

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Bittinger Carbide,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1729-TP-CSS
)	
Frontier North Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 31, 2013, Sheila Bittinger of Bittinger Carbide (Carbide) filed a complaint against Frontier North Inc. (Frontier).¹ Carbide alleges that it is a business that operates 24 hours each day, seven days a week, and that it relies on three telephone lines to conduct its business.

Carbide alleges that it lost telephone service beginning July 3, 2013. As alleged by the complainant, after several telephone calls to Frontier's representatives over the following days, Frontier did not re-establish service until July 10, 2013.

- (2) Frontier filed an answer on August 21, 2013. Frontier admits that there were outages on the complainant's residential line and two business lines. Frontier, however, disagrees with the complainant concerning the length of time that its lines were out of service. Frontier contends that it restored service in less than 72 hours after being notified and that it issued service credits as compensation.
- (3) At this time, 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

¹ The complaint was filed against Frontier Communications, Inc. In its answer, Frontier explained that its proper corporate name is Frontier North Inc. The caption contains the proper corporate name of the respondent.

an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statement 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 process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

- (4) Accordingly, a settlement conference shall be scheduled for October 22, 2013, at 1:00 p.m. in Hearing Room 11-C in the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (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.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference be held on October 22, 2013, at 1:00 p.m. in Hearing Room 11-C in the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215.

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

jrj/vrm

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in

Case No(s). 13-1729-TP-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for October 22, 2013, at 1:00 p.m.; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio