

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
MARIO D. BLUE VS. THE EAST OHIO GAS
COMPANY D/B/A DOMINION ENERGY
OHIO.

CASE NO. 22-855-GA-CSS

IN THE MATTER OF THE COMPLAINT OF
MARIO D. BLUE VS. THE EAST OHIO GAS
COMPANY D/B/A DOMINION ENERGY
OHIO.

CASE NO. 22-1075-GA-CSS

ENTRY

Entered in the Journal on January 16, 2024

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

{¶ 2} The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO or Respondent) is a natural gas company and a public utility as defined in R.C. 4905.03 and R.C. 4905.02, respectively. As such, DEO is subject to the jurisdiction of this Commission.

{¶ 3} On September 8, 2022, Mario D. Blue (Complainant or Mr. Blue) filed a complaint against DEO. Assigned Case No. 22-855-GA-CSS, the complaint alleges that Respondent has discriminatorily violated Complainant's claimed right as a consumer to use credit to defer payment of an alleged debt, i.e., his bill for natural gas service. In bringing his complaint, Complainant demands that DEO must be made to grant his right to defer payment of the alleged debt and immediately restore his natural gas service.

{¶ 4} On September 28, 2022, DEO filed an answer to the complaint. Therein, Respondent acknowledges that Complainant is DEO's residential natural gas service customer, sets forth its own factual allegations, denies all allegations not specifically addressed, and sets forth several affirmative defenses. Additionally, DEO specifically

denies that it disconnected Complainant's natural gas service in a manner prohibited by any applicable statute, rule, or tariff provision; DEO further denies that it is required to defer payment for natural gas services as alleged by Complainant.

{¶ 5} On November 15, 2022, the attorney examiner issued an Entry scheduling the matter for a settlement conference to occur at the Commission's offices on December 19, 2022. By Entry issued December 2, 2022, the attorney examiner converted the settlement conference from an in-person event to a telephone conference.

{¶ 6} Meanwhile, on November 18, 2022, Complainant filed a second complaint against DEO. In this complaint, assigned Case No. 22-1075-GA-CSS, Mr. Blue states that DEO is alleging that he failed to make payments on his accounts. In support of the complaint, Mr. Blue attaches an "Affidavit of Truth" and a print-out of a payment receipt showing payment made to DEO on one account via a credit card.

{¶ 7} On December 8, 2022, DEO filed an answer to the complaint filed in Case No. 22-1075-GA-CSS. Therein, DEO admits that Complainant is a residential natural gas service customer receiving service under the account numbers referenced in the complaint, one of which is the subject of Case No. 22-855-GA-CSS. DEO further admits that Complainant submitted the payments referenced in the second complaint. Respondent submits, however, that those payments were reversed, thus leaving the balances due on account plus applicable fees for returned payments. As with the first complaint, Respondent denies any remaining or unaddressed allegations and sets forth several affirmative defenses. Similarly, DEO specifically denies that DEO either disconnected Complainant's natural gas service or applied any credits or charges to Complainant's accounts in a manner prohibited by any applicable statute, rule, or tariff provision.

{¶ 8} On February 1, 2023, DEO filed a single motion to consolidate Case Nos. 22-855-GA-CSS, 22-1075-GA-CSS, and 22-1089-GA-CSS in each referenced docket. DEO

argued that consolidation would promote productive use of the Commission's resources and allow the parties to discuss the related matters simultaneously.

{¶ 9} On February 8, 2023, Mr. Blue filed a separate objection to the motion to consolidate under Case Nos. 22-855-GA-CSS, 22-1075-GA-CSS, and 22-1089-GA-CSS in each referenced docket. Although filed separately, each document sets forth the same objections to consolidation.

{¶ 10} On February 15, 2023, DEO filed a single reply in support of its motion in each docket.

{¶ 11} On January 4, 2024, the attorney examiner issued an entry granting consolidation for Case Nos. 22-855-GA-CSS and 22-1075-GA-CSS. The attorney examiner determined that there was sufficient commonality of both parties and issues in Case Nos. 22-855-GA-CSS and 22-1075-GA-CSS to warrant consolidation and doing so will not violate any due process requirements.

{¶ 12} At this time, the attorney examiner finds that these matters should be scheduled for a 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 these matters 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.

{¶ 13} Accordingly, a settlement conference shall be scheduled for February 13, 2024, at 12:30 p.m. at the offices of the Commission, Room 1246, 180 East Broad Street, 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.

{¶ 14} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility shall investigate the issues raised in the complaints prior to the settlement conference. All parties participating in the conference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues. In addition, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaints and to facilitate settlement negotiations.

{¶ 15} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That a settlement conference be scheduled for February 13, 2024, as provided in Paragraph 13. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Isabel M. Marcelletti

By: Isabel M. Marcelletti
Attorney Examiner

PAS/dr

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

1/16/2024 9:44:34 AM

in

Case No(s). 22-0855-GA-CSS, 22-1075-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for February 13, 2024, at 12:30 p.m. at the offices of the Commission, Room 1246, 180 East Broad Street, Columbus, Ohio 43215 electronically filed by Debbie S. Ryan on behalf of Isabel M. Marcelletti, Attorney Examiner, Public Utilities Commission of Ohio.