

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF STEPHANIE
MATHENEY,**

COMPLAINANT,

v.

CASE NO. 19-1933-TP-CSS

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

RESPONDENT.

ENTRY

Entered in the Journal on March 12, 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 October 22, 2019, Stephanie Matheney (Ms. Matheney or Complainant) filed a complaint against CenturyLink alleging unfair billing practices. Specifically, Ms. Matheney states that, in 2010, she signed up for a “lifetime guarantee” rate of \$49.99 per month for her CenturyLink services. Subsequently, Ms. Matheney avers she was only “locked-in” at the \$49.99 per month rate for five years, and then her monthly rate increased – which contradicts the “lifetime guarantee” rate she alleges she signed up for in 2010.

{¶ 4} On November 13, 2019, CenturyLink filed a motion for continuance to file its answer and a request for an expedited ruling. By Entry dated November 14, 2019, the attorney examiner granted CenturyLink’s motion and directed Respondent to file its answer by November 26, 2019.

{¶ 5} CenturyLink filed its answer on November 26, 2019. In its answer, CenturyLink admits that Complainant is a CenturyLink customer and that she purchased a bundled package of unregulated internet service and telephone exchange/toll services, Simple Choice, in 2010, and avers that Complainant was informed that the Simple Choice service expired after five years. CenturyLink denies the remaining allegations of the complaint and argues that Respondent did not offer a lifetime guarantee on rates for basic service in 2010. Respondent states that its current product offering, “Price for Life,” is a bundled service offering that packages internet service with telephone exchange/toll services and is a commitment to honor a \$96.99 price per month so long as the residential customer retains the same plan at the same address.

{¶ 6} CenturyLink sets forth several affirmative defenses, including but not limited to, subject matter jurisdiction, failure to state reasonable grounds for a complaint upon which relief can be granted, compliance with tariff, all applicable statutes, administrative rules and regulations, and orders of the Commission.

{¶ 7} Additionally, CenturyLink avers that Complainant’s claims have been satisfied. Specifically, CenturyLink represents that, in 2010, Complainant purchased a Simple Choice service package that bundled internet service and telephone exchange/toll services, priced at \$49.99 per month, and expired in 2015. CenturyLink states that Complainant filed an informal complaint with the Commission on October 13, 2015 (Informal Complaint Case No. SMAT100915ZQ). CenturyLink represents that it offered, and Complainant accepted, loyalty discounts to resolve the informal complaint. As a final point, CenturyLink argues that, since the loyalty discounts have expired, CenturyLink is under no duty to continue to provide them for its market-rate services, and the complaint is satisfied and subject to Ohio Adm.Code 4901-9-01(F).

{¶ 8} Also on November 26, 2019, CenturyLink filed a motion to dismiss the complaint alleging lack of subject matter jurisdiction, Complainant’s failure to state reasonable grounds, and satisfaction and resolution of the complaint.

{¶ 9} By Entry issued March 2, 2020, the attorney examiner scheduled an in-person settlement conference to convene on March 24, 2020, at 10:30 a.m. at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 10} Subsequently, on March 10, 2020, Governor Mike DeWine issued an executive order declaring a state of emergency in response to the respiratory disease COVID-19.

{¶ 11} In light of Governor DeWine's executive order, the attorney examiner finds that the in-person settlement conference shall be converted to a telephonic settlement conference. Accordingly, a telephonic settlement conference shall take place on March 24, 2020, at 10:30 a.m. The parties shall call 866-209-2820 and enter conference code 3193481750 followed by # in order to participate in the conference.

{¶ 12} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 13} 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.

{¶ 14} 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).

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That this matter be rescheduled as a telephonic settlement conference on March 24, 2020, in accordance with Paragraph 11. It is, further,

{¶ 17} 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

Commission of Ohio Docketing Information System on

3/12/2020 3:04:23 PM

in

Case No(s). 19-1933-TP-CSS

Summary: Attorney Examiner Entry re-scheduling in-person conference for 3.24.20 to be held telephonically on 3.24.20 at 10:30 a.m. The parties should call 866-209-2820; code # 3193481750. electronically filed by Mrs. Kelli C King on behalf of Lauren Augustini, Attorney Examiner, Public Utilities Commission of Ohio