

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 states that he called ezTel customer service on January 5, 2001, because he could not make an international call. He was then given dial-around numbers to use, but was never informed by ezTel that the dial-around number he ultimately used was associated with AT&T. Mr. Fakhoury asserts that ezTel is still charging him for calls for which he is not responsible.
- (2) ezTel responded on April 3, 2007, by saying that Mr. Fakhoury's allegations of slamming are incorrect. 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 TSG customer accounts. 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."
- (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

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 12/6/07

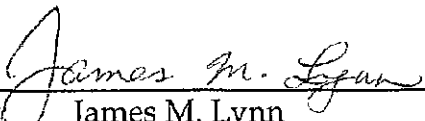
agreement by both parties, the June 7, 2007, date was designated for a prehearing conference by telephone. The conference was held as scheduled; Mr. Fakhoury called in to participate, but counsel for ezTel did not do so. Accordingly, a hearing date of July 19, 2007, was set.

- (4) Shortly before July 19, 2007, the attorney examiner contacted Mr. Fakhoury concerning the hearing. Mr. Fakhoury stated that he could not attend the hearing because had not been served with notice of the hearing date. The hearing was then cancelled by the attorney examiner and, in light of Mr. Fakhoury's request for additional time to resolve matters, rescheduled to October 18, 2007.
- (5) On October 16, 2007, the attorney examiner sent Mr. Fakhoury an electronic message reminding him of the October 18, 2007, hearing date. Also, on October 16, 2007, and on October 17, 2007, the attorney examiner attempted to contact Mr. Fakhoury by telephone to remind him of the hearing date. Mr. Fakhoury did not answer the telephone; further, the attorney examiner was unable to leave a voice message.
- (6) The attorney examiner convened the hearing on October 18, 2007, at 9:30 A.M. Neither party appeared at the October 18, 2007, hearing.
- (7) By entry issued October 30, 2007, Mr. Fakhoury was given until November 16, 2007, to contact the attorney examiner if he still desired to proceed to hearing. Mr. Fakhoury telephoned the attorney examiner several days prior to November 16, 2007, stating that he had forgotten about the October 18, 2007, hearing; after discussion, a hearing date of December 20, 2007, was set.
- (8) Accordingly, a hearing shall be conducted for this complaint on December 20, 2007, at 9:00 A.M. in Hearing Room 11-G, at the Commission offices located at 180 East Broad Street, Columbus, Ohio 43215-3793. If Mr. Fakhoury does not attend the hearing, the attorney examiner will recommend that the Commission dismiss the complaint for lack of prosecution.

It is, therefore,

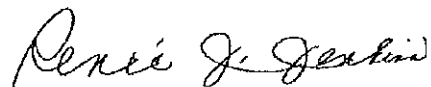
ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By James M. Lynn
Attorney Examiner

AKA
JML:ct

Entered in the Journal
DEC 06 2007


Renee J. Jenkins
Secretary