

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
JEFFREY J. CHAHINE, CPA**

COMPLAINANT,

CASE No. 19-1174-WS-CSS

v.

AQUA OHIO, INC.

RESPONDENT.

ENTRY

Entered in the Journal on June 19, 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.

{¶ 2} Aqua Ohio, Inc. (Aqua or Respondent) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On May 28, 2019, Jeffrey J. Chahine, CPA (Mr. Chahine or Complainant) filed a complaint alleging that Aqua charged him unreasonable amounts for water usage during the period from February 6, 2019, through March 15, 2019. The complaint alleges that the usage readings on his bills dated March 3, 2019, and April 9, 2019, are unreasonable for three reasons: (1) they significantly depart from historical usage; (2) there is no indication of any water leak at the property; and (3) usage readings returned to normal when the meter was replaced. Complainant claims that he paid all bills on time as they became due, but is seeking an equitable settlement on the billed amounts that accrued during the identified period, during which, he alleges, the old meter, without explanation, registered usage amounts that far exceeded historical usage figures.

{¶ 4} On June 17, 2019, Aqua filed its answer to the complaint. Respondent admits that Mr. Chahine is its customer receiving waterworks service on the account and at the premises named in the complaint. Further, Aqua's answer indicates that, in responding to Complainant's reported concerns about the high consumption reflected on his bill, a technician visited the premises on March 15, 2019, and, at that time, at Mr. Chahine's request, removed the original water meter, arranged to have it tested, and installed a new meter. Answering further, Aqua states that, on May 7, 2019, Mr. Chahine was informed of the test results, which showed that the original meter was in good working order. Aqua claims that it has reviewed Mr. Chahine's account and the associated billing statements for accuracy and has not identified any errors. Aqua's answer additionally indicates that, on May 21, 2019, Aqua's representative contacted Mr. Chahine and explained to him that his request for a billing adjustment had been denied. In all other respects, Aqua denies any allegations of the complaint not specifically admitted or denied within its answer, and sets forth, within its answer, several affirmative defenses.

{¶ 5} 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 in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for July 11, 2019, at 1:30 p.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. All parties should register at the building's lobby desk and then proceed to the 11th floor

in order to participate in the settlement conference. The parties should bring with them all documents relevant to this matter.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility 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 authority to settle those issues.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for July 11, 2019, at 1:30 p.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/19/2019 12:43:00 PM

in

Case No(s). 19-1174-WS-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 07/11/2019 at 1:30 p.m. in accordance with Paragraph 6 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio