

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
JAMES ANDERSON,**

**COMPLAINANT,**

**CASE NO. 18-301-TP-CSS**

**v.**

**FRONTIER NORTH, INC.**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on August 1, 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 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 February 20, 2018, James Anderson (Complainant) filed a complaint against Frontier. In his complaint, he alleges that Frontier's service has been unreliable and at times unavailable. He also alleges that Frontier has billed him improperly and provided poor customer service. Attached to the complaint is a debt collection notice in the amount of \$182.11 owed to Frontier.

{¶ 4} Frontier filed an answer to the complaint on March 12, 2018, in which it denied the material allegations of the complaint. Frontier admits that it referred the amount of \$182.11 to a debt collection service.

{¶ 5} By Entry dated May 2, 2018, the attorney examiner scheduled a settlement conference, which occurred on May 31, 2018, in accordance with Ohio Adm.Code 4901-1-26(F). However, the parties were unable to resolve all issues raised in the complaint.

{¶ 6} Pursuant to the Entry of March 5, 2019, a hearing in this matter was scheduled for April 30, 2019.

{¶ 7} On April 25, 2019, Frontier filed a notice of settlement and a motion to cancel the hearing. In support of its motion, Frontier states that the parties have resolved the dispute, pending execution of a standard settlement agreement.

{¶ 8} On May 20, 2019, Complainant filed a notice of dismissal with prejudice “pending promises by Frontier.”

{¶ 9} On July 8, 2019, Frontier filed a motion to dismiss. In support of its request, Frontier represents that the parties have executed a settlement agreement resolving all matters.

{¶ 10} On July 26, 2019, Complainant submitted a filing in opposition to Frontier’s motion to dismiss. Among other things, Complainant contends that Frontier has failed to honor the terms of the settlement agreement.

{¶ 11} Based on Complainant’s objections, Frontier’s motion to dismiss is denied.

{¶ 12} 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. Anderson’s complaint establish reasonable grounds for the complaint. Accordingly, a hearing in this matter should be scheduled to begin on September 9, 2019, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-D, 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.

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

{¶ 14} 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 the commencement of the hearing.

{¶ 15} 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. Anderson's responsibility to appear and present evidence in support of his complaint.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That Frontier's motion to dismiss be denied. It is, further,

{¶ 18} ORDERED, That a hearing be held on September 9, 2019, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jay S. Agranoff

By: Jay S. Agranoff  
Attorney Examiner

JRJ/mef

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

**Commission of Ohio Docketing Information System on**

**8/1/2019 10:35:03 AM**

**in**

**Case No(s). 18-0301-TP-CSS**

Summary: Attorney Examiner Entry denying the motion to dismiss and scheduling a hearing for 9/9/19 at 10:00 am at the Commission offices electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio