

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Brennan's)
Foods,)

Complainant,)

v.)

Case No. 07-784-TP-CSS

Metropolitan Telecommunications dba)
MetTel,)

Respondent.)

ENTRY

The attorney examiner finds:

- (1) On July 5, 2007, Lisa Brennan-Green, on behalf of and as manager for Brennan's Foods (Brennan's or complainant), filed a complaint against Metropolitan Telecommunications aka MetTel (MetTel). Brennan's is a grocery store that conducts business through nine telephone lines in Lewisburg, Ohio. Pursuant to a 24-month Service Agreement, MetTel agreed to provide telephone service to Brennan's. Brennan's, however, disputes the validity of the contract for lack of a signature date. Additionally, Brennan's alleges that MetTel failed to provide service and failed to give notice of disconnection. Brennan's seeks reimbursement for lack of service and business losses.

Relating the facts that underlie its complaint, Brennan's alleges that MetTel disconnected phone service to Brennan's on Friday, April 6, 2007. MetTel restored some service four days later, but complete restoration did not occur until April 20, 2007. After MetTel restored service, Brennan's had to dial a 10-digit number for local calls. Since returning to Verizon for telephone service, Brennan states that it has returned to 7-digit dialing for local calls.

- (2) On July 5, 2007, the Docketing Division issued a copy of the complaint to MetTel. MetTel did not respond within 20 days. After ascertaining the appropriate address for the respondent, the attorney examiner directed the Docketing Division to

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reissue a copy of the complaint to MetTel. The Docketing Division reissued a copy of the complaint to MetTel on September 27, 2007.

- (3) MetTel responded to the complaint on October 15, 2007. MetTel notes that it disconnected service for nonpayment on April 6, 2007. Moreover, MetTel alleges that the complainant had a history of late, missed, and partial payments. MetTel acknowledges that Brennan's submitted a payment of \$962.32 on April 6, 2007, although the restoral order was not completed until April 10, 2007. MetTel notes that Brennan's continued to experience service problems until April 30, 2007.

To compensate Brennan's, MetTel states that it credited the complainant's account for 25 days of lost service. In addition, MetTel discovered that it had overbilled Brennan's for the period May 17, 2007, through September 7, 2007. The company states that it will credit Brennan's account.

As for the validity of the contract, MetTel argues that the Service Agreement is valid, even with the absence of the date marking the beginning of the contract. Highlighting specific language in the Service Agreement, MetTel declares that the effective date of the Service Agreement can begin on the date that MetTel activates service.


- (4) This case should be set for a prehearing conference on November 28, 2007, at 1:00 p.m. The conference shall be conducted by telephone and shall be mediated by an attorney examiner from the Commission's legal department. The purpose of the conference will be to determine whether this matter can be resolved without a formal hearing.

It is, therefore,

ORDERED, That a prehearing telephone conference is scheduled for November 28, 2007, at 1:00 p.m. 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


By: L. Douglas Jennings
Attorney Examiner

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Entered in the Journal

NOV 20 2007



Renee J. Jenkins
Secretary