

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ANNE HESS,

COMPLAINANT,

v.

CASE NO. 18-1652-TP-CSS

FRONTIER COMMUNICATIONS, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on December 17, 2018

{¶ 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} Frontier Communications, Inc. (Frontier 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 November 1, 2018, Anne Hess (Ms. Hess) filed a complaint against Frontier, alleging that Respondent's service is unreliable and results in frequent outages. Specifically, Ms. Hess states that the outages in her area appear to happen for no apparent reason and believes that Respondent's time to resolve said outages is unreasonable. Ms. Hess claims that Respondent has an automatic 14-day commitment date for all repair reports. Further, Ms. Hess asserts that Respondent is reluctant to replace antiquated equipment. Ms. Hess states that Frontier repair technicians have previously represented that replacing the equipment would decrease the numerous outages.

{¶ 4} Frontier filed its answer on November 21, 2018. In its answer, Frontier admits some and denies other allegations of the complaint and sets forth 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 in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for January 15, 2019, at 10:00 a.m. at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will 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 authority to settle those issues.

{¶ 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled in accordance with Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini
Attorney Examiner

JRJ/hac

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Summary: Attorney Examiner Entry scheduling settlement conference electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio