

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

MARK J. MILLER	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 21-736-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 Mark J. Miller (Complainant or the Customer), states:

**FIRST DEFENSE**

1. DEO admits that Complainant is currently a residential customer receiving natural gas service at 1081 Munroe Falls Kent Road, Kent, Ohio 44240 (the Premises), and is the primary account holder for the account ending in 7340 (the Account).

2. DEO avers that the distribution charges for the Premises billed for the June 2020 billing period totaled \$28.11, and included a Basic Service Charge of \$31.05, Usage Based Charges of \$1.23, a Tax Savings Credit of \$5.41, and Gross Receipts Tax of \$1.24.

3. DEO avers that the distribution charges for the Premises billed for the May 2021 billing period totaled \$39.49, and included a Basic Service Charge of \$36.48, Usage Based Charges of \$3.88, a Tax Savings Credit of \$2.61, and Gross Receipts Tax of \$1.74.

4. DEO avers that 1.9 MCFs were used at the Premises during the June 2020 billing period, while 5.5 MCFs were used during the May 2021 billing period, resulting in higher Usage Based Charges for the May 2021 billing period.

5. DEO avers that Complainant received notice of an increase to the Basic Service Charge on his bill for the January 2021 billing period, which read as follows: “Bills issued on or after January 6, 2021, reflect a new Capital Expenditure Program (CEP) Rider approved by the Public Utilities Commission of Ohio in Case No. 19-0468-GA-ALT. This new rate, which recovers costs associated with investment in Dominion Energy Ohio’s distribution system, increases the Basic Service Charge by \$3.86.”

6. DEO avers that Complainant received notice of an adjustment to the Tax Savings Credit on his bill for the April 2021 billing period, which read as follows: “As approved by the Public Utilities Commission of Ohio in Case No. 18-1908-GA-UNC, starting with this bill, the Tax Savings Credit shown on each bill for the next 12 months has been adjusted. This credit passes to customers tax savings resulting from a lower corporate income tax rate enacted by the Tax Cuts and Jobs Act of 2017.”

7. DEO avers that Complainant received notice of an increase to the Basic Service Charge on his bill for the May 2021 billing period, which read as follows: “Effective for bills rendered on or after 5/5/2021, the Automated Meter Reading (AMR) Cost Recovery Charge decreased from \$0.02 to \$0.00 per month and the Pipeline Infrastructure Replacement (PIR) Cost Recovery Charge increased from \$13.45 to \$14.98 per month. With the rider changes, the Basic Service Charge increased by \$1.51 to a total of \$36.48 per month. The PUCO approved the changes; Case Nos. 20-1624-GA-RDR and 20-1625-GA-RDR.”

8. DEO denies that the distribution charges for the May 2021 billing period are “excessive” and states that the increases to the Basic Service Charge and adjustment to the Tax Savings Credit were approved by the Commission.

9. DEO avers that, on May 26, 2021, the Customer filed an informal PUCO complaint, PUCO Case No 00691278 (the Informal Complaint), disputing the increase in distribution charges on the Account between the June 2020 and May 2021 billing periods.

10. DEO avers that on May 26, 2021, a Company representative spoke with Complainant over the phone and reviewed his distribution charges for the June 2020 and May 2021 billing periods.

11. 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).

## **AFFIRMATIVE DEFENSES**

### **SECOND DEFENSE**

12. 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). Many of 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.

### **THIRD DEFENSE**

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

### **FOURTH DEFENSE**

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

### **FIFTH DEFENSE**

15. 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. Miller's claims.

### **SIXTH DEFENSE**

16. DEO avers that the complaint is barred by waiver and estoppel.

### **SEVENTH DEFENSE**

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

### **EIGHTH DEFENSE**

18. Claims alleged in the complaint are not within the subject-matter jurisdiction of the Commission.

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

Dated: July 12, 2021

Respectfully submitted,

/s/ Christopher T. Kennedy

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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 12th day of July 2021:

Mark J. Miller  
1081 Munroe Falls Kent Road  
Kent, Ohio 44240

/s/ Lucas A. Fykes  
One of the Attorneys for The East Ohio Gas  
Company d/b/a Dominion Energy Ohio

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Summary: Answer Answer electronically filed by Christopher T Kennedy on behalf of The East Ohio Gas Company d/b/a Dominion Energy Ohio