BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Mark Drake,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 10-411-TP-CSS
	)	
AT&T Ohio,	)	
	)	
Respondent.	)	

AT&T OHIO'S ANSWER

AT&T Ohio[1], for its Answer to the Complaint filed against it, states as follows:

1. AT&T Ohio provides certain services to the Complainant.

2. Based on the informal complaint which preceded it, as reflected in the attachment, the service to which the Complaint relates is digital subscriber line ("DSL") service, which is an interstate information service that is subject to the exclusive jurisdiction of the Federal Communications Commission. Billing issues related to DSL service are likewise exclusively interstate in nature. Neither the service nor the billing issues are subject to this Commission's jurisdiction.

[1] The Ohio Bell Telephone Company is a public utility in Ohio and provides certain Commission-regulated services and other non-regulated services. The Complainant used the name "AT&T Phone Service" in his complaint. The Ohio Bell Telephone Company uses the name AT&T Ohio, which is used in this Answer.

3. To the extent the Complaint relates to regulated telephone services, AT&T Ohio avers that all such services have been provided in accordance with applicable industry standards and that the billing for such services has been and is correct.

4. AT&T Ohio denies any allegation of the Complaint not specifically admitted.

5. AT&T Ohio avers that it has breached no legal duty owed to the Complainant and that its service and practices at all relevant times have been in full accordance with all applicable provisions of law and accepted standards within the telephone industry.

6. AT&T Ohio avers that the Complaint fails to state "reasonable grounds," as required by Ohio Revised Code § 4905.26.

WHEREFORE, having fully answered, Respondent AT&T Ohio respectfully prays that this Complaint be dismissed.

Respectfully submitted,

AT&T Ohio

By: /s/ Jon F. Kelly

Jon F. Kelly
AT&T Services, Inc.
150 E. Gay St., Room 4-A
Columbus, Ohio 43215

(614) 223-7928

Its Attorney

10-411.answer

Appeal Email

Date Sent: 3/9/2010

From: Carey Wade [cw2534@att.com]

To: ContactThePUCO@puc.state.oh.us

Subject: AT&T Response For Mark Drake / MDRA062209X0

Subject: Mark Drake

Customer had DSL Express (25.00). The customer also had Complete Choice (30.00), Unlimited Nationwide 5 Cent (5.00), and Lifeline (12.42cr).

11/10/09, the customer's DSL was downgraded to Basic (19.95 - 5.00cr x 12mos).

12/11/09, the customer's DSL was upgraded back to Express (25.00 - 5.00cr x 12mos).

1/4/10 statement totaled 86.30 (47.00 past due + 39.30 current charges). The current charges consisted of monthly phone charges totaling 34.10 and DSL charges totaling 5.20 (24.25cr Express 11/10-12/8, 14.50 Basic 11/10-12/8, & 14.95 Basic 12/9-1/8).

1/8/10, a payment of 47.00 posted.

2/4/10 statement totaled 98.15 (39.30 past due + 58.85 current charges). The current charges consisted of monthly phone charges totaling 34.10 and DSL charges totaling 24.75 (14.05cr Basic 12/11-1/8, 18.80 Express 12/11-1/8, & 20.00 Express 1/9-2/8).

2/16/10, a credit of 1.00 was applied to the account.

2/17/10, the long distance was removed.

2/19/10, a payment of 34.10 posted, reducing the account balance to 63.05.

(The customer has a history of asking for changes to be made to his service, then calling back in for credit stating he never requested the change. Once we change the service back to the way they were, then he calls back again making the same previous request, etc... He has done this several times with his long distance and is now doing it with the DSL.)

3/8/10. I spent almost 2 hours on the phone explaining the billing and confirmed it is correct. The customer claims he never requested any changes to his DSL service; yet, he claims his rate should be 14.95. He also said he wants the same services he previously had.

The customer seemed very confused, but I think he was wanting the Express speed at the Basic price with the 5.00 discount.

I explained if he wants the same DSL service/speed he previously had, then he will have Express but it is not 14.95. I advised if he wants the 14.95 rate, then his DSL speed will be lower than what he previously had. The customer decided he would rather pay less, than have a faster speed.

I advised no credits are warranted, but agreed to have his DSL downgraded again back to Basic. Also, I changed the customer from the grandfathered Complete Choice package to our current Complete Choice Enhanced package (26.00).

I advised the customer to pay 63.05 and the phone rate after changes made today will be approximately 25.10 going forward.

3/9/10, I called the customer and left a detailed message explaining our position remains the same. I confirmed his DSL was downgraded and the Complete Choice package was updated. I also confirmed the past due balance of 63.05 is correct and provided my contact information.

Certificate of Service

I hereby certify that a copy of the foregoing has been served this 19th day of April, 2010 by first class mail, postage prepaid, on the party shown below.

/s/ Jon F. Kelly
Jon F. Kelly

Mark Drake, Complainant

Mark Drake
1307 Springfield St.
Dayton, OH 45403

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This foregoing document was electronically filed with the Public Utilities

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4/19/2010 8:26:55 AM

in

Case No(s). 10-0411-TP-CSS

Summary: Answer electronically filed by Jon F Kelly on behalf of AT&T Ohio