

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

|  |   |                         |
|--|---|-------------------------|
| In the Matter of the City of Alliance, | ) |                         |
|  | ) |                         |
| Complainant,                           | ) |                         |
|  | ) |                         |
| v.                                     | ) | Case No. 13-2107-TP-CSS |
|  | ) |                         |
| The Ohio Bell Telephone Company, dba   | ) |                         |
| AT&T Ohio,                             | ) |                         |
|  | ) |                         |
| Respondent.                            | ) |                         |

ENTRY

The attorney examiner finds:

- (1) On October 21, 2013, the complainant, the City of Alliance, through its City Auditor, Kevin G. Knowles, filed a complaint against the respondent, AT&T Ohio.<sup>1</sup> The complaint alleges, among other things, that during the period from April 2009 through June 2013, AT&T Ohio overbilled the City of Alliance for a circuit identified as 11.OSNC.261424. The complaint indicates that, according to the city's internal memo, the involved circuit was disconnected in April 2009, but that AT&T continued billing for it, and the city kept paying, until the city first discovered the overbilling in 2013. The city is seeking a full refund for all charges on the circuit paid by the city.
- (2) AT&T Ohio filed an answer on November 12, 2013. AT&T Ohio admits that it provided the circuit at issue to the complainant pursuant to its tariff and/or Guidebook. AT&T Ohio submits that the city's internal memo indicating that the circuit was disconnected is not the equivalent of an order placed by AT&T Ohio to effectuate the order. AT&T Ohio claims that it did not receive an order to disconnect the circuit in question in 2009 or until the recent disconnection in

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<sup>1</sup> The complaint was filed against AT&T. In its answer, AT&T Ohio explained that its proper corporate name is The Ohio Bell Telephone Company, dba AT&T Ohio. The caption contains the proper corporate name of the respondent.

2013. AT&T Ohio states that it lacks sufficient knowledge to admit or deny the other allegations of the complaint, asserts that it has breached no legal duty owed to the complainant, and avers that its services and practices at all relevant times has been in full accordance complied with all applicable provisions of law and accepted industry standards.

- (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 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 January 14, 2014, at 10:00 a.m. in Conference Room 1246 in the offices of the Commission, 12<sup>th</sup> 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 January 14, 2014, at 10:00 a.m. in Conference Room 1246 in the offices of the Commission, 12th 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/Daniel Fullin

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By: Daniel E. Fullin  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 13-2107-TP-CSS**

Summary: Attorney Examiner Entry orders a 10:00 a.m. settlement conference for 01/14/2014 in Rm. 1246 at the offices of the Commission, 180 E. Broad St., 12th Flr., Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio