

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Bill )  
Stamaton, )  
 )  
 Complainant, )  
 )  
 v. ) Case No. 08-009-TP-CSS  
 )  
 First Communications, LLC, )  
 )  
 Respondent. )

ENTRY

The Commission finds:

- (1) On January 2, 2008, Complainant filed an 800-number complaint against First Communications, LLC (First Communications).
- (2) By entry issued January 11, 2008, the attorney examiner instructed the Complainant to amend the complaint, by January 31, 2008, to provide a factual discussion concerning the circumstances giving rise to this complaint. Additionally, the Complainant was directed to explain how, if at all, the pending matter was different from a complaint previously filed by Complainant against First Communications and dismissed by the Commission in Case No. 07-135-TP-CSS (07-135). In dismissing the 07-135 complaint, the Commission found that the Federal Communications Commission has "exclusive jurisdiction over toll-free number administration and exclusive authority to grant the relief sought by the complainant" (07-135 Entry on Rehearing, finding 7, October 24, 2007). Complainant was advised that if he did not file the additional information by January 31, 2008, the attorney examiner would recommend to the Commission that this matter be dismissed of record.
- (3) On January 16, 2008, Complainant filed a document entitled "Application for Rehearing." The January 16, 2008 filing consisted solely of a cover letter stating that attached was "a copy of YOUR mission statement..." as well as a print-out of the mission statement. (Emphasis in original)

- (4) On February 20, 2008, First Communications filed a motion to dismiss arguing that the Complainant failed to comply with the January 11, 2008 entry and that the Commission lacks subject matter jurisdiction over the issue raised by the Complainant.
- (5) First Communications' motion to dismiss is granted. The Commission determines that the Complainant has failed to amend the complaint as directed and has failed to explain how the Commission now has jurisdiction over 800-number service discussed in the complaint in light of the previous ruling in 07-135. Accordingly, this matter is dismissed for lack of subject matter jurisdiction.

It is, therefore,

ORDERED, That First Communications' motion to dismiss is granted in accordance with finding (5). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO




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Todd A. Snitchler, Chairman




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Steven D. Lesser




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Lynn Slaby




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M. Beth Trombold

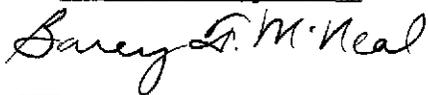



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Asim Z. Haque

JRJ/vrm  
Entered in the Journal

**OCT 16 2013**




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Barcy F. McNeal  
Secretary