

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MARK MILLER,

COMPLAINANT,

V.

CASE NO. 21-736-GA-CSS

**THE EAST OHIO GAS COMPANY DBA
DOMINION ENERGY OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal on July 20, 2021

{¶ 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} 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 June 21, 2021, Mark Miller (Complainant) filed a complaint against DEO, objecting to an increase in the distribution charge on his bill. Complainant states that the distribution charge in June 2020 was \$28.11, while the distribution charge in May 2021 was \$39.49. Complainant alleges that this is a 40 percent increase in less than one year and contends that such an increase is excessive.

{¶ 4} DEO filed its answer on July 12, 2021. DEO admits that the total cost of distribution charges for June 2020 was \$28.11 and for May 2021 was \$39.49. DEO further explains that the \$28.11 distribution charge for June 2020 included a Basic Service Charge of \$31.05, Usage Based Charges of \$1.23, a Tax Savings Credit of \$5.41, and a Gross Receipts Tax of \$1.24. DEO adds that the May 2021 distribution charge of \$39.49 included

a Basic Service Charge of \$36.48, Usage Based Charges of \$3.88, a Tax Savings Credit of \$2.61, and a Gross Receipts Tax of \$1.74. DEO asserts that Complainant's usage increased from 1.9 thousand cubic feet (Mcf) during the June 2020 billing period to 5.5 Mcf for the May 2021 billing period, resulting in higher Usage-Based Charges for the May 2021 billing period.

{¶ 5} DEO contends that Complainant received notice of an increase in the Basic Service Charge of \$3.86 for the January 2021 billing period, as well as an adjustment to the Tax Savings Credit for the April 2021 billing period.

{¶ 6} DEO further asserts that Complainant received notice of an increase in the Basic Service Charge of \$1.51 to a total cost of \$36.48 per month, applicable in the May 2021 billing period. The cost included a decrease from \$0.02 to \$0.00 per month for the Automated Reading Cost Recovery Charge and a monthly increase from \$13.45 to \$14.98 per month for the Pipeline Infrastructure Replacement Cost Recovery Charge.

{¶ 7} DEO emphasizes that any increase in charges has been approved by the Commission and that a DEO representative discussed the matter with Complainant in a telephone conversation on May 26, 2021. DEO denies any other allegations made by Complainant.

{¶ 8} The attorney examiner finds that this matter should be scheduled for a settlement conference 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 conference.

{¶ 9} Accordingly, a telephone conference shall be scheduled for August 5, 2021, at 11:00 a.m. The parties shall dial 1-614-721-2972 and enter conference code 388 397 811# to participate. 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.

{¶ 10} 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.

{¶ 11} 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).

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That a settlement conference by telephone be scheduled for August 5, 2021, at 11:00 a.m., as indicated in Paragraph 9. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

James M. Lynn
Attorney Examiner

GAP/hac

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in

Case No(s). 21-0736-GA-CSS

Summary: Attorney Examiner Entry ordering that a settlement conference by telephone be scheduled for August 5, 2021, at 11:00 a.m., as indicated in Paragraph 9 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission