

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Milentije)	
Miljkovic,)	
)	
Complainant,)	
)	
v.)	Case No. 09-26-TP-CSS
)	
Network Enhanced Technologies, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On January 13, 2009, Milentije Miljkovic (complainant) filed a complaint against Network Enhanced Technologies, Inc. (NET or company) alleging that NET failed to send him a refund for a cancelled telecommunications service.
- (2) Pursuant to Rule 4901-9-01(B), Ohio Administrative Code (O.A.C.), a copy of the complaint was mailed to NET on January 14, 2009, directing NET to file its answer and any other responsive pleading within 20 days of the service of the complaint.
- (3) By entry dated June 17, 2009, NET was directed to file its answer and any other responsive pleading in this matter no later than July 7, 2009.
- (4) On June 25, 2009, NET's operation manager filed a letter stating, in part, that the complainant had not supplied valid credit card information for a refund. Further, the company issued a refund check to the complainant for \$10.53.
- (5) On July 24, 2009, the complainant filed a letter stating that he has not received a written response to his complaint from NET. Attached to the complainant's letter was a copy of an e-mail, from NET to a Commission e-mail address, stating that NET had refunded \$9.47 to the complainant's credit card on October 30, 2008.

- (6) Rule 4901-9-01(B), O.A.C., requires that a complaint clearly explain the facts which constitute the basis of the complaint. At present, the complaint in this case does not comply with the rule. The complaint states that NET did not send the complainant a refund. However, subsequent filings in this docket indicate that the company did attempt to return a refund to the complainant. Further, the reason given in the complaint for canceling service with NET and for requesting a refund is that "the NET telephone service was dreadfully bad." The complaint contains no further factual allegations that would lead to a finding that NET has engaged in improper or unlawful actions.
- (7) Within 20 days after the date of this entry, the complainant should amend his pleading and provide a more definite statement of the facts that lead him to file his original complaint.
- (8) Rule 4901-1-08(A), O.A.C., provides in part, that each party not appearing *in propria persona* shall be represented by an attorney at law authorized to practice before the courts of this state. NET, therefore, must be represented in this matter by an attorney authorized to practice in this state.
- (9) To date, NET has not filed a formal answer to the complaint. Accordingly, NET should obtain counsel and file a proper answer within 20 days after the complainant files a more definite statement of his complaint.

It is, therefore,

ORDERED, That, in accordance with Finding (7), the complainant file a more definite statement of his complaint on or before November 5, 2009. It is, further,

ORDERED, That NET obtain counsel and file an answer in accordance with Findings (8) and (9). It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

grg
/ct

Entered in the Journal

OCT 16 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary