

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
GEORGE KING,**

COMPLAINANT,

v.

CASE No. 17-1542-TP-CSS

FRONTIER NORTH, INC.

RESPONDENT.

ENTRY

Entered in the Journal on February 7, 2019

{¶ 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} Respondent, Frontier North, Inc. (Frontier), is a telephone company as defined in R.C. 4905.03 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On July 3, 2017, George King (Complainant) filed a complaint against Frontier. The complaint alleges, among other things, that Complainant has experienced problems in completing calls due to noisy static. Complainant further alleges that Frontier has billed him for calls that he was unsuccessful in placing. Also, Complainant alleges that Frontier disconnected his phone service on the evening of May 8, 2017. According to the Complainant, on June 20, 2017, Frontier called him, indicating that “the phone was fixed and working fine,” then later billed him for phone usage that he disputes.

{¶ 4} Frontier filed its answer on July 24, 2017. In its answer, Frontier admits that it sent a notice of disconnection for nonpayment in May 2017. Frontier further asserts however, that despite nonpayment, it did not disconnect Complainant's services. Beyond this, Frontier, in its answer, denies all other allegations of the complaint and sets forth several affirmative defenses.

{¶ 5} A settlement conference was scheduled for and held on February 20, 2018. However, the parties were unable, then or since, despite further settlement discussions, to resolve the dispute giving rise to this complaint case.

{¶ 6} R.C. 4927.21 requires that the Commission set for hearing a complaint against a telephone company whenever reasonable grounds appear that reasonable grounds for complaint are stated.

{¶ 7} The attorney examiner finds that reasonable grounds for holding a hearing under R.C. 4927.21 have been stated. Accordingly, this case should be scheduled for hearing on March 28, 2019, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-4793. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 8} 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 to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.

{¶ 9} In complaint proceedings before the Commission, 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). Therefore, at hearing, it shall be Complainant's responsibility to appear and present evidence in support of the complaint.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing in this matter be scheduled for March 28, 2019, at 10:00 a.m. at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

{¶ 12} 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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Summary: Attorney Examiner Entry scheduling hearing for 03/28/2019 in accordance with Paragraph 7 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio