

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of E. Marie)	
Lewis,)	
)	
Complainant,)	
)	
v.)	Case No. 08-334-TP-CSS
)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On March 26, 2008, E. Marie Lewis (Complainant) filed a complaint against AT&T Ohio (AT&T) alleging improper billing for calls to information (411 calls), even though she has provided AT&T with a doctor's statement indicating that she is blind. According to Ms. Lewis, her blindness exempts her from being billed for 411 calls, and for many years she made many such calls at no charge, but more recently she has been billed for 411 calls "on a regular monthly basis." In support of her allegation, Ms. Lewis attached a copy of a recent "application for exemption for operator assistance charges" form, which was completed by her doctor and provided to AT&T in March 2008, and a copy of the first page of her February 16, 2008, AT&T bill.
- (2) AT&T filed an answer on April 16, 2008. AT&T admits that Ms. Lewis is registered with AT&T as a blind customer who is entitled to an exemption from local directory assistance charges, in accordance with AT&T's tariff. AT&T adds that the exemption for local directory assistance charges does not apply to national directory assistance or business category search, which are two other directory assistance offerings that it provides. The tariffed rates for national directory assistance and business category search are \$1.99 per listing request. In AT&T's opinion, Ms. Lewis was properly charged for national directory assistance calls that she placed.

AT&T acknowledges that, under Rule 4901:1-5-03(B), Ohio Administrative Code (O.A.C.), it must offer either a printed directory that includes all published telephone numbers within the incumbent local exchange company's (ILEC's) local calling area or free directory assistance for all published telephone numbers in that same area. AT&T asserts that it complies with Rule 4901:1-5-03(B), O.A.C., through the distribution of printed directories. AT&T adds that there is no legal obligation that it must provide free directory assistance for the blind, and explains that it does so pursuant to its tariff for local telephone numbers.¹

In sum, states AT&T, it has breached no legal duty to Ms. Lewis, so it is appropriate to dismiss the complaint.

- (3) By entry issued on July 9, 2009, a prehearing conference was scheduled for July 21, 2009. The parties participated in the conference and continued to discuss the matter in subsequent weeks.
- (4) On October 26, 2009, Ms. Lewis filed a letter indicating that she seeks dismissal of the complaint without prejudice.
- (5) The Commission finds that Ms. Lewis' request to dismiss the complaint, without prejudice, is reasonable and should be granted.

It is, therefore,

ORDERED, That Ms. Lewis' request to dismiss the complaint, without prejudice, is granted. It is, further,

¹ See, AT&T Tariff, titled "The Ohio Bell Telephone Company" P.U.C.O. No. 20, Part 11, Section 2.

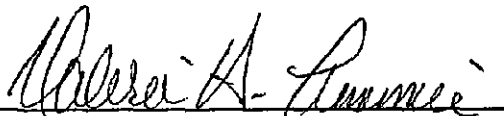
ORDERED, That a copy of this Entry be served upon all parties of record.

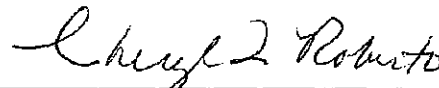
THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

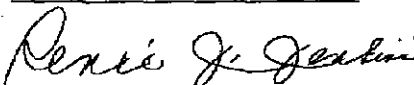

Valerie A. Lemmie


Cheryl L. Roberto

JML:ct

Entered in the Journal

NOV 04 2009


Renee J. Jenkins
Secretary