

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
INTERSTATE GAS SUPPLY, INC. D/B/A IGS
ENERGY,**

COMPLAINANT,

v.

CASE NO. 19-362-GE-CSS

**SANTANNA NATURAL GAS
CORPORATION D/B/A SANTANNA
ENERGY SERVICES,**

RESPONDENT.

ENTRY

Entered in the Journal on September 1, 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. Pursuant to R.C. 4928.16 and 4929.24, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company and retail natural gas supplier subject to certification under R.C. 4928.08 and 4929.20 of any service for which it is subject to certification.

{¶ 2} Complainant, Interstate Gas Supply, Inc. d/b/a IGS Energy (IGS), and Respondent, Santanna Natural Gas Corporation d/b/a Santanna Energy Services (Santanna), are retail natural gas suppliers, as defined in R.C. 4929.01, and electric services companies, as defined in R.C. 4928.01, and, as such, are subject to the jurisdiction of this Commission.

{¶ 3} On February 1, 2019, IGS filed a complaint against Santanna alleging that Santanna violated Ohio law by contacting IGS' customers and engaging in misleading and

deceptive sales and marketing practices. Specifically, IGS states that starting on or about January 9, 2018, Santanna's sales representatives began contacting IGS' customers via telephone, and represented to those customers that the caller was an account manager employed by "IDS Energy." However, according to IGS, "IDS Energy" is not affiliated with Santanna, nor is it registered with the Ohio Secretary of State or certified by the Commission to conduct business in Ohio. Further, IGS claims that, as part of its sales pitch to IGS' customers, Santanna's representatives informed the customer that his or her low fixed rate plan had expired and would roll over to a variable rate plan that could go very high in any given month. IGS further avers that the representative then offered to renew the low fixed rate so long as the customer contacted Santanna immediately to discuss his or her account in more detail. IGS claims that Santanna acted with intent to mislead IGS' customers into believing that Santanna was affiliated with IGS so that IGS' customers would call Santanna to inquire about the status of their account. Lastly, IGS further claims that Santanna then solicited IGS' customers with a different offer to enroll with Santanna's products and services.

{¶ 4} Santanna filed its answer on February 21, 2019. In its answer, Santanna admitted some and denied other allegations in the complaint. Santanna also set forth in the answer several affirmative defenses.

{¶ 5} Also on February 21, 2019, Santanna filed a motion to dismiss the complaint. Thereafter, on March 8, 2019, IGS filed a subsequent memorandum contra Santanna's motion to dismiss. Santanna filed a reply to IGS' memorandum contra the motion to dismiss on March 15, 2019.

{¶ 6} On March 22, 2019, IGS filed a motion and memorandum in support seeking a waiver to exchange natural gas customer information. In the filing, IGS indicated that Santanna did not oppose the waiver request. The Commission granted the waiver request on May 15, 2019.

{¶ 7} Pursuant to an Entry dated March 12, 2019, the parties participated in a settlement conference on April 9, 2019.

{¶ 8} Following the settlement conference, the parties filed various pleadings addressing discovery issues in the case. IGS filed a motion to compel discovery and memorandum in support on June 7, 2019. Santanna filed a motion for protective order and memorandum in support on July 30, 2019. Both filings were fully briefed by the parties pursuant to pleadings that concluded on August 21, 2019.

{¶ 9} At this time, the attorney examiner finds that this matter should be scheduled for a prehearing conference. The prehearing conference will address the status of the case, including the pending motion to dismiss, the ongoing discovery disputes, the potential for additional mediation, and the course of further action in the case. Accordingly, a prehearing conference shall be scheduled for October 6, 2021, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor to participate in the prehearing conference. Consistent with directives from the Director of the Ohio Department of Health and the Centers for Disease Control and Prevention, individuals who are not fully vaccinated should continue to wear face coverings and socially distance. Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the conference. Further, as pandemic restrictions are evolving, instructions regarding further safety requirements or accommodations for the hearing room may be posted on the Commission website or communicated to the parties.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a prehearing conference be scheduled for October 6, 2021, in accordance with Paragraph 9. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Michael L. Williams

By: Michael L. Williams
Attorney Examiner

NJW/hac

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in

Case No(s). 19-0362-GE-CSS

Summary: Attorney Examiner Entry ordering that a prehearing conference be scheduled for October 6, 2021, in accordance with Paragraph 9 electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Attorney Examiner, Public Utilities Commission of Ohio