

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Richard)
A. Shawver,)
)
 Complainant,)
)
 v.) Case No. 97-604-GA-CSS
)
 Columbia Gas of Ohio, Inc.,)
)
 Respondent.)

ENTRY

The Commission finds:

- (1) On June 3, 1997, Richard A. Shawver (Complainant) filed a complaint with the Commission against Columbia Gas of Ohio, Inc. (Columbia, Respondent). Complainant alleges that the Columbia has failed to accurately credit various of his accounts and that Respondent regularly estimates his usage rather than reading the meter.
- (2) Pursuant to Rule 4901-9-01, Ohio Administrative Code (O.A.C.), the Secretary of the Commission served a copy of the complaint on Respondent and directed Respondent to file an answer to the complaint, along with any responsive motion, with the commission and serve a copy of the answer and any motion upon the complainants on or before June 25, 1997.
- (3) The Attorney Examiner set this matter for a settlement conference to be held on July 9, 1997. The purpose of the settlement conference was to determine whether this matter could be informally resolved.
- (4) Pursuant to the Attorney Examiner's Entry, the settlement conference was held on July 9, 1997. The parties reached a tentative settlement of the issues presented by the complaint in this case at the settlement conference.
- (5) On July 15, 1997, Columbia filed a motion to dismiss this case with prejudice. In support of its motion, the Company states that Complainant and Respondent have settled the complaint which is the subject of this case.

- (6) The Commission notes that Complainant did not join in the motion to dismiss. Rule 4901-9-01 (D), O.A.C. provides that:

If the public utility complained against files an answer or motion which asserts that the complaint has been satisfied or that the case has been settled, the complainant shall file a written response within fifteen days after the service of the answer or motion, indicating whether the complainant agrees or disagrees with the utility's assertions, and whether he or she wishes to pursue the complaint. If no response is filed within the prescribed period of time, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

- (7) Respondent appended notice to its motion to dismiss that it served Complainant with a copy of the motion on July 15, 1997.
- (8) The time prescribed in Rule 4901-9-01, O.A.C. having lapsed, this Commission presumes that Complainant and Respondent have settled the complaint which is the subject of this case.
- (9) There being no issues left to consider, the Commission should grant Respondent's motion to dismiss this complaint with prejudice.
- (10) Case No. 97-604-GA-CSS should be closed as a matter of record.

It is, therefore,

ORDERED, That Respondent's July 15, 1997 motion to dismiss this matter with prejudice be granted and that this case be closed as a matter of record. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

David W. Johnson

Judith A. Jones

SJD/vrh