

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MARSHALL G. HILES,

COMPLAINANT,

v.

CASE NO. 20-84-TP-CSS

**UNITED TELEPHONE COMPANY OF OHIO
D/B/A CENTURYLINK,**

RESPONDENT.

ENTRY

Entered in the Journal on March 2, 2020

{¶ 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} United Telephone Company of Ohio d/b/a CenturyLink (CenturyLink 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 January 13, 2020, Marshall G. Hiles (Mr. Hiles or Complainant) filed a complaint against CenturyLink alleging service issues and violations of consumer law. Specifically, Mr. Hiles argues that, from April 2019 through October 2019, he has experienced poor telephone service, including fading and dropped telephone calls. Mr. Hiles represents that he has reached out to Centurylink regarding his allegations to no avail and states that he will accept a financial resolution to the complaint.

{¶ 4} CenturyLink filed its answer on February 3, 2020. In its answer, CenturyLink admits some and denies many of the allegations contained therein. Additionally, CenturyLink raises several affirmative defenses, including, but not limited to, the following: the Commission lacks subject matter jurisdiction; Complainant fails to set forth reasonable

grounds for complaint by which relief can be granted; and Respondent has complied with its tariff, all applicable statutes, administrative rules and regulations, and orders of the Commission.

{¶ 5} Additionally, CenturyLink avers that Complainant's claims have been satisfied. Specifically, CenturyLink represents that, Complainant demanded and accepted a credit for all charges incurred during the month of August 2019, and is now seeking an additional \$15,000 in tort damages, which the Commission lacks jurisdiction to award. CenturyLink contends that since the complaint has been satisfied, the complaint is subject to Ohio Adm.Code 4901-9-1(F).

{¶ 6} Also on February 3, 2020, CenturyLink filed a motion to dismiss the complaint alleging lack of subject matter jurisdiction, Complainant's failure to state reasonable grounds, and satisfaction of the complaint.

{¶ 7} 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.

{¶ 8} Accordingly, a settlement conference shall be scheduled for March 24, 2020, at 2:30 p.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.

{¶ 9} 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.

{¶ 10} 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).

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a settlement conference be scheduled for March 24, 2020, in accordance with Paragraph 8. It is, further,

{¶ 13} 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