

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Terry Sky Glendening,)	
)	
Complainant,)	
)	
v.)	Case No. 12-1968-TP-CSS
)	
Cincinnati Bell Telephone Company LLC,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 2, 2012, Terry Sky Glendening (complainant) filed a complaint against Cincinnati Bell Telephone Company LLC (CBT). Briefly summarized, the underlying premise for the whole complaint revolves around the complainant's allegations that: (a) CBT scheduled, but then failed to show up for a service appointment with her, causing her to "sacrifice" \$800.00 in income; and (b) actions taken by CBT's service technician prior to the scheduled service appointment, including the installation of a new NID on the company's side of the old NID's point of demarcation, resulted in a complete loss of her service, which, she claims, has remained an unresolved issue ever since. Based on these underlying allegations, the complainant goes on to assert that the company has allegedly, among other things: (a) violated certain statutes; (b) engaged in unfair or deceptive trade practices; (c) charged her for services never received and for repairs never made; (d) failed to provide her credits; (e) denied her written request for service termination; (f) disconnected her service without proper notice; and (g) continued to assess monthly charges wrongfully, even after service was disconnected. The complainant seeks, among other things: (a) to have a third-party, at CBT's expense, both perform inspections and make any necessary repairs; (b) to have charges removed from her billing history; (c) to be refunded amounts she believes she is entitled to; (d) to have CBT pay reparations for damages she has incurred; and (e) to have the Commission hold CBT

accountable for any of its actions that the Commission finds to be unacceptable.

- (2) On July 23, 2012, CBT filed both its answer and a motion to dismiss the complaint. CBT admits that, prior to the scheduled service appointment, it attempted to make repairs by, among other things, installing a new NID. CBT also acknowledges its responsibility to put the complainant's line in working order up to the original NID, but asserts that the complainant has unreasonably refused to allow the company inside access to diagnose the problem with her service and to make any necessary repairs. Among other things, CBT: (a) denies that the complainant is entitled to have a third-party perform any inspections or make any repairs; (b) denies that it has violated any statute or Commission rule; (c) denies that it has charged the complainant for any repairs; (d) asserts that it has issued a credit for all charges as of the date on which the complainant first claimed a loss of dial tone; (e) denies that it owes the complainant any compensation beyond the credit that has already been granted; (f) asserts that the complainant's service was properly terminated and, also, that she has not requested that it be restored; and (g) asserts both that there is no need for a hearing on any issue raised by the complainant, and also, that the complaint fails to state reasonable grounds for complaint.
- (3) The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for August 14, 2012, at 10:00 a.m., in Conference Room 1246 , in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

- (5) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That a prehearing settlement conference be held in accordance with Finding (4). 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

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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in

Case No(s). 12-1968-TP-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for 08/14/12 at 10:00 a.m. in Room 1246 at the offices of the Commission, 12th Floor, 180 E. Broad St., Columbus, OH 43215. - electronically filed by Ms. Sandra M. Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio