BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

BLUE ACRES, LLC	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 22-1089-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 Blue Acres, LLC (Complainant or the Customer), states:

FIRST DEFENSE

1. DEO admits that Complainant is the primary account holder for the account ending in 8239 associated with natural gas service provided to 1219 E 169th Street, Unit D, Cleveland, Ohio 44110 (the 8239 Account or Unit D Account)

2. DEO admits that Complainant is the primary account holder for the account ending in 8506 associated with natural gas service provided to 1219 E 169th Street, Unit U, Cleveland, Ohio 44110 (the 8506 Account or Unit U Account).

3. DEO avers that natural gas service for the Unit D Account and Unit U Account (collectively, the Accounts) began on November 4, 2021.

4. DEO avers that Mario D. Blue, who submitted this Complaint as the "Agent" for Complainant, is not listed on the Accounts as the customer or agent. However, upon information

and belief, DEO avers that a Mario Blue is listed as the Statutory Agent for Blue Acres, LLC with the Secretary of State of Ohio.

5. DEO avers that Mr. Blue is a residential customer currently receiving natural gas service at 4212 E. 186th St. Cleveland, OH 44122, and is the complainant in two other complaints against DEO pending before the Commission in Case Nos. 22-0855-GA-CSS and 22-1075-GA-CSS related to amounts owed for service to that address.

6. DEO avers that the September 2, 2022 bills for the Accounts showed past-due amounts to avoid disconnection.

7. DEO avers that on September 22, 2022, the Company received a payment in the amount of $571.94 for the Unit D Account, which was processed through the Company's third-party vendor, Paymentus.

8. DEO avers that on September 22, 2022, the Company received a payment in the amount of $111.65 for the Unit U Account, which was processed through the Company's third-party vendor, Paymentus.

9. DEO avers that on October 7, 2022, the Company received notice from Paymentus that the September 22, 2022 payments had been reversed.

10. DEO avers that information provided by Paymentus shows that the September 22, 2022 payments, which had been made by a MasterCard credit card in the name of Mario D. Blue, were reversed and credited for "No Cardholder Authorization".

11. DEO avers that Paymentus confirmed that for returned payment transactions, the customer would have disputed the transactions or may have had an existing dispute for another payment that resulted in all payments being reversed.

12. DEO avers that the charges related to the reversed payments were added back to the balances for the Accounts, plus a $12.55 returned payment fee for each reversed payment.

13. DEO avers that the Company notified Complainant that the charges related to the reversed payments had been added back to the balances for the Accounts.

14. DEO avers that on October 18, 2022, Mr. Blue filed an informal complaint with the Commission related to the reversed payments.

15. DEO avers that Mr. Blue provided the Company with an incomplete and redacted portion of a bank statement, which among other things omitted all "Deposit/Credit" activity on the account, and as such did not contradict the report from DEO's vendor that the payments had been reversed. DEO does not concede either to the authenticity or accuracy of the documentation provided.

16. DEO avers that charges related to the reversed payments, plus the returned payment fees, were included in the amounts owed on the November 2, 2022 bills for the Accounts.

17. DEO avers that, as of the date of this Answer, the charges related to the reversed payments remain unpaid, owed by Complainant, and included in the balances of the Accounts.

18. DEO avers that a total payment of $798.49 is due for the Unit D Account by December 22, 2022.

19. DEO avers that a total payment of $553.53 is due for the Unit U Account by December 22, 2022.

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

21. 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

22. 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

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

FOURTH DEFENSE

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

FIFTH DEFENSE

25. 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

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

SEVENTH DEFENSE

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

EIGHTH DEFENSE

28. 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 13, 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 13th day of December 2022:

Blue Acres, LLC
C/O Mario D. Blue
4212 E. 186th 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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Summary: Answer Answer electronically filed by Christopher T. Kennedy on behalf of The East Ohio Gas Company d/b/a Dominion Energy Ohio