

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 October 6, 2021

I. SUMMARY

{¶ 1} The Commission grants the motion to dismiss the complaint, with prejudice, filed by The East Ohio Gas Company dba Dominion Energy Ohio.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} 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.

{¶ 4} 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.

{¶ 5} 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.

{¶ 6} DEO further 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.

{¶ 7} Finally, DEO 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 Meter Reading Cost Recovery Charge and a monthly increase from \$13.45 to \$14.98 per month for the Pipeline Infrastructure Replacement Cost Recovery Charge. 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 parties participated in an August 5, 2021 settlement conference, and continued discussions afterwards.

{¶ 9} On August 31, 2021, DEO filed a motion to dismiss the complaint, with prejudice, stating that the complaint has been satisfied and the matter settled.

{¶ 10} Pursuant to Ohio Adm.Code 4901-9-01(F), if a public utility files a motion asserting that the complaint has been satisfied or the case settled, the complainant has 20 days after service of the motion to file a response, stating whether the complainant agrees or disagrees with the utility's assertions. If the complainant does not respond within 20 days, the Commission may presume that settlement has occurred and dismiss the complaint.

{¶ 11} Complainant did not respond to DEO's motion by September 20, 2021, pursuant to Ohio Adm.Code 4901-9-01(F). Accordingly, the Commission finds that DEO's motion is reasonable and that the complaint should be dismissed with prejudice.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That DEO's motion to dismiss the complaint, with prejudice, be granted. It is, further,

{¶ 14} ORDERED, That this case be closed of record. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters

JML/hac

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Summary: Entry granting the motion to dismiss the complaint, with prejudice, filed by The East Ohio Gas Company dba Dominion Energy Ohio electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio