

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
ERIN DAHL,

COMPLAINANT,

v.

CASE No. 17-1822-GA-CSS

THE EAST OHIO GAS COMPANY D/B/A
DOMINION ENERGY OHIO,

RESPONDENT.

ENTRY

Entered in the Journal on July 3, 2018

{¶ 1} On August 22, 2017, Erin Dahl (Complainant) filed a complaint against The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO) alleging that DEO's records of gas usage and billing for her apartment are inaccurate, possibly due to a faulty gas meter. Complainant requests that DEO be directed to comply with existing statutes and test her gas meter in her presence at her apartment. Further, Complainant states that DEO has provided her with inadequate service.

{¶ 2} DEO filed its answer on September 11, 2017. In its answer, DEO admits certain allegations and generally denies other allegations in the complaint. DEO also states that it is without sufficient knowledge or information to admit or deny the remaining allegations in the complaint. In addition, DEO sets forth in the answer several affirmative defenses.

{¶ 3} A settlement conference was scheduled for October 25, 2017, and was subsequently rescheduled for April 3, 2018, June 5, 2018, and June 20, 2018.

{¶ 4} On May 15, 2018, DEO filed a motion to dismiss the complaint. In the motion, DEO requests that the Commission grant its motion and dismiss this complaint with prejudice for failure to prosecute, mootness, and failure to state reasonable grounds for complaint.

{¶ 5} On May 30, 2018, Complainant filed a document entitled “Motion for a Continuance.” In the document, Complainant disputes the grounds for dismissal of her complaint that are set forth in DEO’s motion to dismiss. Complainant states that she never received notice of any filings made in her case, and thus had no idea that she was supposed to proceed with the prosecution of her complaint. Complainant also states that neither she, nor any member of her family, made full payment to settle her account with DEO and that DEO’s claim of mootness as applied to her complaint is not accurate. Further, Complainant argues that DEO has engaged in fraudulent practices relating to meter-testing protocol, billing practices, and possible remote activation that resulted in false measurements of use by her. Complainant contends that it is her right and obligation to address violations of law and to have those violations rectified by whatever measures the pertinent laws dictate.

{¶ 6} On June 20, 2018, the settlement conference was held as rescheduled, in an attempt to informally resolve this matter. The parties, however, were unable to reach a resolution of the issues presented in the complaint during the conference.

{¶ 7} After review of the pleadings filed in this matter, the attorney examiner finds that the Complainant appears to have stated reasonable grounds for complaint with regard to alleged inadequate service by DEO. Accordingly, DEO’s May 15, 2018 motion to dismiss should be denied, and a hearing in this matter should be scheduled to begin at 10:00 a.m. on August 30, 2018, in the offices of the Commission, Hearing Room 11-A, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 8} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.

{¶ 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). Therefore, at hearing, it shall be the Complainant’s

responsibility to appear and be prepared to present evidence in support of the complaint. Further, Complainant is advised that failure to participate in the hearing may result in dismissal of the complaint for lack of prosecution.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That DEO's motion to dismiss be denied. It is, further,

{¶ 12} ORDERED, That a hearing in this matter be scheduled for August 30, 2018, at 10:00 a.m., in the offices of the Commission, Hearing Room 11-A, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

{¶ 13} ORDERED, That the terms of this Entry be observed. It is, further,

{¶ 14} 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/mef

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-1822-GA-CSS

Summary: Attorney Examiner Entry denying motion to dismiss and setting a hearing for 8/30/18 at 10:00am. electronically filed by Ms. Mary E Fischer on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio