

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Ryan Alternative Staffing, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 12-877-TP-CSS
)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On March 7, 2012, the complainant, Ryan Alternative Staffing, Inc. (Ryan), filed a complaint against the respondent, AT&T Ohio, (AT&T), which alleges, among other things, that, since 2009, the complainant has been overcharged for telephone equipment and services not provided by AT&T, and has been threatened with service disconnection for failure to pay for such equipment and services.
- (2) On March 28, 2012, the respondent timely filed its answer and also a motion to dismiss this case. In its answer, AT&T generally denies the allegations of the complaint and avers that, during the year that preceded the filing of the complaint, AT&T has addressed long distance service billing and equipment issues with the complainant. AT&T submits that the complainant has migrated from traditional telecommunications service to voice of Internet Protocol (VoIP) and, specifically, to a service, called IP Flex Reach, over which the Commission lacks jurisdiction under Section 4905.02(F), Revised Code. Therefore, states AT&T, this complaint should be dismissed for lack of jurisdiction.
- (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 May 8, 2013, 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, 214 N.E. 2d 666 (1966).

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). 12-0877-TP-CSS

Summary: Attorney Examiner Entry orders a 10:00 a.m. prehearing settlement conference on 05/08/2013 at the offices of the Commission, 180 E. Broad St., 12th Flr., Rm. 1246, Columbus, OH. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio