

**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 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 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, may make 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. However, Complainant's July 28, 2021 written response to the answer provided 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.

{¶ 7} By Entry issued August 2, 2021, Complainant was granted an opportunity to file, by August 23, 2021, a written additional response to Respondent's July 19, 2021 answer. The Entry directed that any such response should make clear: (1) whether or not Complainant agrees with DEO's assertions that the complaint has been satisfied and that a settlement has occurred; and (2) whether Complainant wishes to pursue the complaint.

{¶ 8} On August 12, 2021, Complainant filed a written response which meets the directives of the August 2, 2021 Entry. Complainant's August 12, 2021 written response makes plain that Complainant does not agree with DEO's assertion that the complaint has

been satisfied and that the matter is settled. Additionally, the written response specifies that Complainant wishes to pursue this matter.

{¶ 9} Complainant has argued that Respondent's July 19, 2021 answer fails to satisfy the requirements of Ohio Adm.Code 4901-9-01(D). That rule provision states:

The public utility shall state in its answer, in short and plain terms, its defenses to each claim asserted, and shall admit or deny the allegations upon which the complainant relies. If the public utility is without sufficient knowledge or information to form a belief as to the truth of an allegation, it shall so state and this has the effect of a denial. If the public utility intends in good faith to deny all of the allegations in the complaint, it may do so by general denial. If it does not intend to deny all of the allegations in the complaint, it shall either make specific denials of designated allegations or paragraphs, or generally deny all allegations except those allegations or paragraphs that it expressly admits. Unless otherwise ordered by the commission, the legal director, the deputy legal director, or an attorney examiner, all material allegations in the complaint which are not denied in the answer shall be deemed admitted for purposes of the proceeding.

{¶ 10} The attorney examiner finds that, now that Complainant has made clear that he disagrees with DEO's assertions that the matter is settled, Respondent shall be granted 20 days from the date of this Entry to amend its July 19, 2021 answer in such a manner as may bring it into compliance with the requirements of Ohio Adm.Code 4901-9-01(D).

{¶ 11} Based on Complainant's statement, filed August 12, 2021, that he wishes to pursue this complaint, and that he disagrees with DEO's assertions that the complaint is satisfied and settled, the attorney examiner finds that this matter should be scheduled for a settlement teleconference. The purpose of the settlement teleconference 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.

{¶ 12} Accordingly, a settlement teleconference shall be scheduled for October 7, 2021, at 11:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 780 179 448#.

{¶ 13} 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.

{¶ 14} 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).

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That Respondent is granted an opportunity to amend, by 20 days from the date of this Entry, its July 19, 2021 answer in this case in such a manner as may bring it into compliance with the requirements of Ohio Adm.Code 4901-9-01(D). It is, further,

{¶ 17} ORDERED, That a settlement teleconference be scheduled for October 7, 2021, at 11:00 a.m., as indicated in Paragraph 12. It is, further,

{¶ 18} 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

MJA/kck

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**8/20/2021 11:39:46 AM**

**in**

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

Summary: Attorney Examiner Entry ordering that Respondent is granted an opportunity to amend, by 20 days from the date of this Entry, its July 19, 2021 answer in this case in such a manner as may bring it into compliance with the requirements of Ohio Adm.Code 4901-9-01 (D) and ordering that a settlement teleconference be scheduled for October 7, 2021, at 11:00 a.m., as indicated in Paragraph 12.

electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio