

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Denise )	
Mullins, )	
)	
Complainant, )	
)	
v. )	Case No. 07-896-TP-CSS
)	
AT&T Ohio, )	
)	
Respondent. )	

ENTRY

The Commission finds:

- (1) On August 7, 2007, Denise Mullins filed a complaint alleging that in the process of fixing problems with her Internet service, AT&T Ohio recommended that she upgrade her modem. Complainant asserts that, while she did not want to incur the expense for the modem upgrade, the technician stated that the charges of \$62 for the new modem and \$60 for the installation of the modem could be credited if she contacted the company and complained.
- (2) On August 27, 2007, AT&T Ohio filed its answer to the complaint asserting that it has breached no legal duty and that its service and practices at all relevant times have been in full accordance with all applicable provisions of law and accepted standards within the telephone industry.
- (3) The complaint in this proceeding should be dismissed. In reaching this decision, the Commission recognizes the Federal Communications Commission's (FCC) determination that retail wireline, broadband Internet access service is an information service, and not a telecommunications service. *In the Matter of Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities*, CC Docket No. 02-33, Report and Order and Notice of Proposed Rulemaking, rel. September 23, 2005. Therefore, the Commission finds that Ms. Mullins complaint should be pursued at the federal level. In reaching this decision, the Commission notes that there has been no

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
 Technician SM Date Processed 10/3/07

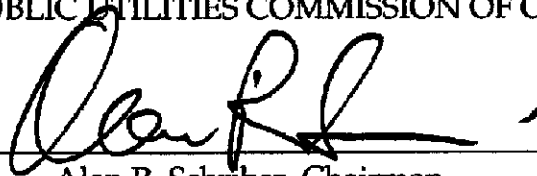
allegation raised as to a threat by AT&T Ohio to disconnect the complainant's local service as a result of this dispute.

It is, therefore,

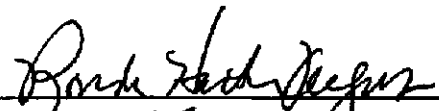
ORDERED, That the complaint should be dismissed consistent with Finding (3). It is, further,

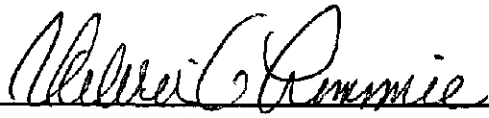
ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

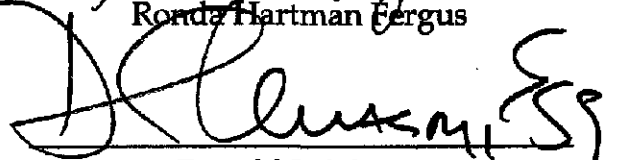
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman

  
Paul A. Centolella

  
Ronda Hartman Fergus

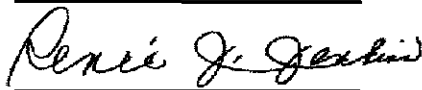
  
Valerie A. Lemmie

  
Donald L. Mason

JSA:geb

Entered in the Journal

OCT 03 2007



Renee J. Jenkins  
Secretary