

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
INTERSTATE GAS SUPPLY, INC. D/B/A  
IGS ENERGY,**

**COMPLAINANT,**

**v.**

**CASE NO. 19-362-GE-CSS**

**SANTANNA NATURAL GAS  
CORPORATION D/B/A SANTANNA  
ENERGY SERVICES,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on March 12, 2019

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints 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. Pursuant to R.C. 4928.16 and 4929.24, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company and retail natural gas supplier subject to certification under R.C. 4928.08 and 4929.20 of any service for which it is subject to certification.

{¶ 2} Complainant, Interstate Gas Supply, Inc. d/b/a IGS Energy (IGS), and Respondent, Santanna Natural Gas Corporation d/b/a Santanna Energy Services (Santanna), are retail natural gas suppliers, as defined in R.C. 4929.01, and electric services companies, as defined in R.C. 4928.01, and, as such, are subject to the jurisdiction of this Commission.

{¶ 3} On February 1, 2019, IGS filed a complaint against Santanna alleging that Santanna violated Ohio law by contacting IGS' customers and engaging in misleading and

deceptive sales and marketing practices. Specifically, IGS states that starting on or about January 9, 2018, Santanna's sales representatives began contacting IGS' customers via telephone, and represented to those customers that the caller was an account manager employed by "IDS Energy." However, according to IGS, "IDS Energy" is not affiliated with Santanna, nor is it registered with the Ohio Secretary of State or certified by the Commission to conduct business in Ohio. Further, IGS claims that, as part of its sales pitch to IGS' customers, Santanna's representatives informed the customer that his or her low fixed rate plan had expired and would roll over to a variable rate plan that could go very high in any given month. IGS further avers that the representative then offered to renew the low fixed rate so long as the customer contacted Santanna immediately to discuss his or her account in more detail. IGS claims that Santanna acted with intent to mislead IGS' customers into believing that Santanna was affiliated with IGS so that IGS' customers would call Santanna to inquire about the status of their account. Lastly, IGS further claims that Santanna then solicited IGS' customers with a different offer to enroll with Santanna's products and services.

{¶ 4} Santanna filed its answer on February 21, 2019. In its answer, Santanna admitted some and denied other allegations in the complaint. Santanna also set forth in the answer several affirmative defenses.

{¶ 5} Also on February 21, 2019, Santanna filed a motion to dismiss the complaint. Thereafter, on March 8, 2019, IGS filed a subsequent memorandum contra Santanna's motion to dismiss.

{¶ 6} 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.

{¶ 7} Accordingly, a settlement conference shall be scheduled for April 9, 2019, at 11:00 a.m. at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor to participate in the settlement conference. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 8} Pursuant to Ohio Adm.Code 4901-1-26(F), the parties 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.

{¶ 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for April 9, 2019, in accordance with Paragraph 7. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini  
Attorney Examiner

JRJ/hac

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Summary: Attorney Examiner Entry scheduling settlement conference electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio