

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
ROBERT AND DENISE SELLAN,**

COMPLAINANTS,

CASE NO. 20-575-WW-CSS

V.

AQUA OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on April 2, 2020

{¶ 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) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On March 10, 2020, Robert and Denise Sellan (Complainants) filed a complaint against Aqua. The complaint alleges, among other things, that they were billed unfairly for water usage during a 35-day period from November 5, 2019, until Complainants' water service meter was changed on December 10, 2019. Complainants allege that their bill from Aqua reflected water usage during that period averaging 249 gallons per day, while both before and after this period, their average daily usage was only 80 gallons per day. Complainants submit that their December bill, in the amount of \$188.00, is excessive because it reflects water usage that, in their view, could not have occurred. Complainants are seeking an adjustment of that bill to an amount the Commission would consider fair, based on Complainants' historical average amount of water usage.

{¶ 4} On March 30, 2020, Aqua filed its answer to the complaint. In its answer, Aqua admits that Denise Sellan is a customer receiving water and sewer usage at the premises named in the complaint. In its answer, Aqua admits some and denies others of the complaint's allegations and sets forth several affirmative defenses. Among other things, Aqua specifically avers that, in an attempt to resolve this dispute, between December 9, 2019, and March 3, 2020, its customer service representatives spoke with Mr. Sellan multiple times to discuss the December bill, the meter reading for the Complainants' premises, and the average monthly usage there. Additionally, Aqua avers that it has reviewed for accuracy Complainants' account and has not identified any billing errors.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement conference to be conducted by telephone. 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 teleconference.

{¶ 6} Accordingly, a telephone settlement conference call shall be scheduled for April 28, 2020, at 10:00 a.m. To participate in the teleconference, the parties shall dial (866) 209-2820 and, when prompted, enter conference code 9781140448#.

{¶ 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 teleconference, and all parties participating in the teleconference shall be prepared to discuss settlement of the issues raised and shall have 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 teleconference be scheduled for April 28, 2020, at 10:00 a.m., as indicated in Paragraph 6. 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 E. Fullin

By: Daniel E. Fullin
Attorney Examiner

SJP/mef

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-0575-WW-CSS

Summary: Attorney Examiner Entry setting a settlement teleconference for 4/28/20 at 10:00 am electronically filed by Ms. Mary E Fischer on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio