

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
PAUL E. FISH,**

CASE NO. 21-760-GA-CSS

COMPLAINANT,

v.

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

RESPONDENT.

ENTRY

Entered in the Journal on August 2, 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 d/b/a Dominion Energy Ohio (DEO or Respondent) 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 28, 2021, Paul E. Fish (Complainant) filed a complaint against DEO. The complaint appears to be concerned with a dispute between the parties over Complainant's assertion of a right to control the manner in which DEO personnel, when they attempt to enter Complainant's home in order to perform utility service related tasks, are to be attired, particularly as regards their use of face coverings which might obscure their identity.

{¶ 4} On July 19, 2021, DEO filed its answer to the complaint. In its answer, DEO asserts that the complaint has been satisfied and that the case has been settled. On such grounds, DEO, in its answer, requests that the Commission issue an order dismissing the complaint with prejudice. Pursuant to Ohio Adm.Code 4901-9-01(F), the answer included

a statement communicating that Complainant has 20 days to file a written response agreeing or disagreeing with DEO's assertions and that the Commission may presume that satisfaction has occurred and dismiss the complaint if no response is filed within 20 days.

{¶ 5} Ohio Adm.Code 4901-9-01(F) provides that if a public utility files an answer asserting that the complaint has been satisfied or that the case has been settled, the complainant shall file a written response within 20 days after the service of the answer, indicating whether the complainant agrees or disagrees with the utility's assertions, and whether he or she wishes to pursue the complaint. If no response is filed within the prescribed period of time, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint. Any filing by a utility that asserts that a complaint has been satisfied or that the case has been settled shall include a statement that, pursuant to a Commission rule, the complainant has 20 days to file a written response agreeing or disagreeing with the utility's assertions and that, if no response is filed, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

{¶ 6} On July 28, 2021, Complainant filed a written response to DEO's answer, alleging that DEO has not complied with Ohio Adm.Code 4901-9-01(D) and that it would, therefore, be premature to dismiss the complaint pursuant to Ohio Adm.Code 4901-9-01(F). However, Complainant's July 28, 2021 written response to the answer provides neither any indication whether Complainant agrees or disagrees with DEO's assertions that the complaint has been satisfied and that a settlement has occurred, nor any indication whether Complainant wishes to pursue the complaint. Complainant's July 28, 2021 written response also asks whether and how Complainant's written response should be filed with the Commission and served upon Respondent.

{¶ 7} Under the circumstances presented, the attorney examiner finds that Complainant should be granted additional time, i.e., until August 23, 2021, to file an additional written response to DEO's answer. The additional written response, if any, should make clear: (1) whether or not Complainant agrees with DEO's assertions that the Complainant has been satisfied and that the case has been settled; and (2) whether

Complainant wishes to pursue the complaint. Any such written response should be filed by Complainant pursuant to Ohio Adm.Code 4901-1-02 and served upon Respondent pursuant Ohio Adm.Code 4901-1-05. In this regard, as a point of clarification, it will suffice if the new written response is filed in the same manner as was Complainant's July 28, 2021 written response, so long as Complainant takes the two additional steps of: (1) mailing a copy of the additional written response, not only to the Commission at the Commission's address, but also to the Respondent at the address of Respondent's counsel which is identified in DEO's July 19, 2021 answer; and (2) describing, at the close of the written response, the manner and date upon which it was mailed to Respondent at such address.

{¶ 8} If Complainant files no additional written response by August 23, 2021, or if Complainant timely files an additional written response which, as before, fails to make clear whether Complainant disagrees with Respondent's assertions that the case has been satisfied or settled and whether Complainant wishes to pursue the complaint, the Commission may presume that Complainant no longer intends further prosecution of this case and, accordingly, may dismiss the complaint.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Complainant is granted an opportunity to file an additional response to Respondent's July 19, 2021 answer, as described in Paragraphs 7 and 8. 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

JRJ/kck

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/2/2021 3:38:30 PM

in

Case No(s). 21-0760-GA-CSS

Summary: Attorney Examiner Entry ordering that Complainant is granted an opportunity to file an additional response to Respondent's July 19, 2021 answer, as described in Paragraphs 7 and 8. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio