

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Optimum)	
System Products,)	
)	
Complainant,)	
)	
v.)	Case No. 08-1066-TP-CSS
)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 8, 2008, Optimum System Products (Optimum) filed a complaint against AT&T Ohio (AT&T). In the complaint, Optimum states that it entered into a two-year agreement for services from AT&T on August 5, 2005. Optimum agreed to pay the sum of \$262 each month until the expiration of the contract in August 2007.
- (2) In August 2007, AT&T issued an invoice to Optimum for the sum of \$10,309.54. The sum reflects a contract cancellation fee. Optimum posits that an unknown third party terminated the contract prior to the expiration of the term. Optimum's position is that it did not cancel the contract and is only obligated under the contract for the months of July and August 2007.
- (3) On September 29, 2008, AT&T filed an answer to the complaint. For its answer, AT&T states that Optimum entered into a contract with AT&T for DS-1 service in 2003. According to AT&T, Optimum terminated the contract prior to the contract's expiration date. In response, AT&T alleges that it billed Optimum for termination liability charges totaling \$10,309.54, in accordance with AT&T's guidebook.
- (4) The attorney examiner shall schedule this matter for a mediated settlement conference. The conference shall take


place on Thursday, August 27, 2009, 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 August 27, 2009, 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

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Entered in the Journal
JUN 19 2009



Renee J. Jenkins
Secretary