

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Sutherin-Melling Insurance Agency,	)	
	)	
Complainant,	)	
v.	)	Case No. 07-179-TP-CSS
	)	
XO Communications, LLC,	)	
	)	
Respondent.	)	

ENTRY

The Commission finds:

- (1) On February 22, 2007, Daniel N. Sutherin, President of Sutherin-Melling Insurance Agency (Sutherin), filed a complaint against XO Communications, LLC, (XO). Sutherin alleged, among other things, that: XO misrepresented the capabilities of its services, prior to Sutherin's switch to XO; it failed to provide reliable services, including lines installed for receipt of client faxes; and XO has consistently failed to resolve the same service problems for over three months.
- (2) On March 9, 2007, XO filed a motion to dismiss this complaint because Sutherin is not represented by an attorney licensed to practice law in the State of Ohio. In support of its motion, XO submitted that Sutherin-Melling Insurance Agency is the registered trade name of Sutherin Insurance Agency, Inc., which is an active corporation that is registered with the Ohio Secretary of State. XO argued that Mr. Daniel N. Sutherin cannot represent the Sutherin Insurance Agency, Inc., before this Commission without engaging in the unauthorized practice of law.
- (3) By entries issued March 12 and April 11, 2007, the attorney examiner scheduled this matter for a prehearing settlement conference on June 20, 2007. Sutherin subsequently requested, through a June 20, 2007 e-mail message sent to the attorney examiner and XO, that this complaint be dismissed without prejudice.

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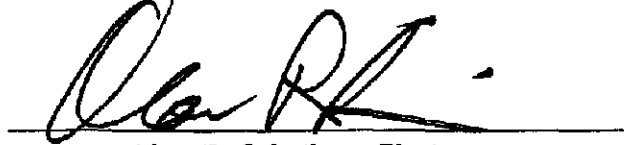

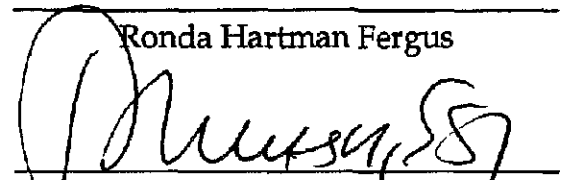
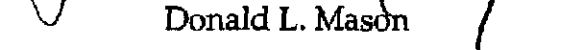
- (4) On June 22, 2007, XO filed a motion to dismiss this complaint without prejudice. XO's motion submits, among other things, that XO joins in Sutherin's request to dismiss this complaint without prejudice.
- (5) Upon the joint request of the parties, the Commission shall dismiss this complaint without prejudice.

It is, therefore,

ORDERED, That pursuant to the joint request of the parties, this complaint is dismissed without prejudice. It is, further,

ORDERED, That a copy of this entry be served upon all parties, counsel, and interested persons of record.

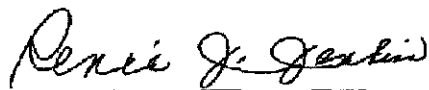
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman  
Paul A. Centolella  
Valerie A. Lemmie  
Ronda Hartman Fergus  
  
Donald L. Mason

JKS:ct

Entered in the Journal

**JUL 25 2007**

  
Renee J. Jenkins  
Secretary