

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of United)	
Telephone Company of Ohio d/b/a)	
CenturyLink,)	
)	
Complainant,)	
)	Case No. 13-836-TP-CSS
v.)	
)	
The Village of Kirkersville, Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On April 5, 2013, United Telephone Company of Ohio d/b/a CenturyLink (CenturyLink) filed a complaint pursuant to Sections 4939.06 and 4905.26, Revised Code, stating that it does not accept Ordinance No. 03 2013, which was adopted by the Village of Kirkersville, Ohio (Kirkersville) with respect to rights of way, and that the ordinance is unreasonable, unjust, unjustly discriminatory, and/or unlawful. According to the complaint, the ordinance was passed and signed on March 6, 2013. Kirkersville filed its answer on April 25, 2013, which denied the material aspects of the complaint.
- (2) By entry issued on May 15, 2013, the Commission determined that CenturyLink had provided reasonable grounds for complaint and suspended the public way ordinance for the duration of the Commission's consideration of the complaint.
- (3) Also on May 15, 2013, the attorney examiner issued a procedural entry establishing dates for the filing of testimony, a prehearing conference, and a hearing in order for the Commission to render a decision within 120 days of the filing of the complaint, in compliance with Section 4939.06(A), Revised Code.

- (4) On May 30, 2013, the parties jointly filed a motion for continuance seeking to extend the dates for the filing of testimony and the hearing. In support of the joint motion, the parties submit that they are currently attempting to negotiate a settlement of this matter. The parties further submit that a continuance is warranted so that they may endeavor to settle this matter without incurring the time and expense of preparing for a hearing. Recognizing the 120-day timeframe set forth in Section 4939.06(A), Revised Code, the parties note that they are agreeable to extending the time by which the Commission may issue a final order in this matter. The parties propose that new dates for the filing of testimony and the hearing, if necessary, be discussed during the prehearing conference scheduled for June 3, 2013.
- (5) The attorney examiner finds that the parties' joint motion to continue the dates for the filing of testimony and the hearing in order to pursue settlement of this matter is reasonable and should be granted. Accordingly, the dates for the filing of testimony and the hearing, if needed, should be continued to a time to be set by subsequent entry.

It is, therefore,

ORDERED, That the dates for the filing of testimony and the hearing in this matter be continued in accordance with finding (5). 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/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/sc

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in

Case No(s). 13-0836-TP-CSS

Summary: Attorney Examiner Entry ordered dates for the filing of testimony and the hearing be continued in accordance with finding (5). - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio