

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MARDI MORANTZ,

COMPLAINANT,

v.

CASE NO. 16-1234-TP-CSS

**THE OHIO BELL TELEPHONE COMPANY
D/B/A AT&T OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal on May 9, 2018

{¶ 1} Pursuant to R.C. 4927.21, the Commission has authority to consider written complaints filed against a telephone company by any person alleging that any rate, practice, or service of the company is in any respect unjust, unreasonable, unjustly discriminatory, or in violation of or in noncompliance with any provision of R.C. 4927.01 to 4927.20 or a rule or order adopted or issued under those sections.

{¶ 2} The Ohio Bell Telephone Company d/b/a AT&T Ohio (AT&T or Respondent) is a telephone company as defined in R.C. 4905.03 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On June 6, 2016, Mardi Morantz (Ms. Morantz or Complainant) filed a complaint against AT&T, alleging that Respondent changed its Caller ID policy and, as a result, now requires that Complainant's full last name, rather than just the first initial of her last name, must be included on Caller ID displays. For safety and security reasons, Ms. Morantz would prefer that only her first name along with the first initial of her last name, in other words -- "Mardi M" --, should appear on Caller ID displays. She alleges that, until approximately January 2016, this is, indeed, how she was identified on Caller ID displays. Continuing, she claims that she learned in March 2016, that AT&T began, without notice, displaying on Caller ID displays, her full last name, rather than just the first initial "M" of

her last name. Ms. Morantz alleges that AT&T has explained to her that display of only the information she would prefer to have displayed -- namely, her first name along with only the first initial of her last-name -- is not permissible as a matter of policy because it "falls under the category of misleading persons using the listing to identify the listed party." Complainant indicates that she is seeking, among other things, a resolution to the issue of whether she should be allowed to use the designation "Mardi M," or perhaps some other acceptable designation not revealing her full last name, on Caller ID displays.

{¶ 4} AT&T filed its answer on June 27, 2016. In its answer, AT&T admits some and denies other allegations of the complaint, and sets forth several affirmative defenses.

{¶ 5} Pursuant to the Entry of August 4, 2016, this matter was scheduled for a settlement conference that occurred at the offices of the Commission on August 24, 2016.

{¶ 6} Pursuant to the Entry of August 17, 2017, this case was scheduled for a hearing on September 26, 2017, at the offices of the Commission.

{¶ 7} On August 24, 2017, Ms. Morantz filed a letter requesting to continue the hearing in this matter until an unspecified later date due to her inability to properly prepare for the hearing.

{¶ 8} Pursuant to the Entry of August 30, 2017, the requested continuance was granted and Ms. Morantz was directed to file an update on or before January 2, 2018, as to her intentions of going forward with the hearing in this matter.

{¶ 9} On December 19, 2017, Ms. Morantz filed a letter, which, among other things, requested an opportunity to meet with someone from the Commission to discuss hearing procedures prior to moving forward with her complaint.

{¶ 10} On January 9, 2018, the attorney examiner sent a letter to Ms. Morantz in response to her stated concerns regarding the administrative hearing process.

{¶ 11} Specifically, the letter indicated that another attorney examiner from the Commission's Legal Department would be available to answer any questions that the parties might have about the procedural requirements associated with an administrative hearing before the Commission. Ms. Morantz was directed to contact the designated attorney examiner for the purpose of scheduling the conference. While Ms. Morantz did respond to the letter, she did not state her availability to attend the requisite conference.

{¶ 12} Pursuant to the Entry of January 24, 2018, the parties were directed to attend a conference formally scheduled for February 8, 2018, at the Commission's offices. This conference was to be limited to the procedural requirements associated with an administrative hearing before the Commission, and serve as the parties' opportunity to raise any complaint process questions that they may have regarding this case.

{¶ 13} In the context of both email and telephone communications, Ms. Morantz indicated her unavailability to attend the scheduled conference. Therefore, the conference was postponed. Ms. Morantz was directed to file a letter in this docket by February 16, 2018, indicating her availability during the months of either February or March 2018, for the purpose of rescheduling the conference.

{¶ 14} Following a number of correspondences between Ms. Morantz and the Commission Staff, Ms. Morantz was directed to inform the Legal Department as to her availability between April 26, 2018, and May 18, 2018, for the purpose of attending a "tour/meeting" of a Commission hearing room in addition to having an opportunity to address her procedural questions concerning the administrative hearing process.

{¶ 15} To date, Ms. Morantz has failed to provide the requested information. Therefore, at this time, the attorney examiner finds that this matter should be scheduled for a formal hearing beginning on July 26, 2018, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-D, 11th floor, Columbus, Ohio, 43215-3793.

{¶ 16} All discovery requests should be conducted in accordance with Ohio Adm.Code 4901-1-16 to 4901-1-24.

{¶ 17} Any party intending to present direct, expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

{¶ 18} The Complainant is hereby advised that, unless she provides the attorney examiner with at least twenty-four hours advance notice of her inability to attend, along with the reason why she is not able to attend and a new date on which she is available for a hearing on her complaint, the Complainant's failure to attend the scheduled July 26, 2018 hearing may result in the dismissal of the complaint with prejudice.

{¶ 19} 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 1189, 214 N.E.2d 666 (1966).

{¶ 20} It is, therefore,

{¶ 21} ORDERED, That a hearing be scheduled in accordance with paragraph 15. It is, further,

{¶ 22} ORDERED, That, in accordance with paragraph 18, any unexcused failure of the Complainant to attend the scheduled July 26, 2018 hearing may result in dismissal of the matter with prejudice. It is, further,

{¶ 23} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jay S. Agranoff

By: Jay S. Agranoff
Attorney Examiner

JRJ/mef

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Case No(s). 16-1234-TP-CSS

Summary: Attorney Examiner Entry scheduling a hearing for 7/26/18 at 10am. electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio