THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF GEORGE MOUNTCASTLE DBA GM ELECTRIC, INC.,

COMPLAINANT,

V.

THE EAST OHIO GAS COMPANY DBA DOMINION ENERGY OHIO,

CASE NO. 22-476-EL-CSS

AND

UNITED ENERGY TRADING, LLC DBA KRATOS GAS AND POWER

RESPONDENT.

ENTRY

Entered in the Journal on June 15, 2022

{¶ 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 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.

{¶ 3} United Energy Trading, LLC dba Kratos Gas & Power (Kratos) is a retail natural gas supplier as defined in R.C. 4929.01, is certified to provide competitive retail natural gas service under R.C. 4929.20, and, as such, is subject to the jurisdiction of this Commission pursuant to R.C. 4929.24.

{¶ 4} On May 2, 2022, George Mountcastle on behalf of GM Electric, Inc. (Complainant) filed a complaint against DEO and Kratos, alleging incorrect billing. Complainant states that it "does not know how we got enrolled with Kratos" and adds that Kratos was unable to provide documentation of enrollment. Complainant adds that it "experienced inconsistent bills and extreme Mcf rates," and "believe[s] that we should be rerated."

{¶ 5} DEO filed its answer on May 23, 2022. DEO states that Complainant receives natural gas service pursuant to the Energy Choice Transportation Service Nonresidential (Energy Choice) rate schedule, which is available to nonresidential customers in DEO's service area who use less than 3,000 Mcf per year. DEO states that, from October 2011 to April 2022, Kratos was Complainant's Energy Choice supplier and the bills included DEO delivery charges and Kratos commodity service charges. DEO explains that it maintains customer account billing records for three years, so it does not have detailed 2011 records concerning the assignment of Kratos as Complainant's Energy Choice supplier. According to DEO, Complainant filed an informal complaint against Kratos in April 2022 inquiring about enrollment with Kratos; subsequently, also in April 2022, DEO notified Complainant that Kratos would no longer be Complainant's Energy Choice supplier as of May 4, 2022. DEO's April 2022 notice also indicated that billing would be at the Standard Service Offer (SSO) rate for a maximum of two months starting on or after May 25, 2022. Finally, DEO's April 2022 notice indicated Complainant's default service options, depending on consumption, if it did not select an Energy Choice supplier or other supply option by the time it received two bills at the SSO rate. DEO denies that it applied any credits or charges to the account or administered Complainant's enrollment in a manner inconsistent with its tariff or Commission rules and statutes.

{¶ 6} Kratos filed its answer on May 23, 2022. According to Kratos, Complainant originally enrolled with a monthly variable plan during an October 27, 2011 telephone call, which was recorded and verified by a third-party verification service in accordance with Commission rules. Kratos adds that, at no time since enrollment, has Complainant

disputed the validity of his enrollment or requested to discontinue service. Kratos attached to its answer a transcript of Complainant's calls to Kratos. Kratos adds that it retains customer records for three years, which is one year longer than required by the Commission, and that it retains its records longer than three years if a customer has a dispute. However, Kratos observes, because the complaint was filed more than ten years after Complainant enrolled with Kratos, there are no other records concerning Complainant's initial enrollment. Regarding Complainant's allegation of inconsistent charges and rates, Kratos states that it complied with its monthly variable rate plan, under which prices are variable rather than fixed, and emphasizes that natural gas prices in recent years have fluctuated widely.

{¶ 7} The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference 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 conference.

{¶ 8} The settlement conference shall be scheduled for July 12, 2022, at 1:00 p.m. at the Commission offices, 180 East Broad Street, Room 1246, Columbus, Ohio 43215-3793. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. The parties should bring all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 9} 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

conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the authority to settle those issues.

{¶ 10} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St.2d 189, 214 N.E. 2d 666 (1966).

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a settlement conference be scheduled at 1:00 p.m. on July 12, 2022, at the Commission offices, 180 East Broad Street, Room 1246, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

NJW/hac

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Case No(s). 22-0476-GA-CSS

Summary: Attorney Examiner Entry ordering that a settlement conference be scheduled at 1:00 p.m. on July 12, 2022, at the Commission offices, 180 East Broad Street, Room 1246, Columbus, Ohio 43215-3793 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission