

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

BISHOP QUEEEN, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. 23-0193-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 Bishop Queen, LLC (Complainant or the Customer), states:

FIRST DEFENSE

1. DEO admits that Complainant is currently a non-residential customer receiving natural gas service from DEO.
2. DEO admits that Complainant is the primary account holder for the premises at 28121 Chardon Rd, Wickliffe, 44092, with the account ending in 0278 (28121 Chardon), and for the premises at 28301 Chardon Rd, Wickliffe, 44092, with the account ending in 3151 (28301 Chardon).
3. DEO avers that Complainant established service at 28121 Chardon on November 29, 2021, and at 28301 Chardon on February 18, 2022.
4. DEO avers that for the first two billing periods for the 28301 Chardon and 28121 Chardon accounts (the Accounts), Complainant, as a new customer, was served under DEO's General Sales Service – Nonresidential Rate (GSS-NR). DEO further avers that for the first two

billing periods for the Accounts, while being served under GSS-NR, Complainant was placed on DEO's Standard Service Offer (SSO) rate and notified of that placement on its first two billing statements for the Accounts.

5. DEO avers that Complainant was notified on its first two billing statements for the Accounts that after two consecutive billing periods, Complainant would be assigned a supplier to provide service to the Accounts at the Monthly Retail Rate (MRR).

6. DEO avers that Complainant was notified on February 3 and April 4, 2022, respectively, that DTE Energy Supply had been assigned to 28121 Chardon and 28301 Chardon as the supplier.

7. DEO avers that DTE Energy Supply was listed as Complainant's MRR supplier for 28121 Chardon on its March 1, 2022 bill, and as Complainant's MRR supplier for 28301 Chardon on its April 29, 2022 bill.

8. DEP avers that Complainant's monthly supply charges for the Accounts (i.e., the cost of gas used by Complainant), after the assignment of DTE Energy Supply as Complainant's MRR supplier through the filing of the Complaint, were based on Complainant's actual usage and DTE Energy Supply's MRR rate.

9. DEO avers that a Company technician completed an initial on-site investigation for the Accounts in February 2023, in response to Complainant's high bill complaint inquiry. DEO further avers that the results of DEO's on-site investigation did not identify any issues that would have impacted DEO's meter readings.

10. DEO avers that it discussed the results of its on-site February 2023 investigation with Complainant and advised that DEO had not identified any basis for credit adjustments to the Accounts. DEO further avers that Complainant was offered and declined a payment plan.

11. DEO further avers that it also reviewed the actual usage for 28121 Chardon and 28301 Chardon from January 2020 through February 2022 and confirmed that historically usage for these addresses was typically highest during the heating months of January and February.

12. DEO avers that a Company technician completed a second on-site investigation for the Accounts in March 2023. DEO further avers that during this second on-site investigation, the Company technician tested the interior pipelines for the structure at each location and did not identify any leaks and observed several operational heaters at each location with total BTUs at or excess of one million.

13. DEO avers that after the second on-site investigation, Complainant requested that the Company proceed with testing the meters for the Accounts and was advised that a \$270.00 fee will be charged for the testing if the meter tests within a three percent margin of error.

14. DEO avers that, as of Complainant's March 30, 2023 bills, the total account balances for 28121 Chardon and 28301 Chardon are \$7,391.65 and \$12,222.96.

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

16. 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

17. 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

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

FOURTH DEFENSE

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

FIFTH DEFENSE

20. 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

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

SEVENTH DEFENSE

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

EIGHTH DEFENSE

23. 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: April 3, 2023

Respectfully submitted,

/s/ Christopher T. Kennedy

Mark A. Whitt (0067996)

Christopher T. Kennedy (0075228)

WHITT STURTEVANT LLP

The KeyBank Building, Suite 1590

88 East Broad Street

Columbus, Ohio 43215

Telephone: (614) 224-3912

whitt@whitt-sturtevant.com

kennedy@whitt-sturtevant.com

Andrew J. Campbell (0081485)

DOMINION ENERGY, INC.

88 East Broad Street, Suite 1303

Columbus, Ohio 43215

Telephone: (614) 601-1777

andrew.j.campbell@dominionenergy.com

(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 3rd day of April, 2023:

Bishop Queen, LLC
5900 Som Center Rd., Ste 12-334
Willoughby, OH 44094

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

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

4/3/2023 2:08:11 PM

in

Case No(s). 23-0193-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.