

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF  
AT&T CORP.,

COMPLAINANT,

V.

CASE NO. 16-1104-TP-CSS

TSC COMMUNICATIONS, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on November 30, 2016

I. SUMMARY

{¶ 1} This Entry grants the joint motion to dismiss, with prejudice, the complaint filed by AT&T Corp. and the counterclaim filed by TSC Communications, Inc.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} AT&T Corp. (AT&T) and TSC Communications, Inc. (TSC) are telephone companies as defined in R.C. 4905.03 and, as such, are subject to the jurisdiction of this Commission.

{¶ 4} On May 16, 2016, AT&T filed a complaint against TSC alleging that TSC has assessed unlawful charges for intrastate access service.

{¶ 5} After being granted additional time to plead, TSC filed on June 28, 2016, an answer, a counterclaim, and a motion to dismiss. In its answer, TSC denied that its rates

for intrastate access service are unlawful. In its counterclaim, TSC alleged that AT&T owed TSC for unpaid access charges. TSC moved to dismiss the complaint pursuant to the filed-rate doctrine.

{¶ 6} On July 13, 2016, AT&T filed an answer to the counterclaim. In its answer, AT&T denied the material allegations of the counterclaim. AT&T filed separately a memorandum contra TSC's motion to dismiss.

{¶ 7} On July 20, 2016, TSC filed a reply in support of its motion to dismiss AT&T's complaint.

{¶ 8} The attorney examiner on July 29, 2016, issued an Entry scheduling this matter for a settlement conference on August 24, 2016.

{¶ 9} The parties appeared for the settlement conference and continued negotiations that ultimately led to a settlement. On October 13, 2016, the parties filed a joint motion to dismiss the complaint and counterclaim with prejudice. The parties state that they have resolved all issues raised by the complaint and counterclaim.

{¶ 10} The Commission finds that the motion to dismiss the complaint and counterclaim is reasonable and should be granted.

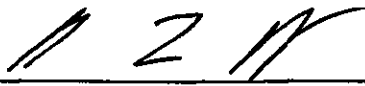
### III. ORDER


{¶ 11} It is, therefore,

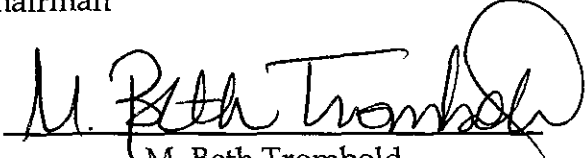
{¶ 12} ORDERED, That the joint motion to dismiss, with prejudice, the complaint and counterclaim be granted. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Asim Z. Haque, Chairman

  
Lynn Slaby

  
M. Beth Trombold

  
Thomas W. Johnson

  
M. Howard Petricoff

LDJ/vrm

Entered in the Journal

**NOV 3 0 2016**

  
Barcy F. McNeal

Barcy F. McNeal  
Secretary