

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Paul)	
Miracle dba Chef's Touch Catering and)	
Linden House Banquet Center,)	
)	
Complainant,)	
)	
v.)	Case No. 09-1024-TP-CSS
)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On October 30, 2009, Paul Miracle dba Chef's Touch Catering and Linden House Banquet Center (Chef's Touch or complainant) filed a complaint against AT&T Ohio (AT&T). Chef's Touch disputed AT&T's billing for services and alleged that AT&T failed to publish its listing in the Middletown, Ohio Yellow Pages.
- (2) On December 16, 2009, the attorney examiner scheduled this matter for a settlement conference to occur on January 13, 2010. By letter filed January 12, 2010, counsel for the complainant requested a continuation of the settlement conference. AT&T consented. The attorney examiner granted the request and rescheduled the January 13, 2010, for February 2, 2010.
- (3) On January 26, 2010, AT&T filed a motion to dismiss that portion of the complaint relating to Yellow Pages advertising. AT&T argued that the Commission does not have subject matter jurisdiction over Yellow Pages advertising.
- (4) On January 29, 2010, counsel for the complainant notified the attorney examiner by e-mail that the complainant wished to dismiss the complaint without prejudice. Counsel, therefore, requested that the prehearing conference scheduled for February 2, 2010, be canceled.

- (5) To date, Chef's Touch has not filed a motion to dismiss. To determine whether this case will proceed to hearing or not, the complainant should notify the attorney examiner in writing by June 22, 2010, whether it wishes to proceed with the complaint. If the complainant does not respond by June 22, 2010, the attorney examiner will recommend that this case be dismissed for lack of prosecution.

It is, therefore,

ORDERED, That the complainant notify the attorney examiner in writing by June 22, 2010, whether it wishes to proceed with the complaint. It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

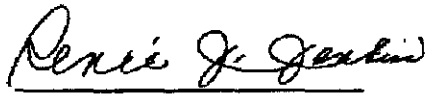
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: L. Douglas Jennings
Attorney Examiner


gsf/vrm

Entered in the Journal

JUN 02 2010


Renee J. Jenkins

Renee J. Jenkins
Secretary