

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

MARIO D. BLUE)	
)	
Complainant,)	
)	
v.)	Case No. 22-0855-GA-CSS
)	
THE EAST OHIO GAS COMPANY D/B/A)	
DOMINION ENERGY OHIO,)	
)	
Respondent.)	

MARIO D. BLUE)	
)	
Complainant,)	
)	
v.)	Case No. 22-1075-GA-CSS
)	
THE EAST OHIO GAS COMPANY D/B/A)	
DOMINION ENERGY OHIO,)	
)	
Respondent.)	

BLUE ACRES, LLC)	
)	
Complainant,)	
)	
v.)	Case No. 22-1089-GA-CSS
)	
THE EAST OHIO GAS COMPANY D/B/A)	
DOMINION ENERGY OHIO,)	
)	
Respondent.)	

**MOTION TO CONSOLIDATE COMPLAINT CASES OF
THE EAST OHIO GAS COMPANY D/B/A DOMINION ENERGY OHIO**

Pursuant to Ohio Adm.Code 4901-1-02(A)(6), The East Ohio Gas Company d/b/a/ Dominion Energy Ohio (DEO or the Company) respectfully moves for an order from the Public Utilities Commission of Ohio (Commission) that consolidates the three above-captioned complaint cases.

The Commission has consolidated consumer complaint cases, both *sua sponte* and in response to motions, which involved the same or similarly situated parties, and the same or similar issues. The Commission has found that consolidation in such circumstances reduces the administrative burdens on the Commission, the utility, and the complainants.

The pleadings in the above-captioned complaint cases (collectively, the Blue Cases) confirm that they should be consolidated consistent with the Commission's prior practice.

- All three Blue Cases involve the same complainant: Mario D. Blue, either as an individual (in Case Nos. 22-0855-GA-CSS and 22-1075-GA-CSS), or as the statutory agent of Blue Acres, LLC (Case No. 22-1089-GA-CSS).
- All three cases involve same defendant: DEO.
- All three cases involve disputes over whether Mr. Blue submitted proper methods of payment.

For the foregoing reasons, as well as those more fully explained in the accompanying Memorandum in Support, the Commission should grant this Motion, and consolidate the above-captioned complaint cases.

Dated: February 1, 2023

Respectfully submitted,

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ATTORNEYS FOR THE EAST OHIO GAS
COMPANY D/B/A DOMINION ENERGY OHIO

MEMORANDUM IN SUPPORT

I. FACTUAL AND PROCEDURAL BACKGROUND

In a span of roughly three months, Mario D. Blue filed three consumer complaints against DEO: Case No. 22-0855-GA-CSS (filed Sep. 8, 2022), Case No. 22-1075-GA-CSS. (filed Nov. 18, 2022), and Case No. 22-1089-GA-CSS (filed Nov. 2, 2022).

In addition to involving the same or similarly situated parties, all three of Mr. Blue's complaints also involve similar factual circumstances and issues relating to his nonpayment of bills sent to him by DEO for natural gas service, either at his residence (22-0855 Complaint and 22-1075 Complaint) or at two addresses associated with an LLC for whom he is the statutory agent (22-1089 Complaint). And all three of Mr. Blue's cases involve his supposed payment of those bills, and subsequent cancellation of those payments such that all amounts due for natural gas service for Mr. Blue's accounts with DEO remain outstanding and past due. (22-0855 Answer ¶¶ 4, 6, 10-11; 22-1075 Answer ¶¶ 5, 8-11, 17; and 22-1089 Answer ¶¶ 6-8, 10-11.)

In all three of Mr. Blue's cases, DEO has filed an answer, and no hearings have been held or scheduled.

II. ARGUMENT

A. The Commission has consolidated complaint cases involving the same or similar parties and issues.

The Commission's rules contemplate that in appropriate situations, it may be necessary to consolidate two or more cases that were filed separately. *See* Ohio Adm.Code 4901-1-02(A)(6). When considering a request for consolidation under this rule, the Commission has consolidated cases involving the same or similarly situated parties where there is "sufficient commonality of issues to justify consolidation." *Wellman v. Ameritech Ohio, et al.*, Case Nos. 99-768-TP-CSS, *et al.*, Entry ¶ 22 (Feb. 8, 2001) (*Wellman Entry*), quoting *Cincinnati Bell Long Distance, Inc.*,

Case No. 98-365-TP-ACE, Entry (May 5, 1999) (consolidating complaints against Ameritech because in each case Ameritech was allegedly preventing Mr. Wellman or Ms. Wellman from establishing an interexchange account with a carrier other than AT&T).

The *Wellman* case is instructive of how the Commission has analyzed consolidation under circumstances similar to those here. There, Mr. and Ms. Wellman filed several separate *pro se* complaints against Ameritech alleging various billing, disconnection, toll block, and other related issues relating to their telephone service. The Commission found that “[c]onsolidating the cases will not only promote productive use of the Commission’s personnel but will enable Mr. Wellman, Ms. Wellman, and Ameritech to simultaneously discuss all complaints associated with 99-768, 00-1138, and 00-1317. Consolidation, then, will reduce burdens on the Commission, the carriers, and the complainants.” *Id.* On rehearing, the Commission upheld the decision to consolidate, rejecting Ms. Wellman’s arguments that efficiency was not a valid reason to consolidate the cases and consolidation would prevent her from receiving a fair hearing contrary to the Commission’s responsibility to protect customers against unfair, inadequate, and unsafe utility practices. *Wellman v. Ameritech Ohio, et al.*, Case Nos. 99-768-TP-CSS, *et al.*, Entry on Reh’g ¶¶ 13–15 (March 15, 2001) (*Wellman Entry on Rehearing*).

Another similar example is *McBroom v. The Ohio Bell Tel. Co., et al.*, Case Nos. 93-523-TP-CSS, *et al.*, Entry, 1993 WL 13742470 (June 18, 1993). In those cases, Ms. McBroom brought separate *pro se* complaints against Ohio Bell, MCI, and AT&T, variously alleging fraud and contract violation. The attorney examiner consolidated the cases, finding that “because all three complaints have been brought by the same complainant, relate to events surrounding the telephone service rendered to the complainant, and appear to arise out of the same matter and address related issues, further action on these cases should be consolidated.” *Id.*; *see also, e.g., In*

re Ohio Edison, Case Nos. 21-734-EL-CSS and 21-800-EL-CSS, Entry ¶ 7 (Aug. 23, 2021) (granting motion to consolidate); *104 Investment Holdings, Inc., et al. v. The Dayton Power and Light Company*, Case Nos. 19-1767-EL-CSS, *et al*, Entry ¶ 8 (Nov. 7, 2019) (consolidating complaint cases sua sponte); *In re Direct Energy Business, LLC v. Ohio Edison Company et al.* Case Nos. 17-791-EL-CSS and 17-1967-EL-CSS, Entry ¶¶ 8–9 (Mar. 6, 2018) (granting motion to consolidate).

B. Consolidation of the Blue Cases, which all involve the same or similarly situated parties and same or similar issues, is warranted under the Commission’s standard.

As reflected in the factual and procedural background above, the three Blue Cases present precisely the situation intended to be addressed by Ohio Adm.Code 4901-1-02(A)(6), consistent with the Commission’s prior practice of consolidating cases where there is a “sufficient commonality of issues to justify consolidation.” *Wellman Entry* ¶ 22.

All three Blue Cases involve the same complainant: Mario D. Blue, either as an individual (in Case Nos. 22-0855-GA-CSS and 22-1075-GA-CSS), or as the statutory agent of Blue Acres, LLC (Case No. 22-1089-GA-CSS).

Likewise, each of the cases involves the same defendant: DEO. (*See* 22-0855 Answer, 22-1075 Answer, 22-1089 Answer.)

Each of the Blue Cases also involves a similar dispute over payment responsibility, including the following common facts and issues:

- Mr. Blue’s nonpayment of bills issued by DEO for natural gas service (*see* 22-0855 Answer ¶¶ 7–8; 22-1075 Answer ¶¶ 5, 8, 10; 22-1089 Answer ¶ 6);
- Mr. Blue’s claims of having paid all outstanding amounts, and having provided evidence purporting to establish that such payments or credit arrangements were or

had been made (*see* 22-0855 Complaint; 22-1075 Complaint; 22-1089 Complaint);

- DEO’s payment processor (Paymentus) informing DEO that all of Mr. Blue’s payments were reversed due to “no cardholder authorization,” which Paymentus confirmed means that Mr. Blue either disputed the transactions or may have had an existing dispute for another payment resulting in all payments being reversed (*see* 22-1075 Answer ¶ 16 (relating to the same account at issue in 22-0855); 22-1089 Answer ¶¶ 10–11); and
- Mr. Blue’s continued failure to remit payment for natural gas service for the accounts at issue (*see* 22-1075 Answer ¶ 14, 17 (relating to the same account at issue in 22-0855); 22-1089 Answer ¶¶ 17–19).

Accordingly, as in the *Wellman* case, “[c]onsolidating the cases will not only promote productive use of the Commission’s personnel but will enable [Mr. Blue and DEO] to simultaneously discuss [all three Blue Cases]” thereby “reduc[ing] burdens on the Commission, [DEO, and the complainant[.]” *Wellman Entry* ¶ 22.

III. CONCLUSION

For the foregoing reasons, DEO respectfully requests that the Commission grant this Motion and consolidate the above-captioned cases.

Dated: February 1, 2023

Respectfully submitted,

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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 Motion to Consolidate was served by U.S.

Mail to the following persons this 1st day of February 2023:

Mario D. Blue
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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: Motion Motion to Consolidate Complaint Cases electronically filed by
Christopher T. Kennedy on behalf of The East Ohio Gas Company d/b/a Dominion
Energy Ohio