

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Elizabeth Branson,)	
)	
Complainant,)	
)	
v.)	
)	Case No. 16-331-TP-CSS
AT&T Ohio,)	
)	
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 February 12, 2016, Complainant, Elizabeth Branson, filed a complaint against Respondent, AT&T, alleging that Respondent has billed her for over two years in an unlawful, unreasonable, and discriminatory manner. Explaining, Complainant alleges, among other things, that she has been billed excessively on calls placed to neighbors within three miles of her home, under a calling plan that properly should apply only on calls exceeding 23 miles. Complainant further alleges that on numerous occasions, AT&T has failed to follow through after telling her that use of that calling plan was not supposed to appear and would be removed from her bills, with refunds issued.
- (4) AT&T filed its answer on March 3, 2016. 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 April 8, 2016, at 10:00 a.m. in Conference Room 1246 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 April 8, 2016, at 10:00 a.m. in Conference Room 1246 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). 16-0331-TP-CSS

Summary: Attorney Examiner Entry ordering a settlement conference be held on April 8, 2016, at 10:00 a.m. in Conference Room 1246 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.