

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF EDWARD PORTER,**

**COMPLAINANT,**

**v.**

**CASE NO. 18-1751-TP-CSS**

**FRONTIER COMMUNICATIONS, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on February 13, 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} 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 29, 2018, Edward Porter (Mr. Porter) filed a complaint against Frontier, alleging three separate issues. Specifically, Mr. Porter claims that (1) Respondent billed him for work not completed, (2) his customer box is not handicap accessible, and (3) Respondent will not refund him when there is a service outage.

{¶ 4} Frontier filed its answer on December 19, 2018. In its answer, Frontier denies the allegations of the complaint but admits that it provides voice service and non-regulated internet service to Mr. Porter. Respondent's answer further sets forth several affirmative defenses.

{¶ 5} By Entry dated December 21, 2018, the attorney examiner scheduled a settlement conference to take place on January 15, 2019, in accordance with Ohio Adm.Code 4901-1-26(F). However, the parties were unable to resolve all issues raised in the complaint.

{¶ 6} R.C. 4927.21 requires that the Commission set for hearing a complaint against a telephone company whenever reasonable grounds for the complaint have been stated. The attorney examiner finds that the allegations contained within Mr. Porter's complaint establish grounds for complaint. Accordingly, a hearing in this matter should be scheduled to begin on March 26, 2019, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793, in accordance with Ohio Adm.Code 4901-1-27(A). Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

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

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

{¶ 9} As with all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1996). Therefore, at hearing, it shall be Mr. Porter's responsibility to appear and present evidence in support of his complaint.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing be held on March 26, 2019, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-C, 11th floor, 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/Lauren L. Augostini

By: Lauren L. Augostini  
Attorney Examiner

JRJ/hac

**This foregoing document was electronically filed with the Public Utilities**

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