

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Robert L.)
McKim, Sr.,)
)
Complainant,)
)
v.)
)
AT&T Ohio,)
)
Respondent.)

Case No. 07-1108-TP-CSS

ENTRY

The attorney examiner finds:

- (1) On October 10, 2007, the complainant, Robert L. McKim, Sr., filed a complaint in this case against the respondent, AT&T Ohio (AT&T). The complaint alleges that the complainant received SBC Yahoo DSL service on August 6, 2005, for which he understood he was to pay \$14.99 per month. According to the complaint, the complainant later found out that, because he is a Lifeline customer he is considered by SBC as ineligible for the DSL calling plan offered by SBC at that price. When he learned that, instead, SBC was charging him \$16.46 per month for its DSL service, he decided he no longer wanted the service. The complaint alleges that after he explained the situation to an AT&T service representative, he was given a credit on his bill of \$274.10. The complaint alleges that the respondent later "took back the credit" and "turned my account over for collections." The complaint alleges that the respondent has made misleading statements and treated the complainant in an unjustly discriminatory manner. Among other things, the complainant seeks to have the credit of \$274.10 returned to him.
- (2) On October 30, 2007, the respondent, through counsel, filed an answer to the complaint. Among other things, AT&T admits that the complainant was previously an SBC customer and a Lifeline customer. AT&T admits that Mr. McKim purchased DSL for \$14.99 but was initially billed for a node, shipping, and prorated charges and then \$16.42 per month, thereafter, for monthly service charges (including taxes and other surcharges).

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Further, AT&T alleges that it sent a notice to Mr. McKim in October 2006 that the outstanding balance on his account would be separated between local regulated services and nonregulated services and that he had 14 days to respond or the outstanding amount for the nonregulated service would be sent to outside collections. AT&T states in its answer that Mr. McKim's outstanding amount for nonregulated services was \$274.10 and was sent to outside collection. Mr. McKim's January 2006 local service bill, says AT&T, shows that this amount was removed from the local service account. It appeared as a credit to that account. However, says AT&T, the \$274.10 balance consists of unpaid charges for the DSL, Long Distance, ILD Services, and a portion of the local services that were nonregulated. AT&T adds that its bill separation process is a standard procedure taken to protect residential customers from getting their local services disconnected for nonpayment.

In its answer, AT&T denies any other allegations of the complaint not expressly admitted, avers that it has breached no legal duty owing the complainant, claims that its service and practices at all relevant times have been in accordance with all applicable law and accepted industry standards and, finally, says that the complaint fails to state reasonable grounds for proceeding to a hearing as required by Section 4905.26, Revised Code.

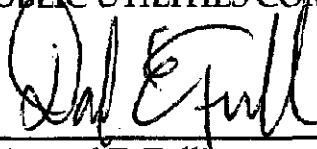
- (3) This case should be set for a prehearing settlement conference on April 18, 2008, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-B, Columbus, Ohio 43215-3793. The purpose of the settlement conference is to determine whether this matter can be resolved informally.

It is, therefore,

ORDERED, That a prehearing settlement conference be held in accordance with Finding (3). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin
Attorney Examiner

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Entered in the Journal

MAR 12 2008



Renee J. Jenkins
Secretary