

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
NIKITA STEWART,**

**COMPLAINANT,**

**v.**

**CASE NO. 19-1107-GA-CSS**

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

**RESPONDENT.**

**ENTRY**

Entered in the Journal on June 21, 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} Respondent, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or Respondent), 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 this Commission.

{¶ 3} On May 24, 2019, Nikita Stewart (Ms. Stewart or Complainant) filed a complaint against DEO alleging that Respondent is engaging in unfair billing practices. Specifically, Complainant states that DEO has overcharged her from July 2018 through January 2019, during which she lived at 4464 Parkton Drive, Warrensville Heights, Ohio 44128 (Property). Additionally, Complainant avers that she scheduled a turn-off appointment to occur on February 1, 2019, in anticipation of moving to a new address. Complainant avers that the appointment did not take place as scheduled but occurred on February 5, 2019, and, consequently, Complainant requested an adjustment to her shut-off date be made. Ms. Stewart states that, after she moved to her current address, she received

an \$800 bill from DEO, which she believes is an inaccurate reflection of her gas usage. Additionally, on June 3, 2019, Ms. Stewart filed a correspondence in this docket to supplement her complaint.

{¶ 4} DEO filed its answer on June 13, 2019. In its answer, DEO admits that Ms. Stewart was a residential customer receiving natural gas services for an account at the Property from July 30, 2018, through February 5, 2019. DEO avers that, when service at the Property was initiated, a balance of \$538.78 was transferred from Ms. Stewart's previous account for service at 21230 Tracy Avenue, Euclid, Ohio 44123. DEO states that Ms. Stewart contacted DEO customer service to schedule a turn-off appointment for January 28, 2019, but rescheduled the appointment for January 30 and then again for February 1, 2019. DEO avers that, on February 1, 2019, a DEO technician visited the Property and attempted to turn off service at the curb box but was unable to locate the box because the ground was frozen. DEO states that a second attempt to turn off service was initiated on February 4, 2019, but the DEO technician was unable to locate the curb box due to snow and ice. Ultimately, DEO asserts that, on February 5, 2019, service to the Property was turned off at the curb box, and a balance of \$665.65 was transferred to Ms. Stewart's current account for service at 3930 East 177th Street, Cleveland, Ohio 44128.

{¶ 5} Additionally, DEO states that, on February 25, 2019, Ms. Stewart received a bill for \$806.60, which included the balance transferred from the Property and usage charges of \$140.95 from her current residence. DEO avers that, between March 12 and April 9, 2019, Ms. Stewart contacted DEO to inquire about her account balance and requested an adjustment be made to the end service date at the Property. In preparing its answer, DEO determined that, due to an inadvertent administrative error, no adjustment was made. DEO avers that it has since credited Ms. Stewart's account in the amount of \$34.68, which reflects usage associated with the adjustment of the service end date from February 5 to February 1, 2019, at the Property. Lastly, DEO avers that, since Ms. Stewart's February 25, 2019 bill, she has accrued \$247.54 in current charges and has made one payment of \$101. DEO further

avers that, as of May 24, 2019, Ms. Stewart's account balance, including past due charges and the end-date adjustment, is \$918.46. 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.

{¶ 6} 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.

{¶ 7} Accordingly, a settlement conference shall be scheduled for July 23, 2019, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, 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 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.

{¶ 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, Ms. Stewart carries the burden of proving the allegations in her complaint.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for July 23, 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

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 19-1107-GA-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference for 7/23/19 at 10:00am electronically filed by Ms. Mary E Fischer on behalf of Lauren Augostini, Attorney Examiner, Public Utilities Commission