

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
THE EAST OHIO GAS COMPANY D/B/A
DOMINION ENERGY OHIO,**

COMPLAINANT,

v.

CASE NO. 18-290-GA-PWC

CITY OF MARIETTA, OHIO,

RESPONDENT.

ENTRY

Entered in the Journal on January 23, 2019

I. SUMMARY

{¶ 1} The Commission dismisses the complaint without prejudice upon request of The East Ohio Gas Company d/b/a Dominion Energy Ohio, in reliance upon the repeal of the subject ordinance.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4939.06, the Commission has authority to consider a complaint filed by a public utility to appeal a public way fee levied against it by a municipal corporation. The complaint is subject to the same procedures as a complaint filed pursuant to R.C. 4905.26.

{¶ 3} The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of the Commission.

{¶ 4} On March 30, 2018, DEO filed a complaint against the city of Marietta, Ohio (City) pursuant to R.C. 4939.06, 4909.34, and 4905.26. In the complaint, DEO challenges

the public way fees and conditions appearing in Chapter 910 of the City's Codified Ordinances.

{¶ 5} The City filed an answer to the complaint on May 14, 2018.

{¶ 6} By Entry issued June 6, 2018, the Commission found that DEO established reasonable grounds for complaint. Accordingly, the Commission suspended the public way fee, as applied to DEO, pursuant to R.C. 4939.06(B).

{¶ 7} By Entry issued June 6, 2018, the attorney examiner scheduled a prehearing conference for June 22, 2018.

{¶ 8} Pursuant to an Entry issued on June 12, 2018, the parties participated in a prehearing conference on July 12, 2018.

{¶ 9} On December 17, 2018, the City filed a letter informing the Commission that the City has repealed the ordinance that is the subject of the complaint.

{¶ 10} On January 3, 2019, DEO filed a notice advising the Commission that it withdraws its complaint, in reliance on the City's representation that it has repealed the challenged ordinance. DEO, therefore, requests that the Commission dismiss the complaint without prejudice.

{¶ 11} Being advised that the City has repealed the ordinance challenged by DEO, the Commission finds the request to dismiss the complaint without prejudice is reasonable and should be granted.

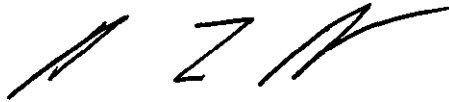
III. ORDER

{¶ 12} It is, therefore,

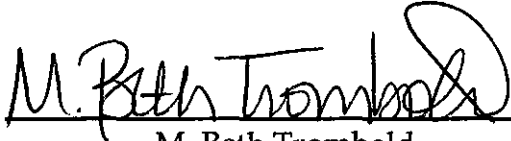
{¶ 13} ORDERED, That DEO's request to dismiss the complaint without prejudice be granted. It is, further,

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

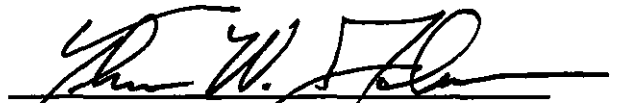
THE PUBLIC UTILITIES COMMISSION OF OHIO



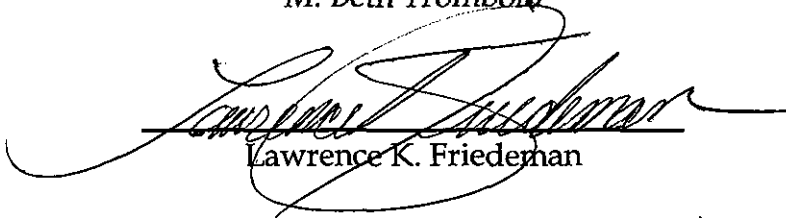
Asim Z. Haque, Chairman



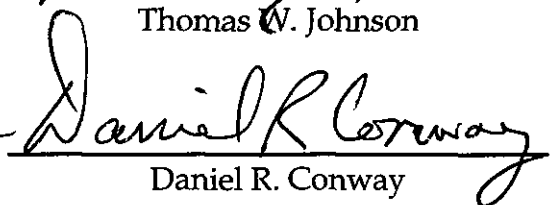
M. Beth Trombold



Thomas W. Johnson



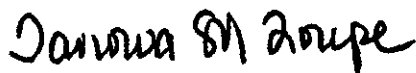
Lawrence K. Friedman



Daniel R. Conway

LDJ/sc

Entered in the Journal
JAN 23 2019



Tanowa M. Troupe
Secretary