

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of )  
Carolyn and Michael Pocse, )  
 )  
 Complainants, )  
 )  
 v. ) Case No. 09-567-TP-CSS  
 )  
 Orwell Telephone Company d/b/a )  
 FairPoint Communications, )  
 )  
 Respondent. )

ENTRY

The Commission finds:

- (1) On July 6, 2009, the complainants, Carolyn and Michael Pocse, filed a complaint against the respondent, Orwell Telephone Company d/b/a Fairport Communications (FairPoint), alleging that the respondent is their only available provider of unlimited Internet service and that, at "\$21.98 a month ... they charge way too much for dial up."
- (2) On July 27, 2009, the respondent filed both its answer to the complaint, as well as a motion to dismiss the complaint. Fairport asserts that the dispute in this case concerns the rates for Internet services, a subject over which the Commission lacks subject matter jurisdiction. In its memorandum in support of its motion to dismiss, FairPoint points out that, while it has confirmed that the complainants' address qualifies for FairPoint's provision of Internet access through its retail digital subscriber line (DSL) service,<sup>1</sup> nonetheless, all claims made by the complainants pertaining to Internet services are outside of the Commission's jurisdiction.

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<sup>1</sup> DSL is a family of technologies that provide Internet access by transmitting digital data over the wires of a local telephone network.

- (3) The Federal Communications Commission (FCC) has deemed retail DSL service to be an information service, as defined in the Telecommunications Act of 1996, 110 Stat. 59, 47 U.S.C. 153(24). As such, under Section 4905.02(A)(5)(c), Revised Code, both DSL service and any charges or credits related to it are matters beyond the Commission's jurisdiction.
- (4) The Commission finds that this case should be dismissed, for the failure of the complaint to state reasonable grounds for complaint on a subject matter over which the Commission has jurisdiction.

It is, therefore,

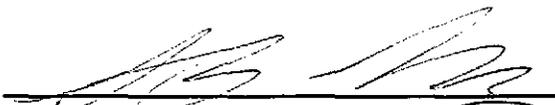
ORDERED, That, in accordance with the above findings, the complaint is dismissed and this case be closed of record. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Todd A. Snitchler, Chairman



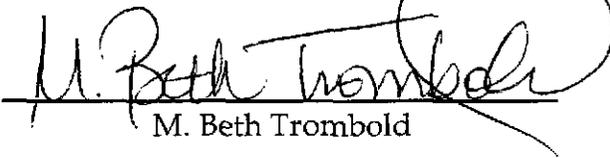

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Steven D. Lesser




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Lynn Slaby




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M. Beth Trombold




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Asim Z. Haque

DEF/sc

Entered in the Journal

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Barcy F. McNeal  
Secretary