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20-1365-GA-CSS

Mailed Certified 10/02/2022
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Pugsley v Dominion Energy
2253 Arcadia Ave, Lima OH 45805
PUCO Committee Statement from Complainants

4 PAGES

Pri-Court Reporting
Attn: Carmen G

Docket
14084189388
2345 2000331

PUCO

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RF Pugsley v Dominion Energy/PUCO
RE: 2253 Arcadia Ave, Lima, OH
14084189388
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Statement to PUCO Committee

We thank the Committee for fairly considering the following information.

I am Mr. Pugsley's daughter, Elain Mendez. My father asked me to assist him with his Case. Mr. Pugsley is an 88 year old retired electrician. Mrs. Pugsley is a 90 year old retiree, and both are lifelong Ohio residents. I live in Arizona and am currently retired.

I owned an Arizona Real Estate Brokerage for 22 years and a small trucking Company with my husband. Over the years I was involved in planned & selling residential subdivisions, planned and sold PUD projects to developers, sold investment land and other. As required by my License, I was an expert in Arizona and Federal Laws relating to real estate. Other areas of expertise and knowledge is easements, utilities projects, topographical maps, flood plain interpretations, surveys and so forth.

Prior to owning my real estate brokerage, I worked for an Inc 500 Corporation in varied roles. During my employment. I managed military spec Production and Inventory Control, was Administrative Assistant to the President, Assistant to the VP of Finance, managed Apex's Software Development IT team, Benefits Administration, Human Resources, Corporate Purchasing, Asset management and Control, Security as well as Payroll Administration and Corporate Tax Reporting. During the Company's expansion, I was part of a team which managed the site prep, utilities installation, construction loan releases for its very high tech microelectronics manufacturing facility, and was part of a management team that prepared the company for its IPO.

I have reviewed most of the relevant information submitted to the PUCO in his case. I was especially interested in the witness testimony and exhibits provided by Mr. Dent as presented by Dominion Energy Attorney Christopher Kennedy. It's relevant that none of the information provided to the PUCO in Mr. Dent's Witness Testimony was submitted to The PUCO prior to Mr. Kennedy's submission in June, 2022, that all the information was available but not submitted to the PUCO in 2017, 2018, 2019, 2020 or 2021 and that Mr. Kennedy did not *attest to the veracity* of Mr. Dent's statements and exhibits.

The applicable ticket information was contained in The OUPS Public database which prohibits the Public's access to its data. The information and exhibits provided by Mr. Dent in 2022 were not available to Complainants at any time prior to June, 2022. Prior to that date, the only information my father had access to or was able to provide in his case was his own testimony as the affected homeowner, witness to the events that damaged his property, the work crews he

witnessed at the job site, witness statements from Dominion Employees who wished to remain anonymous and the Buckeye Partners Employee on stand-by in case of emergency.

For all intents and purposes, the 2017 job site was abandoned.

Records missing from this case are:

1. The 06/02/2017 by-phone open holes report to Shawnee Township Police Dept.
2. The 06/02/2017 by-phone open holes report to PUCO.
 - The PUCO *should have* a record of the complaint and its resolution.
3. Someone knew **who to notify** to correct the open holes safety violation.
 - The PUCO open holes report and/or records should be submitted.
4. Statements from Dominion Employees questioned by Mr. Dent & cited in the testimony submitted by Mr. Kennedy.
5. Statements from the Dominion Employees cited in Mr. Dent's Testimony who inspected Complainant's Property.

Mr. Dent testified he "went on the OUPS site" to pull digging tickets and states the site only goes back to 2014. Since his testimony was submitted 06/2022 and there are no dates showing the date the documents were downloaded from the OUPS site; we must presume his testimony meant he collected the records from the OUPS site in 2022.

According to information Complainant has since obtained, the OUPS Site only keeps 6 months of ticket records on the site, records are only available to the utility provider, tickets more than 6 months old are Archived and there is a fee charged to retrieve Records from the OUPS Archives.

Perhaps the OUPS site collects data on the searches performed by utility providers; which could verify the date Mr. Dent searched the site. The Archivist would retain records of Archive requests.

Perhaps Mr. Dent actually obtained the ticket copies submitted in the 2022 DEO Exhibit 1.3 from Dominion Energy's records, not The OUPS site.

Also Notable: Of the 5 photos contained in Exhibit 1.3; 2 photos display the date and GPS coordinates of the photo, 2 photos appear to have been cropped to remove the date and GPS coordinates, the last photo is said to have been taken in 2009 and no 2017 photos were included.

- The 2016 photo clearly shows there was no storm water barrier at the home.
- The 2018 photo clearly shows the **presence** of The Water Diversion Barrier on the left and at an angle to the rear of the home erected by Complainant after the 2017 flooding.

