

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

PAUL E. FISH,)	
)	
Complainant,)	
)	
v.)	Case No. 21-0760-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) and the Commission's August 20, 2021 Entry in this proceeding, the Respondent, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or the Company), for its amended answer to the complaint of Paul E. Fish (Complainant or the Customer), states:

FIRST DEFENSE

1. DEO admits that Complainant is currently a residential customer receiving natural gas service at 429 Independence St., Fairport Harbor, OH 44077 (the Premises), and is the primary account holder for the account ending in 6439 (the Account).

2. DEO avers that R.C. 4909.16 provides, in part, that, in the event of an emergency, when the Commission finds it necessary to prevent injury to the business or interests of the public or of any public utility, it may temporarily alter, amend, or suspend any existing rates, schedules, or order relating to or affecting any public utility or part of any public utility in this state.

3. DEO avers that, on March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of

Ohioans from the dangerous effects of COVID-19. The Governor's Executive Order required state agencies, including the Commission, to develop and implement procedures, including suspending or adopting temporary rules within an agency's authority, consistent with recommendations from the Department of Health designed to prevent or alleviate this public health threat.

4. DEO avers that the Commission instructed public utilities to "promptly seek any necessary approval, for the duration of the emergency, to suspend otherwise applicable requirements" that, among other things, may "create unnecessary COVID-19 risks associated with social contact." Case No. 20-591-AU-UNC, Entry (Mar. 12, 2020) ¶ 7(b); *see also* Entry (Mar. 13, 2020) ¶ 6(b).

5. DEO avers that, on March 20, 2020, in Case No. 20-591-AU-UNC, the Commission further directed "all utility companies in this state to suspend, for the duration of the emergency, any non-essential functions that would require or cause in-person contact that may create unnecessary COVID-19 spread risks, unless otherwise directed by the Commission," including, but not limited to, "in-home energy efficiency audits, weatherization programs, in premises inspections not prompted by an identified safety-related concern, and other similar initiatives." Entry ¶ 10.

6. DEO avers that on June 18, 2020, as ordered by the Commission, DEO filed a COVID-19 Transition Plan. Among other things, DEO's COVID-19 Transition Plan provided that "DEO employees are wearing personal protective equipment (PPE) at each home entry stop, including disposable rubber gloves, face masks, and safety glasses, as appropriate." (Case No. 20-0600-GA-UNC, COVID-19 Transition Plan at 5.)

7. DEO avers that on July 15, 2020, the Commission approved DEO's COVID-19 Transition Plan, finding that "DEO's transition plan to contain appropriate PPE and precautions to resume energy efficiency programs, including in-home energy audits and weatherization, in light of the state's relaxation of social distancing restrictions." Case No. 20-0600-GA-UNC, Entry ¶ 22. The Commission further found "DEO's plan to resume meter testing, meter reading, new service requests, repairs of service line activities, and related performance standards to be reasonable." *Id.*

8. DEO avers that it attempted to inspect Complainant's meter during a June 4, 2021 appointment at the Premises, but was refused access by Complainant due to the fact that the DEO service technician was wearing a face covering, which at the time was considered part of the technician's uniform and PPE, pursuant to DEO policy.

9. DEO avers that, on June 15, 2021, the Customer filed an informal PUCO complaint, PUCO Case No 00695414 (the Informal Complaint), disputing DEO's use of PPE while visiting his property.

10. DEO avers that on July 2, 2021, a Company customer service representative spoke with Complainant over the phone, explaining that, because of changes to the Company's COVID-19 protocols effective July 1, 2021, its technicians would not necessarily be required during future appointments to wear a mask for entry to a customer's residence. The customer service representative further explained that the DEO technician would ask a series of health questions upon arrival to better assess the need for PPE and the customer's face covering requests. An appointment was set to inspect the Complainant's meter onsite for July 3, 2021.

11. DEO avers that a DEO field representative visited the Premises on July 3, 2021, and inspected the meter.

12. DEO avers that based on the aforementioned conversations and the completion of the inspection, DEO considered that the dispute at issue in this proceeding had been resolved and it filed a statement to that effect in this docket on July 19, 2021. At this time, DEO is not aware of any other outstanding issue associated with Complainant's account.

13. 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

14. 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

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

FOURTH DEFENSE

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

FIFTH DEFENSE

17. 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. Fish's claims.

SIXTH DEFENSE

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

SEVENTH DEFENSE

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

EIGHTH DEFENSE

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

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

Dated: September 9, 2021

Respectfully submitted,

/s/ Christopher T. Kennedy
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(All counsel willing to accept service by email)

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 9th day of September 2021:

Paul E. Fish
429 Independence St.
Fairport Harbor, OH 44077

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