

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Chad Kister,)	
)	
Complainant,)	
)	
v.)	Case No. 11-3467-TP-CSS
)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On June 7, 2011, the complainant, Chad Kister, filed a complaint against the respondent, AT&T, setting forth a wide variety of claims, including some claims, as described Finding (3) below, that the Commission has already found to be within its jurisdiction, as well as other claims that the Commission has already dismissed as beyond its jurisdiction.
- (2) On June 28, 2011, the respondent filed its answer to the complaint and also a motion to dismiss the complaint accompanied by a memorandum in support of that motion.
- (3) On February 29, 2012, the Commission issued an entry which dismissed those portions of the complaint which pertained to issues beyond the scope of the Commission's jurisdiction. At the same time, the Commission's entry indicated that this complaint case should proceed, but should be narrowly focused to encompass only those portions of the complaint by which the complainant has alleged that any rate, practice, or service of the respondent is, or has been, as applied to the complainant, unjust, unreasonable, unjustly discriminatory, or in violation of or noncompliance with any provision of Sections 4927.01 to 4927.20, Revised Code, or a rule or order adopted or issued by the Commission under those sections. Specifically, the

Commission determined that it had not dismissed from further consideration in this case, the allegations of the complaint that pertain to poor telephone service quality, dropped calls, calls not going through, the respondent's alleged refusal to furnish the complainant's calling records upon his request, and the alleged behavior of the respondent's personnel towards the complainant including hanging up on him and treating him rudely and in a threatening manner.

- (4) A settlement conference was held in this matter on March 26, 2012; however, the parties were unable to resolve the dispute.
- (5) The attorney examiner finds this case should be scheduled for a hearing on October 10, 2012, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.
- (6) All discovery requests should be conducted in accordance with Rules 4901-1-16 to 4901-1-24, Ohio Administrative Code (O.A.C.).
- (7) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), O.A.C., which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (8) 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.* (1966), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That a hearing be held as set forth in Finding (5). It is, further,

ORDERED, That discovery be conducted in accordance with Finding (6). It is, further,

ORDERED, That any party intending to present expert testimony comply with Finding (7). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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9/18/2012 3:41:15 PM

in

Case No(s). 11-3467-TP-CSS

Summary: Attorney Examiner Entry scheduling a hearing for 10/10/12 at 10:00 a.m. at the offices of the Commission located at 180 E. Broad St., 11th Flr., Rm. 11-D, Columbus, Ohio and ordering discovery be conducted in accordance with Finding (6) and ordering any party intending to present expert testimony to comply with Finding (7). - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio