

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

MARIO D. BLUE,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 22-1075-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), the Respondent, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or the Company), for its answer to the complaint of Mario D. Blue (Complainant or the Customer), states:

**FIRST DEFENSE**

1. DEO admits that Complainant is currently a residential customer receiving natural gas service at 4212 E. 186th St. Cleveland, OH 44122 (the Premises).
2. DEO admits that the account number previously associated with natural gas service to the Premises ended in 3528 (the Prior Account).
3. DEO admits that the account number currently associated with natural gas service to the Premises, as of the date of this Answer, ends in 7900 (the Current Account).
4. DEO admits that the Complainant is the primary account holder for both the Prior Account and the Current Account.
5. DEO avers that on August 22, 2022, natural gas service to the Premises under the Prior Account was disconnected for Complainant's non-payment and failure to provide access to gas metering equipment.

6. DEO avers that on September 8, 2022, DEO sent Complainant a bill under the Prior Account with a total amount of \$1,124.16 due by September 26, 2022. Of that total, the amount of \$1,081.35 was past due.

7. DEO avers that the amount of \$1,124.16 due under the Prior Account is also the subject of another pending complaint before the Commission filed by the Complainant in Case No. 22-855-GA-CSS.

8. DEO avers that on September 22, 2022, Complainant submitted two payments in the amount of \$1,124.16.

9. DEO avers that Complainant's payments were processed by DEO's third-party vendor, Paymentus, and that Complainant was assessed a fee of \$1.65 for each payment.

10. DEO avers that on September 27, 2022, natural gas service to the Premises was reconnected under the Current Account.

11. DEO avers that on October 7, 2022, DEO was notified that the September 22, 2022 payments had been reversed.

12. DEO avers that \$1,124.16, the amount still owed by Complainant after the reversed payments, was charged to the Current Account.

13. DEO avers that the Current Account was also charged a returned payment fee of \$12.55 for each payment, totaling \$25.10.

14. DEO avers that the Current Account, as of the October 26, 2022 bill, showed a balance owed of \$1312.11. This balance reflected the current charges of \$70.33, \$34.52 for a reconnection fee, \$58.00 for a security deposit installment, \$25.10 in returned payments fees, and \$1,124.16 for the past-due amounts.

15. DEO avers that the Company notified Complainant that his September 22, 2022 payments had been reversed.

16. DEO avers that information provided by its third-party vendor, Paymentus, shows that Complainant's September 22, 2022 payments and the related fees were reversed and credited for "No Cardholder Authorization."

17. DEO avers that, as of the date of this Answer, the Complainant has still not paid the past-due amounts and the Current Account has a total payment due by December 19, 2022 of \$1482.02.

18. DEO denies that it disconnected the Complainant's natural gas service in a manner prohibited by any applicable statute, rule, or tariff provision.

19. DEO denies that it applied any credits or charges to the Prior Account or Current Account, in a manner inconsistent with the applicable statutes, rules, and tariff provisions.

20. 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**

21. 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). 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**

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

**FOURTH DEFENSE**

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

**FIFTH DEFENSE**

24. 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 Complainant's claims.

**SIXTH DEFENSE**

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

**SEVENTH DEFENSE**

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

**EIGHTH DEFENSE**

27. 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: December 8, 2022

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 U.S. Mail to the following persons this 8th day of December 2022:

Mario D. Blue  
4212 E. 186<sup>th</sup> St.  
Cleveland, OH 44122

/s/ Christopher T. Kennedy  
One of the Attorneys for The East Ohio Gas  
Company d/b/a Dominion Energy Ohio

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**Case No(s). 22-1075-GA-CSS**

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