BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

BRADLEY ROSEN,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 19-1761-GA-CSS
	)	
THE EAST OHIO GAS COMPANY D/B/A	)	
DOMINION ENERGY OHIO,	)	
	)	
Respondent.	)	

ANSWER

In accordance with Ohio Adm. Code 4901-9-01(D), the Respondent, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or the Company), for its answer to the complaint of Bradley Rosen, states:

FIRST DEFENSE

1. DEO avers that Bradley Rosen was a residential customer of natural gas service at 1908 E. 123rd St., Apt 2RH, Cleveland OH 44106 (the Premises), holding an account ending 6886 from August 27, 2010, to June 18, 2019.

2. DEO avers that it has no record of Mr. Rosen making a request between February 15, 2018, and March 3, 2018, to disconnect service at the Premises on March 15.

3. DEO avers that on February 21, 2018, Mr. Rosen contacted DEO customer service regarding the payment plan on his account but did not request service at the Premises be turned off.

4. DEO avers that on the February 21 call, Mr. Rosen was informed that his balance was $615.19, and that his budget payment amount due was $191.37.

5. DEO avers that on March 1, 2018, a payment posted for $200.00, which was the last payment received on the account for the Premises.

6. DEO avers that as of April 5, 2018, the account balance at the Premises was $1,096.00.

7. DEO avers that on April 19, 2018, in accordance with the Ohio Administrative Code, DEO made a 10-day notice phone call to the phone number associated with the account for the Premises to inform Mr. Rosen that service may be disconnected due to non-payment.

8. DEO avers that between April 26, 2018, and May 14, 2019, it sent multiple letters to the owner of the Premises advising that service could be shut off for non-payment, in accordance with ordinary practice when a property is in danger of losing service.

9. DEO avers that on May 16, 2018, and February 6, 2019, it attempted to disconnect service at the Premises, but did not have access to the inside meter, and could not disconnect service at the curb box because the service line served multiple units.

10. DEO avers that on October 18, 2018, it mailed a second 10-day notice to Mr. Rosen at the Premises to inform him that service may be disconnected due to non-payment.

11. DEO avers that on June 10, 2019, Mr. Rosen contacted DEO customer service to initiate service in his name at 1949 Coltman Road, Apt. 3, Cleveland, Ohio 44106. A DEO customer service representative informed him that service at the Premises was still active in his name, that there was no record of a previous request to disconnect service at the Premises, and that Mr. Rosen was responsible for usage at the Premises.

12. DEO avers that at that time, Mr. Rosen requested service be disconnected at the Premises, which was completed on June 18, and a final bill issued for $2,848.76. DEO further

avers that the June 10, 2019 call was the first time Mr. Rosen requested to initiate service in his name at 1949 Coltman Road, Apt. 3, Cleveland, Ohio 44106.

13. DEO is without sufficient knowledge or information to admit or deny the remaining allegations in the complaint, and generally denies any allegations not specifically admitted or denied in this Answer in accordance with Ohio Adm. Code 4901-9-01(D). DEO neither attests nor concedes to the authenticity of any document attached to the Complaint.

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AFFIRMATIVE DEFENSES

<u>SECOND DEFENSE</u>

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14. The complaint does not comply with the Commission's rules requiring "a statement which clearly explains the facts." Ohio Adm. Code 4901-9-01(B). The allegations are not in numbered-paragraph, but narrative, form; many of the allegations and statements in the complaint are compound; and many of the allegations omit numerous details necessary to answer them. The Company, has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its answer in the event it has incorrectly understood the allegations.

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<u>THIRD DEFENSE</u>

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15. The complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26.

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<u>FOURTH DEFENSE</u>

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16. The complaint does not set forth a claim for which relief may be granted.

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<u>FIFTH DEFENSE</u>

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17. DEO at all times complied with the Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and the Company's tariffs. These statutes, rules, regulations, orders and tariff provisions bar Mr. Rosen's claims.

SIXTH DEFENSE

18.   DEO avers that the complaint is barred by laches, waiver, and estoppel.

SEVENTH DEFENSE

19.   DEO reserves the right to raise other defenses as warranted by discovery in this matter.

WHEREFORE, DEO respectfully requests an Order dismissing the complaint and granting it all other necessary and proper relief.

Dated: September 30, 2019

Respectfully submitted,

/s/ Christopher T. Kennedy
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(Counsel willing to accept service by email)

ATTORNEYS FOR THE EAST OHIO GAS
COMPANY D/B/A DOMINION ENERGY
OHIO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served by mail to the following

persons this 30th day of September, 2019:

Bradley Rosen
1949 Coltman Road #3
Cleveland, Ohio 44106

/s/ Rebekah J. Glover
One of the Attorneys for The East Ohio Gas
Company d/b/a Dominion Energy Ohio

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Case No(s). 19-1761-GA-CSS

Summary: Answer electronically filed by Ms. Rebekah J. Glover on behalf of The East Ohio Gas Company d/b/a Dominion Energy Ohio