

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 November 15, 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} Pursuant to Entries dated September 1, September 2, and September 9, 2021, the parties participated in a prehearing conference via remote technology on September 24, 2021. During the prehearing conference, the parties discussed 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.

{¶ 10} In connection with the matters discussed during the prehearing conference, the parties indicated that further mediation may assist in the resolution of the case. Accordingly, pursuant to an Entry dated September 24, 2021, a settlement conference was scheduled for November 12, 2021.

{¶ 11} Prior to the November 12, 2021 settlement conference, the parties communicated by telephone with the attorney examiner who was scheduled to mediate the case seeking a continuance of the mediation. The parties indicated that they are continuing to pursue settlement negotiations independent of the scheduled mediation, and that their litigation caseloads are such that rescheduling the mediation is mutually beneficial. Accordingly, the parties request that the mediation be rescheduled on December 3, 2021.

{¶ 12} The attorney examiner finds good cause to reschedule the mediation. The mediation will now occur, via remote technology, on December 3, 2021, at 11:00 a.m. The attorney examiner who will preside over the settlement conference will contact the parties as to the arrangements for participation in the conference.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the settlement conference be rescheduled from November 12 to December 3, 2021, in accordance with Paragraph 12. It is, further,

{¶ 15} 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

JRJ/hac

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in

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

Summary: Attorney Examiner Entry ordering that the settlement conference be rescheduled from November 12 to December 3, 2021, in accordance with Paragraph 12 electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Attorney Examiner, Public Utilities Commission of Ohio