Since OUPS Archived records are not available to Complainants, they respectfully request the PUCO Committee request 2017 records from The OUPS Archivist for all Tickets on Arcadia Ave by any Public Utility, sub-contractor or contractor anywhere on Arcadia Ave from 01/2017 through 06/2017 for examination by The PUCO and that the results of the examination together

with a complete record of The OUPS Tickets be made a part of this case. Such information could exonerate Dominion Energy, reveal data errors and/or reveal pertinent facts. Perhaps GPS Coordinates data contained in the tickets can be used as reliable search criteria.

Complainant also suggests that if the OUPS site or Archivist keeps records of searches or downloads performed by utility providers on their site and records of search requests from The OUPS Archive; such search records are applicable and should also be submitted to the record.

My father believed he could rely on The PUCO, as the Government Entity overseeing Public Utilities Providers; to help investigate and assist him in obtaining the facts for his case. Early in this process the critical guidance and assistance he needed and requested was not provided.

When Complainant's Case was initially and timely filed, The PUCO Leadership *in charge at the time* was exposed as being involved in a highly publicized Political Corruption Scandal specifically involving Public Utilities. As a result, PUCO's Leadership was removed and replaced. In light of these facts, it is reasonable for Complainants to question how this case was initially handled by the PUCO.

Complainant cites the Political Corruption situation at this time is due to the fact The PUCO's prior leadership was not acting in the best interest of the Public *at that time*. It's reasonable to presume the PUCO was *unable to fulfill its Mission* to protect the Public under those circumstances at that time.

It is also notable that current Public Reporting reveals the Political Corruption situation continues. Reportedly, Dominion Energy continues to make Dark Money Political Contributions to sitting politicians willing to accept such Contributions. It's also notable that, according to Reporting; laws have recently been passed in OHIO to prevent "Climate Change" Building Code changes which would have prevented the installation of methane gas service to new homes, subdivisions and other.

If you ask my father about electrical standards or how to retrofit a factory with robotics, he is an expert. He's not an attorney, not a legal expert, or a Public Utilities Infrastructure expert and Dominion Energy's complaint concerning his layman's lack of legal procedural knowledge and his inability to hire legal representation cannot be considered by the Committee to discredit his assertions. The PUCO's rules do not prohibit or discredit a complaint based on the complainant's lack of legal expertise or financial inability to hire an Attorney. The Public must be able to rely on the applicable Governmental Authority funded by Tax Payers to help protect their interests and hold Public Utility Providers accountable. There is no doubt Complainant has suffered severe losses.

On the other hand; Dominion Energy certainly is a Public Utilities Expert, has unfettered access to legal representation and the financial ability to retain, hire and pay attorneys to discredit Complainant. Dominion Energy's Legal representatives are legal experts, not Public Utilities Experts and information provided by legal experts should be closely examined for its veracity.

Dominion Energy and/or other Public Utility Provider have motivation to deflect or deny legal liability for all the circumstances leading to Complainant's Claims.

Complainants are ONLY interested in reimbursement for the damages to their property. Any other motivations or concerns (if any) the Utility Provider responsible in this case may have to avoid other liability is not Complainant's concern.

On 2 occasions Dominion Energy offered Complainants unreasonable settlements, which if accepted: Complainants would be required to sign a Liability Waiver and agree to close this case. These settlements were offered while Dominion Energy simultaneously claimed they weren't responsible for the work that damaged the storm water drainage system that caused the flooding.

If Dominion Energy is willing to reconsider its settlement offer and agree to a fair & equitable settlement; Complainants are willing to sign a Non-Disclosure Agreement and close the case upon settlement. If agreed, Complainants will submit a proposal either for a general contractor to repair the existing home including associated expenses, or Contractor Estimate to remove the damage home and building a replacement including associated expenses or an appraisal by A Licensed Ohio Real Estate Appraiser of the current market value of the property as if it were in an undamaged condition.

I am not familiar with the standards Ohio Public Utility Providers are held to. My knowledge is limited to and related to subdivision development and disclosures related to State of Arizona Subdivision Public Reports including subdivision storm water drainage, flood control, reading and interpreting topographical maps for flood control and determining flood risk to structures planned for a subdivision using topography and elevation maps in relation to creating state approved subdivision drainage, existing subdivision drainage and interpreting flood risk for Insurance purposes and client risk.

All subdivisions require storm water drainage systems to protect the structures in the subdivision. Most subdivision storm water drainage systems easements are also utility easements and all public utility providers know and understand the dual use purpose and importance. All Public Utility Providers must maintain and restore all storm water drainage systems they disturb in these easements in order to protect the public they serve and the utilities infrastructure they own.

Complainants hereby respectfully request a minimum 30 day continuance until reliable data, records and other as requested and necessary are obtained.

The PUCO's cooperation and assistance is merited in this matter and is greatly appreciated. We look forward to The Committee's response.

Submitted by Elain Mendez with the approval of Mr. and Mrs. Pugsley

 10/02/2022