

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Hi TecMetal Group, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 09-377-TP-CSS
)	
A&T Ohio,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On May 1, 2009, Hi TecMetal Group, Inc., (Hi TecMetal) filed a complaint against AT&T Ohio (AT&T), stating that in January 2008 it had ordered three services from AT&T and that it has had "nothing but trouble with these new services" since that time. Hi TecMetal added that it had, unsuccessfully, attempted informal complaints to remedy the situation. Hi TecMetal concluded with a request to be released from its AT&T contract with no penalty, and with no money owed for the three services that it had ordered.
- (2) AT&T filed its answer on May 18, 2009. AT&T admitted that it provides service to Hi TecMetal and that Hi TecMetal placed an order for new services that were installed. AT&T denied that the new services did not work and asserted that Hi TecMetal did not take "the steps to test and turn-up the services at its locations." AT&T adds that it attempted to address Hi TecMetal's concerns and was willing to work toward resolution, but Hi TecMetal "abandoned those efforts." AT&T also noted that there are "substantial amounts" past due on Hi TecMetal's account.
- (3) The attorney examiner issued an entry on June 12, 2009, scheduling a July 27, 2009, prehearing conference. The parties met on July 27, 2009, and continued discussions and attempts to settle matters for several months thereafter. However, in May 2010 Hi TecMetal contacted the attorney examiner to report that the service problems are not fully resolved.


- (4) The parties participated in a second prehearing conference on June 18, 2010. At the close of the conference, Hi TecMetal indicated that it would continue the conference in the near future and would contact the attorney examiner with proposed conference dates. The attorney examiner heard nothing further from Hi TecMetal, despite leaving several telephone messages.
- (5) On October 7, 2010, AT&T filed a motion to dismiss the complaint. AT&T contends that, as a result of the two prehearing conferences, it developed and implemented an action plan to address Hi TecMetal's complaints. AT&T adds that it has worked in good faith to resolve all issues and that it believes such issues have been resolved. AT&T closes by stating that Hi TecMetal will not return AT&T's telephone calls and has not initiated any calls to AT&T's sales team to report any new issues.
- (6) Pursuant to Rule 4901-9-01(F), Ohio Administrative Code (O.A.C.), a complainant has twenty days to file a written response, agreeing or disagreeing with AT&T's written assertion that the complaint has been resolved, and indicating whether the complainant wishes to pursue the complaint. If no response is filed, the Commission may presume that satisfaction has occurred and may dismiss the complaint.
- (7) Hi TecMetal did not respond to AT&T's motion to dismiss by October 27, 2010, or at any subsequent time to date. Accordingly, the complaint is presumed to be satisfied and will be dismissed.

It is, therefore,

ORDERED, That Case No. 09-377-TP-CSS be dismissed. It is, further,

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



Valerie A. Lemmie



Steven D. Lesser



Cheryl L. Roberto

JML/dah

Entered in the Journal

~~NOV 22 2010~~



Renee J. Jenkins
Secretary