

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 February 2, 2024

{¶ 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 Property Owners Association (RPPOA) 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 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.

{¶ 5} 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 of the members of the 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.

{¶ 6} On January 12, 2023, a written response to the complaint in 22-1183, signed by a person purporting to be Salt Fork's manager, was filed, in the case.

{¶ 7} 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.

{¶ 8} 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.

{¶ 9} On October 11, 2023, Ian Mullenhour filed an appearance on behalf of the Rocky Point Licensees Association in 22-1183.

{¶ 10} Pursuant to the Entry of October 11, 2023, the attorney examiner found that these matters should be scheduled for a joint settlement conference on October 25, 2023.

{¶ 11} A settlement conference occurred on October 25, 2023. Subsequent settlement discussions have occurred between the parties during November and December 2023.

{¶ 12} To date, the parties have not advised the Commission as to the resolution of the issues raised in these complaints. Therefore, at this time, the attorney examiner directs that by February 23, 2024, the parties file a case status report in these dockets outlining the status of ongoing settlement negotiations. The report may be filed either jointly or separately and should only contain non-confidential information. The report should address whether settlement discussions continue to be ongoing or whether these matters should now be scheduled for an evidentiary hearing.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the parties file a case status report consistent with Paragraph 12. 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

GNS/dr

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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 directing that the parties file a case status report in these dockets by February 23, 2024, outlining the status of ongoing settlement negotiations electronically filed by Debbie S. Ryan on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio.