

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Allan	)	
Lewicki,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 08-235-TP-CSS
	)	
AT&T Ohio,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On March 10, 2008, as supplemented on March 24, 2008, Allan L. Lewicki (Mr. Lewicki or complainant) filed a complaint against AT&T Ohio (AT&T). The complaint consists of three counts. In the first count, Mr. Lewicki alleges that AT&T charged him business rates for residential service. In the second count, Mr. Lewicki complains that AT&T undertook several attempts to collect a bill that Mr. Lewicki had paid. In the third count, Mr. Lewicki documents his efforts and AT&T's alleged errors in establishing and billing for Internet service.
- (2) In his first count, Mr. Lewicki explains that he had a business listing in the Yellow Pages. In November 2004, Mr. Lewicki terminated his business listing by providing written notice to SBC Yellow Pages. He requested that his business telephone number be converted to a residential account. For the period November 2004 to April 2007, when he arranged for a new unlisted number, Mr. Lewicki claims that AT&T charged him a business rate for the period.
- (3) In count two, Mr. Lewicki alleges that he received and paid a final bill from AT&T in May 2007. As proof of payment, Mr. Lewicki attached a copy of the canceled check. Nevertheless, he states that AT&T sought to collect payment through a collection agency. Mr. Lewicki reports that collection efforts persisted notwithstanding assurances from AT&T's customer service personnel that collection efforts would cease.

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 Amr Date Processed 7/7/08

- (4) Mr. Lewicki's third count highlights AT&T's errors in setting up dial-up Internet service. Mr. Lewicki alleges that AT&T informed him that he would receive a software package within five business days. He needed the software package to activate the service. Mr. Lewicki states that he never received the package.

To set up the account, Mr. Lewicki alleges that AT&T required a credit card. Although Mr. Lewicki released his credit card information, he states that he informed AT&T that he did not want automatic deductions from his credit card account. By letter, AT&T informed him that he had been approved for automatic deductions from his credit card account. Irritated by AT&T's failure to follow his instructions and failure to deliver the software package, Mr. Lewicki called AT&T to cancel his Internet service.

In Mr. Lewicki's next bill, he received a charge for high speed DSL. Notwithstanding his request to cancel Internet service, AT&T continued to issue telephone bills with charges for DSL. With the assistance of the Better Business Bureau, Mr. Lewicki was able to terminate AT&T Internet service. After receiving and paying the final bill, Mr. Lewicki states that AT&T continued to submit bills for payment and has continued its collection efforts.

On December 19, 2007, Mr. Lewicki states that he received an order confirmation for 900/976 call blocking service. From this, he suspected that AT&T charged him for a service that he did not order.

- (5) AT&T filed an answer to the complaint on March 31, 2008. In its answer, AT&T explains that it provided residential and business telephone service to the complainant on two separate accounts. AT&T alleges that the complainant has discontinued both services and has outstanding final bills on both accounts. Insofar as charges, AT&T claims that its charges are proper and that at no time did it charge business rates for residential service.

AT&T points out that the Commission does not have jurisdiction over Internet service or the billing associated with Internet service. Nor, claims AT&T, does the Commission have

jurisdiction over Yellow Pages advertising and billing. AT&T also notes that the Commission does not have jurisdiction to award damages, as requested by the complainant.

In its answer, AT&T denies that it billed the complainant for 900/976 call blocking.


- (6) The attorney examiner shall schedule this matter for a mediated settlement conference. The conference shall take place on Wednesday, July 9, 2008, at 10:00 a.m., in Hearing Room 11-B at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. The purpose of the conference will be to determine whether this matter can be resolved informally. The parties should bring with them any relevant documents.


It is, therefore,

ORDERED, That a prehearing settlement conference be held on July 9, 2008, at 10:00 a.m. in Hearing Room 11-B at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That copies of this entry be served upon the parties, counsel, and all interested persons of record.

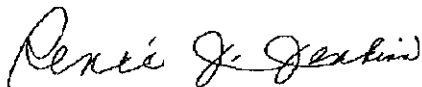
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: L. Douglas Jennings  
Attorney Examiner

  
/vrm

Entered in the Journal

JUL 03 2008



Renee J. Jenkins  
Secretary