

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
JOHNNIE GRAHAM JR.,**

COMPLAINANT,

v.

CASE NO. 17-2114-TP-CSS

FRONTIER NORTH, INC.

RESPONDENT.

ENTRY

Entered in the Journal on April 18, 2018

{¶ 1} By Entry issued March 6, 2018, a hearing in this matter was scheduled for April 23, 2018, at the offices of the Commission.

{¶ 2} On April 18, 2018, Frontier North, Inc. (Frontier) filed a motion seeking a continuance of the scheduled April 23, 2018 hearing. Contemporaneously, Frontier also filed a Motion to Compel related to the discovery request it served on Complainant on March 7, 2018.

{¶ 3} In support of its motion for hearing continuance, Frontier claims that Complainant's failure, to date, to respond to Frontier's March 7, 2018 discovery request is preventing Frontier from being able to prepare for the hearing. Frontier contends that, as a matter of due process, Frontier is entitled to responses to its discovery request before a hearing should proceed. Frontier seeks a ruling that the currently scheduled hearing be continued to a mutually agreeable date occurring after Complainant has fully responded to Frontier's discovery request.

{¶ 4} There will be no hearing held in this case until after the discovery process is completed. Discovery cannot be completed while Frontier's Motion to Compel discovery remains pending. Under the Commission's rules, Complainant has fifteen days from service of the motion, i.e., until May 3, 2018, to file a memorandum contra

Frontier's April 18, 2018 Motion to Compel discovery; and Frontier would have seven days beyond that, i.e., until May 10, 2018, to file any reply (Ohio Adm.Code 4901-1-12 Motions). Clearly, the discovery process cannot reasonably be expected to be completed prior to the currently scheduled April 23, 2018 hearing date.

{¶ 5} The attorney examiner finds that Frontier has shown good cause for granting the motion by which it seeks a continuance of the scheduled hearing. The attorney examiner grants Frontier's motion for hearing continuance pursuant to Ohio Adm.Code 4901-1-13.

{¶ 6} The hearing previously scheduled for April 23, 2018, is hereby postponed indefinitely and will, by subsequent entry, be rescheduled to occur, if at all, only after completion of the discovery process in this case. A ruling on Frontier's pending Motion to Compel will also be made by subsequent entry, to be issued only after the responsive pleading cycle related to that motion has unfolded.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Frontier's April 18, 2018 motion for hearing continuance be granted. It is, further,

{¶ 9} ORDERED, That the hearing in this case previously scheduled for April 23, 2018, is hereby postponed indefinitely and will, by subsequent entry, be rescheduled to occur, if at all, only after completion of the discovery process in this case. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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in

Case No(s). 17-2114-TP-CSS

Summary: Attorney Examiner Entry granting Frontier's motion for hearing continuance and postpones indefinitely to a date set by subsequent entry electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio