

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

|  |   |                        |
|--|---|------------------------|
| In the Matter of the Complaint of Mary | ) |                        |
| Bajus,                                 | ) |                        |
|  | ) |                        |
| Complainant,                           | ) |                        |
|  | ) |                        |
| v.                                     | ) | Case No. 09-603-TP-CSS |
|  | ) |                        |
| AT&T Ohio,                             | ) |                        |
|  | ) |                        |
| Respondent.                            | ) |                        |

ENTRY

The attorney examiner finds:

- (1) On July 20, 2009, Ms. Mary Bajus (complainant) filed a complaint against AT&T Ohio (AT&T) alleging that AT&T committed errors and omissions with respect to her Yellow Pages listing and an intercept message for a discontinued telephone number. Ms. Bajus states that she wanted to discontinue her landline business telephone number and use, instead, her cellular telephone as her business telephone. To ensure that her business would be listed, Ms. Bajus alleges that she followed AT&T's recommendation that she continue the publication of her landline business telephone number in the 2008 Yellow Pages Directory. Because Ms. Bajus discontinued her landline, she alleges that she arranged a one-year intercept message that would refer callers to her new business number.

In the Spring of 2008, Ms. Bajus states that she discovered that her landline business telephone number was not listed in the 2008 Yellow Pages Directory and that there was no intercept message. Without a directory listing or intercept message, Ms. Bajus complains that clients, colleagues, and others have no means of contacting her. This, in turn, affects her livelihood as a practicing psychotherapist. For her, Yellow Pages advertising is a major source of referrals and community connection. For relief, Ms. Bajus demands compensation for financial loss, loss of professional visibility, and the emotional impact that she has

suffered because of the alleged disrespectful and rude behavior on the part of AT&T representatives.

- (2) AT&T filed an answer to the complaint on August 10, 2009. AT&T alleges that the Commission has no jurisdiction over Yellow Pages Directory listings. In addition, AT&T asserts that the Commission has no authority to award the damages sought by the complainant. Overall, AT&T concludes that the complainant has failed to set forth reasonable grounds for complaint pursuant to Section 4905.26, Revised Code.
- (3) When the complaint was filed, AT&T provided in its tariff Intercept Referral Extension Service. Intercept Referral Extension Service is a service provided to business customers for the purpose of notifying calling parties about changes in the status of the business customer's access line when the access line has been called.
- (4) Upon review of the pleadings and the provisions for Intercept Referral Extension Service, the attorney examiner concludes that it would be beneficial to conduct a prehearing conference. Accordingly, a prehearing conference shall be scheduled for January 13, 2010, at 10:00 a.m. in Room 1246 at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3798. The purpose of the prehearing conference will be to attempt to resolve all issues without the need for a formal hearing.

In accordance with Rule 4901-1-26, Ohio Administrative Code, any statements made in an attempt to settle this matter will generally not be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement discussion. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

It is, therefore,

ORDERED, That a prehearing conference is scheduled for January 13, 2010, at 10:00 a.m. in Room 1246 at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3798. 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

  
By: L. Douglas Jennings  
Attorney Examiner

  
/vrm

Entered in the Journal

**DEC 03 2009**



Renee J. Jenkins  
Secretary