

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Taylor)	
Tree and Stump Removal and Right-of-Way)	
Clearing,)	
)	
Complainant,)	
)	Case No. 08-347-TP-CSS
v.)	
)	
ValTech Communications,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On March 27, 2008, the complainant, Carol Taylor, on behalf of Taylor Tree and Stump Removal and Right-of-Way Clearing, filed a complaint in this case against the respondent, ValTech Communications (ValTech). The complaint pertains to a dispute between the parties over whether the complainant owes the respondent for what the respondent in a January 31, 2008, letter to the complainant has called "unbilled charges." According to the respondent's letter, which the complainant has attached as part of the complaint, these charges have accrued, at a rate of \$72.28 per month, since October 2005, and amount, as of the time of the letter, to a total \$1,879.29. The letter indicates that these unbilled charges have accrued over this time because, although ValTech received a pre-loss notification form that verified a pending order for the complainant's line to be dropped from ValTech as of October 25, 2005, the line was never taken out of Embarq's switch and ValTech has been paying local charges on this line to Embarq ever since that date.

The complainant claims it has paid all of its invoices on time, and does not feel responsible for the charges in question because it is not liable for something that was not its mistake. The complaint describes efforts and offers that complainant has made in order to avoid service disconnection and to avoid the trouble it nonetheless

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has experienced in trying to change service providers, in getting ValTech to release its numbers.

- (2) Rule 4901-1-9(B)(3), Ohio Administrative Code (O.A.C.) provides, in pertinent part, that upon receipt of a complaint, the Commission's Docketing Department shall serve a copy of the complaint upon the public utility complained against, together with instructions to file an answer with the Commission. The rule also provides that such answer shall be filed with the Commission within twenty days after the mailing of the complaint or such other period of time as directed by the Commission or, among others acting on the Commission's behalf, the attorney examiner.

The docket card in this case reflects that the Commission's Docketing Department mailed a copy of the complaint to the respondent on the same day the complaint was filed, namely on March 27, 2008. Nevertheless, the record reflects that to date, the respondent has not filed a timely answer under Rule 4901-1-9(B)(3), O.A.C. The attorney examiner directs the respondent, ValTech, to file its answer with the Commission, and serve a copy of it upon the complainant, in accordance with Rule 4901-1-05, O.A.C., within twenty days of this entry, i.e., by June 12, 2008.

- (3) Rule 4901:1-5-17(J)(3), O.A.C., provides, in pertinent part, that local service may not be refused or disconnected to any applicant or subscriber for failure to pay any amount which is in bona fide dispute. Based on this rule provision, the attorney examiner directs the respondent to immediately cease and desist, pending the outcome of this complaint case, in any efforts at collecting from the complainant the charges that are in dispute in this case, namely the alleged charges, dating back to October 28, 2005, that have allegedly accrued at \$72.28 per month, relating to the change-of-service order initiated on that date. The respondent is also directed to immediately cease and desist, pending the outcome of this complaint case, in any efforts at refusing or terminating the complainant's service based upon those same charges.
- (4) This case should be set for a prehearing settlement conference on June 25, 2008, at 10:00 a.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 ValTech file its answer with the Commission, and serve a copy of it upon the complainant, in accordance with Rule 4901-1-05, O.A.C., within twenty days of this entry, i.e., by June 12, 2008. It is, further,

ORDERED, That ValTech immediately cease and desist, pending the outcome of this complaint case, in any efforts at collecting from the complainant the charges that are in dispute in this case, namely the alleged charges, dating back to October 28, 2005, that have allegedly accrued at \$72.28 per month, relating to the change-of-service order initiated on that date, and also immediately cease and desist, pending the outcome of this complaint case, in any efforts at refusing or terminating the complainant's service based upon those same charges. It is, further,

ORDERED, That a prehearing settlement conference be held in accordance with Finding (4). 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

MAY 22 2008



Renee J. Jenkins
Secretary