

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
DARLENE BRIGHT AND TONY TODD,**

**COMPLAINANTS,**

**v.**

**CASE NO. 19-2023-GA-CSS**

**COLUMBIA GAS OF OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on December 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} Columbia Gas of Ohio, Inc. (Columbia) 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 November 8, 2019, Darlene Bright and Tony Todd (Complainants) filed a complaint against Columbia, alleging that replacement of a gas line also involved digging up an “aggregate with double color sidewalk” on their property. Complainants expected the sidewalk to be replaced with the same material, but assert that Columbia did not do so, despite its purported policy “to replace sidewalks with as good or better than what they tear out.” Complainants add that the sidewalk was very expensive and “several times the cost of a standard sidewalk.” Complainants contend that they had agreed to replacement with gray cement only because, initially, they were told of no other alternatives; later, however, they were told that they might have received the preferred replacement if they had persisted.

{¶ 4} Columbia filed its answer on November 26, 2019. Columbia states that its knowledge is insufficient to form a belief as to the truth of Complainants' statements. Columbia further contends that Complainants did not state reasonable grounds for complaint, and that it has complied with applicable Ohio statutes, Commission rules, and its tariff.

{¶ 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} The settlement conference shall be scheduled for January 16, 2020, at 10:00 a.m. at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. All parties should register at the 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. 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.

{¶ 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. Public 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 January 16, 2020, at 10:00 a.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/James M. Lynn

By: James M. Lynn  
Attorney Examiner

JRJ/hac

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

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**Case No(s). 19-2023-GA-CSS**

Summary: Attorney Examiner Entry scheduling settlement conference electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission