

FILE

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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of  
AmTote International, Inc.

Complainant,

v.

AT&T Ohio,

Respondent.

Case No. 07-754-TP-CSS

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AT&T OHIO'S MOTION TO DISMISS

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AT&T Ohio<sup>1</sup>, by its attorney and pursuant to Ohio Admin. Code § 4901-1-12, moves to dismiss the captioned Complaint because the Complainant is not represented by an attorney-at-law licensed to practice in Ohio. This complaint case was filed by one Gary Kiehl on behalf of AmTote International, Inc. on June 27, 2007.

The Commission's procedural rules provide that corporations must be represented by an attorney-at-law. Ohio Admin. Code § 4901-1-08. The Complainant's representative is not an attorney-at-law licensed to practice in Ohio. The Ohio Supreme Court has held that the preparation, signing, and filing of documents instituting formal complaints before the Commission constitutes the practice of law. *Cleveland Bar Assn. v. Woodman*, 98 Ohio St.3d 436, 2003-Ohio-1634. The Commission has cited and relied on that precedent. *Terry Metzenbaum v. AT&T Corp.*, Case No. 03-142-TP-CSS, Entry, May 22, 2003, p. 4. The

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<sup>1</sup> The Ohio Bell Telephone Company uses the name AT&T Ohio.

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document delivered in the regular course of business.  
Technician SM Date Processed 7/17/07

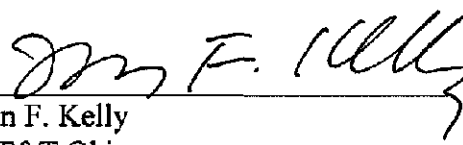
Complainant is a corporation, as evidenced by the attached documents retrieved from the website of the Secretary of State of Ohio. Those records show that AmTote International, Inc. is a Delaware corporation that is authorized to operate in Ohio as a foreign corporation. Its status is shown as "active." See attachments.

Because the Complainant has failed to engage an attorney-at-law in connection with its Complaint, the Complaint should be dismissed.

Respectfully submitted,

AT&T Ohio

By:

  
Jon F. Kelly  
AT&T Ohio  
150 E. Gay St., Room 4-A  
Columbus, Ohio 43215

(614) 223-7928

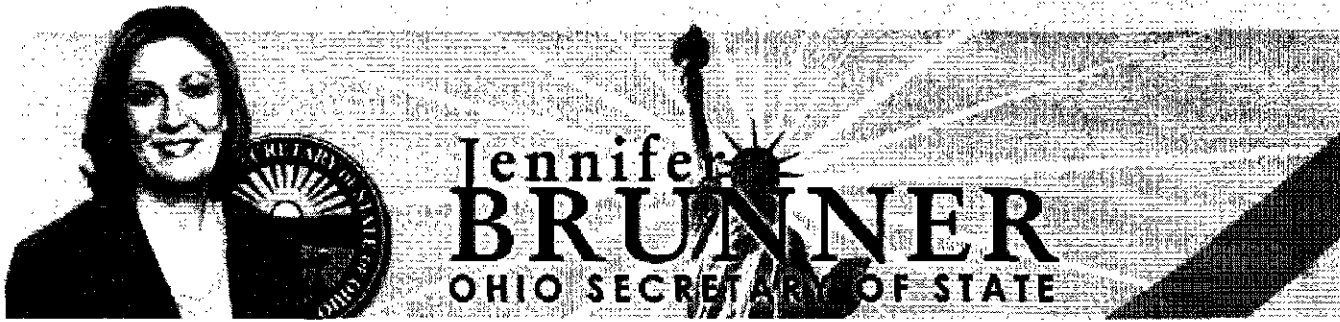
Its Attorney

**Business Information**

Total Row Count in Report - 1 Row(s) 1 - 1

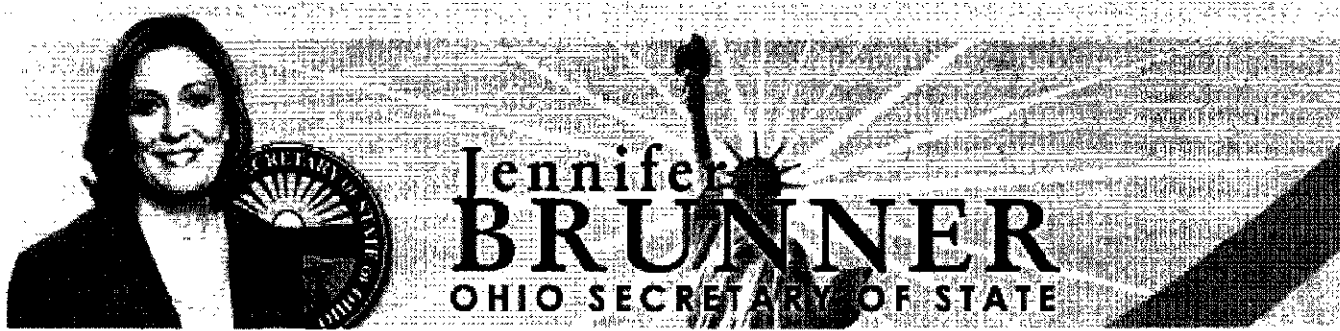
Business Name	Charter / Registration Number	Type	Original Filing Date	Status	Expiration Date	Location / County / State	Agent / Contact Info	Business Filing In
AMTOTE INTERNATIONAL, INC.	838147	Foreign Corporation	Feb 09 1993	Active		Delaware	<a href="#">Click for Details</a>	<a href="#">Click for</a>

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**Agent Contact Information**

Agent Name	Agent Address	City	State	Zip	Effective Date	Contact Status
Ct Corporation System	1300 East Ninth Street	Cleveland	Ohio	44114	12-MAR-07	Active

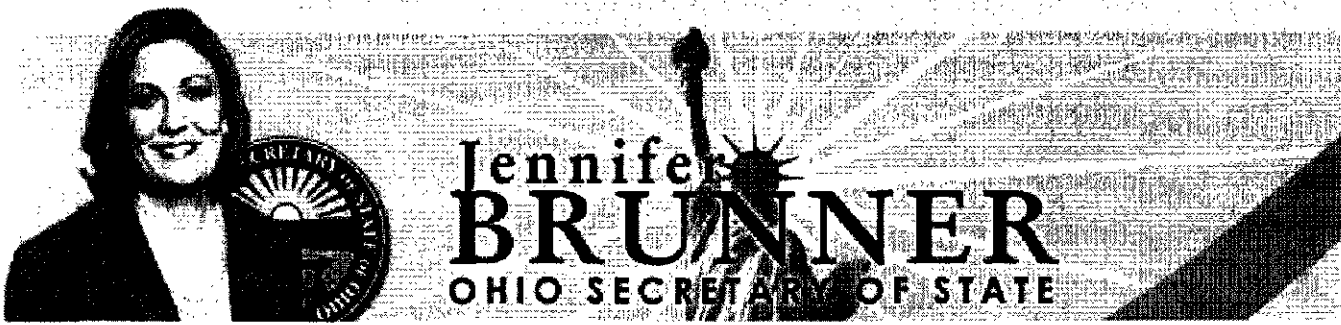
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### Business Filing Information

Business Name	Filing Type	Filing Date	Doc Id <i>Click for Image !</i>	Additional Filing Type Info
AMTOTE INTERNATIONAL, INC.	Foreign License/For-Profit	Feb 09 1993	<a href="#">H535_0037</a>	
	Form 7 No Fee Assessed	Mar 24 1994	<a href="#">4154_0019</a>	
	Form 7 Fee Assessed	Dec 15 1995	<a href="#">5385_0017</a>	
	Form 7 No Fee Assessed	Apr 01 1996	<a href="#">5647_1606</a>	Foreign/Change Of Principal Office
	Form 7 No Fee Assessed	Apr 05 1997	<a href="#">6030_1212</a>	
	Agent Name/Address Tax Update	Jan 08 1999	AGNTUPDT	
	Agent Name/Address Tax Update	Feb 01 1999	AGNTUPDT	
	Agent Name/Address Tax Update	Apr 07 1999	AGNTUPDT	
	Foreign/Agent Change Of Address	May 08 1998	<a href="#">199928000144</a>	
	Domestic Agent Subsequent Appointment	Feb 07 2003	<a href="#">200304103978</a>	
	Domestic Agent Subsequent Appointment	Mar 12 2007	<a href="#">200707401922</a>	

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## Prior Business Name Information

No row returned.

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on July 17, 2007  
by first class mail, postage prepaid, on the following party:

**AmTote International, Inc.**

Gary Kiehl  
AmTote International, Inc.  
11200 Pepper Road  
Hunt Valley, MD 21031

  
Jon F. Kelly