

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Mardi Morantz,)	
)	
Complainant,)	
)	
v.)	
)	
AT&T Ohio,)	Case No. 15-1929-TP-CSS
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) Pursuant to R.C. 4927.21, the Commission has authority to consider written complaints filed against a telephone company by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the telephone company that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.
- (2) The Ohio Bell Telephone Company d/b/a AT&T Ohio (AT&T) is a telephone company as defined in R.C. 4905.03 and, as such, is subject to the jurisdiction of this Commission.
- (3) On November 18, 2015, Complainant, Mardi Morantz, filed a complaint against Respondent, AT&T, alleging that, in May 2013, she entered into a three-year agreement with AT&T to receive telephone and internet service. She alleges that AT&T breached the contract by, on several occasion during the three-year term, cancelling and/or modifying the terms of the agreement. She argues that she is entitled to service under the rate she was originally offered.
- (4) AT&T filed its answer on December 9, 2015. In its answer, AT&T admits some and denies other of the allegations of the complaint and also asserts several affirmative defenses.

- (5) 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 Ohio Adm.Code 4901-1-26, 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.
- (6) Accordingly, a settlement conference shall be scheduled for January 20, 2016, at 11:00 a.m. in Conference Room 1247 of the offices of the Commission, 12th 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.
- (7) Pursuant to Ohio Adm.Code 4901-1-26(F), 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.
- (8) 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 20, 2016, at 11:00 a.m. in Conference Room 1247 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

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 E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

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in

Case No(s). 15-1929-TP-CSS

Summary: Attorney Examiner Entry ordering a settlement conference be held on January 20, 2016, at 11:00 a.m. in Conference Room 1247 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215 - electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.