiner would recommend to the Commission that the case be dismissed.

{¶ 8} On February 2, 2018, Mr. Sturgill filed a letter in this docket stating, among other things, that there are legal aspects to the complaint that should be considered by the attorney examiner before the case is closed. Mr. Sturgill states, however, that it is not reasonable to expect Complainants to appear for a settlement conference.

{¶ 9} Under the circumstances, the attorney examiner finds that the settlement conference in this matter should be rescheduled. Ohio Adm.Code 4901-9-01(G) directs an attorney examiner assigned to a complaint case to schedule a settlement conference to attempt to resolve the issues in the case prior to hearing. The rule further provides that, unless good cause is shown, settlement conferences shall be held at the offices of the Commission. Complainants are, therefore, advised that failure to attend the settlement conference may result in dismissal of the complaint for lack of prosecution.

{¶ 10} Accordingly, the settlement conference in this case should be rescheduled for March 20, 2018, at 1:30 p.m., at the offices of the Commission, Conference Room 1246, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a settlement conference be rescheduled for March 20, 2018, 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,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

jrj/vrm

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2/23/2018 4:06:32 PM

in

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

Summary: Attorney Examiner Entry rescheduling the settlement conference to March 20, 2018, at 1:30 p.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio