

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Jean Fakhoury,)	
)	
Complainant,)	
)	
v.)	Case No. 07-58-TP-CSS
)	
ezTel Network Services, LLC)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On January 22, 2007, Mr. Jean Fakhoury (Mr. Fakhoury) filed a complaint against ezTel Network Services, LLC (ezTel) alleging that he was slammed by ezTel on December 28, 2000. Mr. Fakhoury adds that he called customer service on January 5, 2001, because he could not make an international call, and in response he was "given the 700 test number and 10-10-432 and 10-10-228 to use." Mr. Fakhoury alleges that he was not informed that the 10-10-228 number was associated with AT&T and that he only learned this when AT&T billed him during January 2001. He further states that he complained about this to ezTel and was told not to call because ezTel was "going bankrupt." He closes by saying that ezTel is still charging him for calls that he feels he is not responsible for, because he was misinformed by ezTel service representatives when he called on January 5, 2001.
- (2) ezTel responded on April 3, 2007, saying that Mr. Fakhoury's allegations are incorrect. According to ezTel, Mr. Fakhoury was not slammed in December 2000. ezTel explains that Mr. Fakhoury had arranged for long distance service with a carrier named TSG and that, because of TSG's financial difficulties, TSG asked ezTel to take over the accounts of TSG customers. ezTel adds that Mr. Fakhoury was then given the choice of "long distance with our company at the same rates (including international rates) or go with another carrier."

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ezTel further states that it never was in bankruptcy and that it has had no debt forgiven by the courts, as Mr. Fakhoury alleges. ezTel adds that Mr. Fakhoury has not paid for any of his service and that it has credited Mr. Fakhoury's account \$196.45 "for items that were questionable to begin with" because he misunderstood their instructions. ezTel asserts that Mr. Fakhoury still owes \$61.01 and that he was not told to stop calling ezTel.

- (3) The attorney examiner concluded that Mr. Fakhoury had stated reasonable grounds for complaint and contacted Mr. Fakhoury on April 9, 2007 and April 11, 2007 to determine the time for a prehearing conference. On both occasions Mr. Fakhoury stated that he wanted to proceed directly to a hearing. A hearing date of June 7, 2007, was set; however, upon later agreement by both parties, the June 7, 2007, date was designated for a prehearing conference. The conference was held as scheduled, but outstanding issues were not resolved at that time.
- (4) Accordingly, this matter is rescheduled for a hearing on July 19, 2007, at 9:00 A.M. in Hearing Room 11-F, at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215. ezTel is reminded that under Rule 4901-1-08(A), Ohio Administrative Code (O.A.C.), ezTel must be represented by an attorney-at-law authorized to practice before the courts of this state, and that under Rule 4901-1-08(B), O.A.C., persons authorized to practice law in other jurisdictions may be permitted to appear before the Commission at hearing, upon motion of an attorney authorized to practice in Ohio.

It is, therefore,

ORDERED, That ezTel and Mr. Fakhoury attend the hearing as scheduled in Finding (4). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: James M. Lynn
James M. Lynn
Attorney Examiner

GRJ/ct

Entered in the Journal

JUN 18 2007

Renee J. Jenkins

Renee J. Jenkins
Secretary