

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINTS OF

JOSHUA LEESER,
KARL CROSKEY,
PATTI HOEGLER,
JENNIFER FOUTS,
MELBA GASQUE & MONICA TATSUMI,
MELBA GASQUE,
LESLIE BAKER,
FRED MCKINNEY,
RONALD E. WRIGHT,
THERESA CHRISMAN,
GREGORY HOEGLER,
VIKTORIA & MATTHEW LEE,
JEFF BRYAN,
ROBERT & DARLENE KAIL,
SHERRIE & RAY JANZ,
JAMES CLIMES,
MICHELLE NEITZEL,
MARY KIRSOPP,
ROCKY POINT LICENSEES ASSOCIATION,

CASE NOS. 22-836-WS-CSS
22-837-WS-CSS
22-838-WS-CSS
22-839-WS-CSS
22-840-WS-CSS
22-841-WS-CSS
22-842-WS-CSS
22-843-WS-CSS
22-844-WS-CSS
22-845-WS-CSS
22-846-WS-CSS
22-847-WS-CSS
22-848-WS-CSS
22-849-WS-CSS
22-850-WS-CSS
22-851-WS-CSS
22-852-WS-CSS
22-853-WS-CSS
22-1183-WS-CSS

COMPLAINANTS,

v.

SALT FORK UTILITY COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on October 11, 2023

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider a written complaint filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice affecting or relating to any service furnished by that public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Respondent, Salt Fork Utility Company (Salt Fork), is a public utility as defined in R.C. 4905.02, and both a certified water-works company and a certified sewage disposal system as defined in R.C. 4905.03, and, as such, is subject to the Commission's jurisdiction.

{¶ 3} On September 6, 2022, 18 complaint cases, captioned above as Case Nos. 22-836-WS-CSS through 22-853-WS-CSS, were each respectively filed against Salt Fork by the various complainants named, each of whom alleges to be a "Rocky Point Owner and Occupant" at Rocky Fork Ranch.¹ Broadly summarized, each of the 18 complaints allege the same thing: each respective complainant opposed any action by Salt Fork under a plan – announced by a park manager of Travel Resorts of America (TRA) at a June 2022 Rocky Point Owners Association membership meeting – to shut off water service to the Rocky Fork Ranch, every year, weather permitting, during the period between the first day of November through approximately mid-April.

{¶ 4} On December 21, 2022, in Case No. 22-1183-WS-CSS (22-1183), an entity named Rocky Point Licensees Association filed a complaint against Salt Fork, purportedly on behalf the members of the Rocky Point Property Owners Association (RPPOA). According to the complaint, Salt Fork is owned and operated by TRA. Among other things, the complaint in 22-1183 alleges that: (1) Salt Fork has a record of negligence; and (2) TRA has arbitrarily shut off the supplying of water to RPPOA members at the Rocky Fork Ranch Resort and Campground.

¹ "Rocky Fork Ranch" appears to be a reference to an entity named Rocky Fork Ranch Resort & Campground which, according to its own website, is located at the same address as Salt Fork, namely, 74978 Broadhead Rd., Kimbolton, Ohio 43749. Rocky Fork Ranch Resort & Campground purports to be owned by an entity named Travel Resorts of America, whose corporate address is 1930 Poplar Street, Suite 21, Southern Pines, North Carolina 28387.

{¶ 5} On October 3, 2022, a written response to the complaints, signed by a person purporting to be Salt Fork's manager, was filed, in each of the respective above-captioned cases.

{¶ 6} On March 1, 2023, and July 27, 2023, the attorney examiner issued entries which found that these written responses, because they were not filed and signed by legal counsel, failed to qualify as the answer required of Salt Fork, in each respective case, under Ohio Adm.Code 4901-9-01(B). The attorney examiner directed Salt Fork to, through its counsel, file its answer and any other responsive pleading, in each respective case.

{¶ 7} On August 15, 2023, Braden Blumenstiel filed a notice of appearance as counsel and a formal answer on behalf of the Respondent in each of the aforementioned cases. In its answer, Respondent admits to some of the allegations in the complaint and denies the rest. Respondent also asserts several affirmative defenses.

{¶ 8} On October 11, 2023, Ian Mullenhour filed an appearance on behalf of the Rocky Point Licensees Association in Case No. 22-1183-WS-CSS.

{¶ 9} The attorney examiner finds that due to the similarity of issues raised in the aforementioned complaint cases, these matters should be scheduled for a joint settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 10} Accordingly, a settlement conference shall be scheduled for October 25, 2023, at 2:00 p.m. at the offices of the Commission, 180 East Broad Street, Conference Room 1247, Columbus, Ohio 43215. Visitors should register at the building lobby desk and then

proceed to the 11th floor to participate in, or attend, the settlement conference. An attorney examiner will meet the parties on the 11th floor and escort them to the appropriate conference room. The settlement conference may also be accessed by dialing (614) 721-2972 and inputting the Conference ID 502 584 980#.

{¶ 11} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference. Further, Mr. Blumenstiel and representatives of Salt Fork shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. Similarly, Mr. Mullenhour and representatives of the RPPOA shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues.

{¶ 12} If a settlement is not reached during the conference, the attorney examiner may conduct a discussion of procedural issues including discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the settlement conference be scheduled for October 25, 2023, at 2:00 p.m., as indicated in Paragraph 10. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon each party and interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jay S. Agranoff

By: Jay S. Agranoff
Attorney Examiner

JRJ/dr

**This foregoing document was electronically filed with the Public Utilities
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**Case No(s). 22-0836-WS-CSS, 22-0837-WS-CSS, 22-0838-WS-CSS, 22-0839-
WS-CSS, 22-0840-WS-CSS, 22-0841-WS-CSS, 22-0842-WS-CSS, 22-0843-WS-
CSS, 22-0844-WS-CSS, 22-0845-WS-CSS, 22-0846-WS-CSS, 22-0847-WS-CSS,
22-0848-WS-CSS, 22-0849-WS-CSS, 22-0850-WS-CSS, 22-0851-WS-CSS, 22-
0852-WS-CSS, 22-0853-WS-CSS, 22-1183-WS-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference for October 25, 2023, at 2:00 p.m. at the offices of the Commission, 180 East Broad Street, Conference Room 1247, Columbus, Ohio 43215 electronically filed by Debbie S. Ryan on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio.