

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
RONALD F. PUGSLEY,**

COMPLAINANT,

v.

CASE NO. 20-1365-GA-CSS

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

RESPONDENT.

ENTRY

Entered in the Journal on September 24, 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} Respondent, The East Ohio Gas Company dba Dominion Energy Ohio (DEO), 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 August 7, 2020, Ronald F. Pugsley (Complainant or Mr. Pugsley) filed a complaint against DEO, alleging that, in April 2017, in the course of conducting a pipeline replacement project on Complainant's property, DEO took from Complainant at least 60 tons of topsoil and dirt, which it promised to return to him after completing the job, but never did. The complaint further alleges that, on the same project, DEO created a safety issue by leaving three holes in Complainant's yard, which, eventually, DEO filled upon a directive from the local police. Further still, on the same project, according to the complaint, DEO destroyed a preexisting drainage ditch and, by not returning Mr. Pugsley's dirt,

created a trough that allowed his property to flood twice in May 2017, which, in turn, caused damage to the floors and walls in his home.

{¶ 4} On August 27, 2020, DEO filed its answer to the complaint. In its answer, DEO submits that Annie Pugsley, who DEO believes to be the spouse of Complainant, is a residential service customer and the primary account holder currently receiving natural gas service from DEO in Shawnee Township in Allen County at the service address identified in the complaint (the Premises). DEO claims that Complainant is neither a co-applicant nor an authorized user for the account. Beyond this, among other things, DEO avers that it neither performed nor ordered the performance of any evacuation work at or around the Premises during 2017, at the time when the damage was alleged to occur; that any evacuation work performed on DEO's behalf in the area of the Premises occurred in 2012, many years before the damage alleged in the complaint; and that DEO is aware of no facts or other basis on which DEO could be deemed responsible for the alleged damage. DEO submits that it does not have any pipeline near the complained-of area on the Premises. DEO believes, based on review of Ohio Utilities Protection Service tickets, that an unrelated pipeline company owned facilities in the area of the Premises and performed work on Complainant's property in February 2016. DEO submits that, on or around August 16, 2019, a DEO representative had a telephone conversation with representatives of the pipeline company who performed work at the Premises in February 2016 concerning the Premises, but denies that DEO stated during the conversation that DEO had done excavation work at the Premises in 2017. DEO further avers that, on or around August 27, 2019, DEO was informed that Complainant claimed to have a letter allegedly implicating DEO sent by the pipeline company who performed work at the Premises in February 2016. DEO states that, to date, DEO has not received a copy of that letter, despite requesting it from Complainant. Beyond this, DEO, in its answer, at times specifically and at other times generally, denies all the complaint's allegations.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement teleconference. 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 shall be scheduled for October 27, 2020, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and use conference code 233 600 656#.

{¶ 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 October 27, 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/hac

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-1365-GA-CSS

Summary: Attorney Examiner Entry ordering that a settlement teleconference be scheduled for October 27, 2020, at 10:00 a.m. electronically filed by Heather A Chilcote on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio