

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Ron)	
Sabitino and T&R Properties, Inc.,)	
)	
Complainants,)	
)	
v.)	Case No. 13-1728-TP-CSS
)	
Frontier Communications, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 31, 2013, Ron Sabitino and T&R Properties, Inc. (Complainants) jointly filed a complaint against Frontier Communications, Inc. (Frontier Communications or Respondent). Complainants state that Mr. Sabitino paid Frontier Communications \$48,018 to relocate existing buried fiber optic cable outside of the Estates at Sherman Lakes Subdivision. Complainants assert that the bid quoted for the job was high inasmuch as the actual work did not equal the amount of time that was quoted and because some of the conduit used for the job was already in existence. In addition, Complainants request that Frontier Communications provide the number of actual man hours associated with the job in question.
- (2) On August 21, 2013, Frontier North Inc. (Frontier North) filed its answer either admitting or denying the factual allegations set forth in the complaint. Additionally, Frontier North asserted the following affirmative defenses:
 - (a) Complainants have waived their right to receive any additional reduction due to the fact that they voluntarily agreed in advance to Frontier North's terms of this project, including the associated costs.
 - (b) Complainants have failed to state reasonable grounds inasmuch as they fail to allege any

violation of Frontier North's tariff or any rule(s), regulation(s) or law(s).

- (c) Complainants have failed to allege any specific damage and have failed to set forth any allegations asserting that the agreed upon costs were somehow prohibitive or caused damage.
- (3) On June 25, 2014, Complainants filed a motion for leave to file an amended complaint in order to clarify allegations set forth in the initial complaint and to add an additional claim.

Complainants state that following Frontier North's discovery responses, they seek to add a claim that Respondent committed an unfair or deceptive trade practice in violation of R.C. 4927.06(A)(1). Complainants assert that this claim arises out of Frontier's contract estimate dated February 15, 2012, which is the subject of the original complaint. Specifically, Complainants state that the terms of the relevant contract between the parties created a clear expectation that Frontier would provide a reconciliation of estimated costs with the final actual costs identified in the initial ruling. Complainants contend that the unwillingness to disclose the details of the actual costs does not allow for a fair evaluation of the services performed.

- (4) The motion for leave to file an amended complaint is reasonable and should be granted. Respondent should file its amended answer and any counterclaim within 14 days of this entry.

It is, therefore,

ORDERED, That the motion for leave to amend be granted in accordance with Finding (4). It is, further,

ORDERED, That Respondent file its amended answer and any counterclaim in accordance with Finding (4). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Jay S. Agranoff

By: Jay S. Agranoff
Attorney Examiner

jrj/vrm

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in

Case No(s). 13-1728-TP-CSS

Summary: Attorney Examiner Entry granting the motion for leave to amend the complaint and establishes a deadline for the filing of an amended answer; electronically filed by Vesta R Miller on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio