

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Milentije Miljković,)	
)	
Complainant,)	
v.)	Case No. 07-78-TP-CSS
)	
Primo Communications, Inc.,)	
)	
Respondent.)	
)	

ENTRY

The Attorney Examiner, in carrying out the authority granted by Rule 4901-1-14, Ohio Administrative Code (O.A.C.), finds:

- (1) On January 25, 2007, Mr. Milentije Miljković (complainant) filed a complaint stating that Primo Communications, Inc., (Primo or respondent) violated the law and that Primo's tariff, rates and charges were unjust and unreasonable. Mr. Miljković states that Primo improperly billed him for long distance calls and it failed to provide him with a promised \$5.00 credit for switching to Primo, as his long distance carrier. Concerning the missing credit, Mr. Miljković states that Primo subsequently advised him that he should not have been billed by AT&T (his local exchange carrier) for the switch to Primo, because Primo's carrier identification code (CIC 0444) is the same as his previous carrier NET (both of whom are resellers for Global Crossing), and, therefore, Primo would not credit his account in the amount of \$5.00. With respect to the improperly billed long distance calls, Mr. Miljković states that, on his first Primo billing statement, he was charged for five two-minute unconnected telephone calls.
- (2) On March 7, 2007, Primo filed its response generally denying the allegations of the complaint. Primo asserted that, as a courtesy, it advised Mr. Miljković in September (2006) that he could take a credit for the switching fee when he sent in his payment accompanied by a copy of his AT&T bill. Primo

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asserted that, as of March 7, 2007, Mr. Miljković has not provided a copy of that bill to Primo.

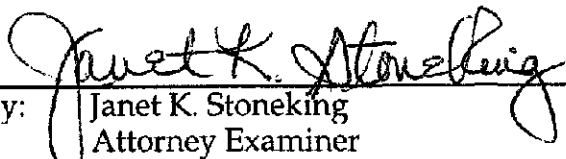
- (3) On April 5, 2007, Mr. Miljković filed a letter in this docket alleging that he had been slammed by Primo in January 2007. He provided a copy of his February 19, 2007 AT&T bill in support of his allegation. Mr. Miljković filed additional information in support of this allegation on April 25, 2007, including a copy of his American Phone Services bill to document that American Phone Services was his long distance carrier before the alleged unauthorized switch to Primo. On May 3 and August 15, 2007, Mr. Miljković filed additional information in this docket in support of his slamming complaint.
- (3) As informal attempts to resolve this matter have failed, this complaint should be scheduled for a prehearing settlement conference on Thursday, February 7, 2008, at 1:00 p.m. E.S.T. Due to the location of the parties, this settlement conference will be conducted by telephone. The parties are instructed to call 614-644-1080 (the teleconference bridge number) to participate in the settlement conference call.
- (4) The purpose of this settlement conference will be to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code, any statements made in an attempt to settle this matter, without the need for an evidentiary hearing, will not generally be admissible in future proceedings in this case or be admissible to prove liability for or invalidity of the dispute.
- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint, in accordance with *Luntz Corp. v. Pub. Util. Comm.*, 79 Ohio St. 3d 509, 513-514 (1997); and *Grossman v. Pub. Util. Comm.*, 5 Ohio St. 2d 189, 190 (1966).
- (6) The Docketing Division is directed to serve a copy of this entry upon complainant, Mr. Milentije Miljković, 20602 Lorain Rd., Apt. 4B, Fairview Park, OH 44126, and respondent, Primo Communications, Inc., Mr. Benjamin D. Ardelean, CEO, 617 Birch Tree Ct., Rochester Hills, MI 48306.

It is, therefore,

ORDERED, That this matter is scheduled for a settlement conference in accordance with Finding (3). It is, further,

ORDERED, That a copy of this entry be served upon the parties in accordance with Finding (6).

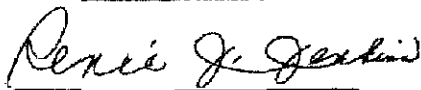
THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Janet K. Stoneking
Attorney Examiner

js/ct

Entered in the Journal

JAN 25 2003



Renee J. Jenkins
Secretary