

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
GREGORY T. HOWARD,

COMPLAINANT,

CASE NO. 17-2536-GA-CSS

v.

COLUMBIA GAS OF OHIO, INC.,

RESPONDENT.

SECOND ENTRY ON REHEARING

Entered in the Journal on August 8, 2018

I. SUMMARY

{¶ 1} The Commission denies Complainant Gregory T. Howard's application for rehearing of the May 16, 2018 Entry.

II. DISCUSSION

A. *Applicable Law*

{¶ 2} R.C. 4905.22 provides that every public utility shall furnish service and facilities that are adequate, just, and reasonable and that all charges made or demanded for any service be just, reasonable, and not more than allowed by law or by order of the Commission.

{¶ 3} Pursuant to R.C. 4905.26, the Commission has authority to consider a written complaint 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.

{¶ 4} Columbia Gas of Ohio, Inc. (Columbia or Company) 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 the Commission.

{¶ 5} Pursuant to R.C. 4903.10, any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined in that proceeding by filing an application within 30 days after the Commission's order is journalized.

B. Procedural History

{¶ 6} Gregory T. Howard (Mr. Howard) filed this instant case against Columbia on December 21, 2017. In the complaint, Mr. Howard alleged that he is reincorporating all filings not considered by the Commission in a previous case, *In re Gregory T. Howard v. Columbia Gas of Ohio, Inc.*, Case No. 15-873-GA-CSS (*First Complaint Case*), Opinion and Order (Aug. 30, 2017). He also made various allegations similar to those he made in the *First Complaint Case*. For example, Mr. Howard re-alleged that Columbia damaged his driveway because the Company improperly utilized heavy equipment in replacing a service line. Mr. Howard also re-alleged that Columbia wrongly disconnected service on April 2, 2015, despite being in the process of re-verifying his percentage of income payment plan. Lastly, Mr. Howard re-alleged that the gas meter installed outside his premises on September 30, 2011, is overstating his natural gas usage, resulting in incorrect billing.

{¶ 7} On January 10, 2018, Columbia filed an answer and a motion to dismiss.

{¶ 8} On May 16, 2018, the Commission issued an Entry granting Columbia's motion to dismiss and finding that res judicata barred Mr. Howard from re-litigating previously argued claims.

{¶ 9} On May 17, 2018, Mr. Howard filed an application for rehearing of the Commission's May 16, 2018 Entry. Columbia did not file a memorandum contra Mr. Howard's application for rehearing.

{¶ 10} On May 17, 2018, and May 21, 2018, Mr. Howard filed correspondence addressed to the Commission and to the attorney examiner on the docket.

{¶ 11} On June 13, 2018, the Commission issued its Entry on Rehearing granting rehearing for the limited purpose of further consideration of the matters raised in Mr. Howard's application for rehearing.

{¶ 12} The Commission has reviewed and considered all of the arguments raised in Mr. Howard's May 17, 2018 application for rehearing. Any argument raised on rehearing that is not specifically discussed herein has been thoroughly and adequately considered by the Commission and should be denied.

C. Assignments of Error

{¶ 13} In his first assignment of error, Mr. Howard asserts that the Commission did not adequately consider the evidence presented in its May 16, 2018 Entry. Mr. Howard states that the Commission's unreasonable and unlawful conclusions were arbitrary and capricious and should be tested by a court of law.

{¶ 14} In his second assignment of error, Mr. Howard reincorporates all filings not considered by the Commission in the *First Complaint Case*.

{¶ 15} In his final assignment of error, Mr. Howard contends that the Commission did not adequately consider additional documents he previously filed in this matter, including correspondence dated May 7 and May 10, 2018.

{¶ 16} Upon review, the Commission finds that the application for rehearing should be denied with regard to each assignment of error because Mr. Howard fails to raise any new arguments for the Commission's consideration. As already noted in our May 16, 2018 Entry, the doctrine of res judicata bars Mr. Howard from re-litigating previously argued claims from the *First Complaint Case*, which were already thoroughly considered by the Commission, in that prior case. Entry, at ¶17. Furthermore, the Commission specifically noted that it had considered supplemental filings in this case, including the correspondence dated May 7 and May 10, 2018. Finding that these documents reiterated claims and arguments originally made by the parties in the December 21, 2017 complaint, the January

10, 2018 answer and motion to dismiss, and January 11, 2018 memorandum contra, the Commission declined to specifically discuss them. Entry, at ¶15. The Commission also notes that Mr. Howard can file an appeal with the Supreme Court of Ohio pursuant R.C. 4903.13 if he indeed believes that the Commission's decision in this matter was arbitrary and capricious. Lastly, with regard to the correspondence Mr. Howard filed on the docket on May 17, 2018, and May 21, 2018, pursuant to R.C. 4903.10 and the Commission's rules, Mr. Howard cannot supplement his application for rehearing. Furthermore, to the extent Mr. Howard seeks to state new arguments for consideration by the Commission, these should be raised within the context of a new complaint case. Consequently, for these reasons, Mr. Howard's application for rehearing should be denied.

III. ORDER

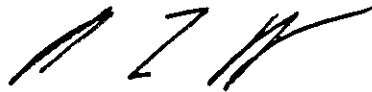
{¶ 17} It is, therefore,

{¶ 18} ORDERED, That Mr. Howard's application for rehearing be denied. It is, further,

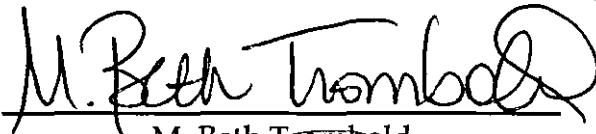
{¶ 19} ORDERED, That all of Mr. Howard's filings subsequent to the filing of the application for rehearing be denied. It is, further,

[¶ 20] ORDERED, That a copy of this Second Entry on Rehearing be served upon all parties of record.

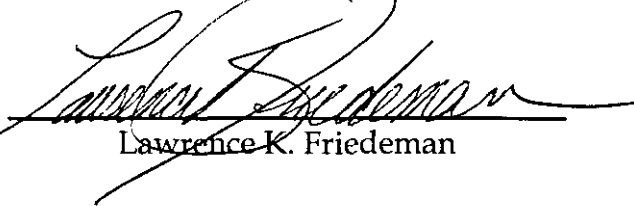
THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman

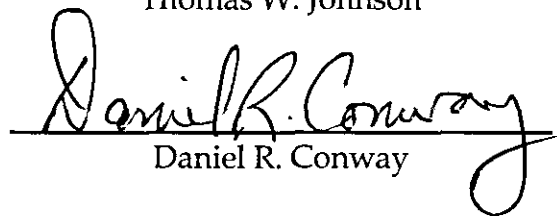


M. Beth Trombold



Lawrence K. Friedeman

Thomas W. Johnson

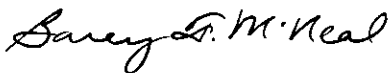


Daniel R. Conway

AS/mef

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AUG 08 2018



Barcy F. McNeal
Secretary