

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Barbara	)	
E. Garstka,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 08-1128-TP-CSS
	)	
AT&T Ohio,	)	
	)	
Respondent.	)	

ENTRY

The Commission finds:

- (1) On September 25, 2008, Barbara E. Garstka (Ms. Garstka or complainant) filed a complaint against AT&T Ohio (AT&T). In the complaint, Ms. Garstka refers to problems that relate, in whole or in part, to her digital subscriber line (DSL) service. She alleges that her service was unavailable for three weeks and that AT&T owes her a credit for \$100.
- (2) On October 15, 2008, AT&T filed an answer to the complaint. In its answer, AT&T alleged that the complainant is not the person responsible on the account. Although AT&T admitted that it provides certain services on the account, AT&T contends that the Commission lacks jurisdiction over DSL, Internet service, and billing for such services. AT&T denied that there was a three-week service outage or that it offered a \$100 credit on the account in question.
- (3) By entry issued November 17, 2008, the attorney examiner requested that the complainant provide a clear, concise statement of the facts underlying the complaint. To determine whether reasonable grounds exist and whether the Commission has jurisdiction, the attorney examiner requested that the complainant provide by December 2, 2008, a description of the service or services at issue. The complainant did not respond.

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- (4) By entry issued December 29, 2008, the attorney examiner again requested that the complainant provide a more definite statement of the facts underlying the complaint. The attorney examiner advised the complainant that if she did not respond by January 13, 2009, he would recommend that the complaint be dismissed. To date, the complainant has not provided a statement. Nor has the complainant offered any reasons for failing to abide by the December 29, 2008, entry.
- (5) The complaint, as it stands, does not state reasonable grounds for complaint. The attorney examiner has granted the complainant two opportunities to clarify the facts of the complaint. Taking into account the lack of clarity in the complaint, the attorney examiner's recommendation that the complaint be dismissed, and the complainant's failure to respond to the attorney examiner's entries requesting a more definite statement, we find it appropriate to dismiss the complaint without prejudice.

It is, therefore,

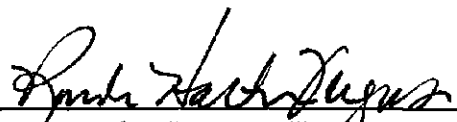
ORDERED, That the complaint be dismissed without prejudice. It is, further,

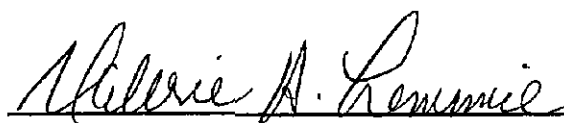
ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman

  
Paul A. Centolella

  
Ronda Hartman Fergus

  
Valerie A. Lemmie

  
Cheryl L. Roberto

LDJ/vrm

Entered in the Journal

FEB 11 2009



Renee J. Jenkins  
Secretary