

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
LFR OHIO PROPERTIES, LLC,**

CASE NO. 21-1243-TP-CSS

COMPLAINANT,

v.

CENTURYLINK COMMUNICATIONS, LLC,

RESPONDENT.

ENTRY

Entered in the Journal on March 9, 2022

I. SUMMARY

{¶ 1} The Commission accepts Complainant's written acknowledgement that the complaint is satisfied, and dismisses this case, with prejudice.

II. DISCUSSION

{¶ 2} 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 that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} Respondent, CenturyLink Communications, LLC dba (CenturyLink) is a public utility as defined in R.C. 4905.02, and a telephone company as defined in R.C. 4905.03. As such, CenturyLink is subject to the jurisdiction of this Commission.

{¶ 4} On December 15, 2021, LFR Ohio Properties, LLC (Complainant) filed a complaint against CenturyLink. Broadly summarized, the complaint alleges that CenturyLink contracted to provide Complainant with internet services that Complainant never received, yet billed Complainant for such internet services.

{¶ 5} On January 13, 2022, CenturyLink filed its answer to the complaint, along with a motion requesting that such answer be accepted as if it had been timely filed. Explaining, CenturyLink points out that notice of the complaint was mailed, on December 16, 2021, to CenturyLink's corporate offices in Louisiana, but not to its local office address on file with the Commission. CenturyLink asserts that, due in part to pandemic-induced remote work-from-home protocols, by the time the complaint was forwarded to the appropriate personnel at the local office address, the 20-day answer period prescribed by Ohio Adm.Code 4901-9-01(B) had expired. The Commission finds that sufficient good cause exists for granting CenturyLink's motion for leave to file its answer out of time. Therefore, CenturyLink's January 13, 2022 answer is accepted as if it had been timely filed. Also on January 13, 2022, CenturyLink filed a motion to dismiss this complaint case.

{¶ 6} In both its answer and its motion to dismiss, CenturyLink asserts, among other things, that: (1) because the complaint does not pertain in any way to the provision of Basic Local Exchange Service (BLES), but rather instead, pertains only to a non-BLES type of service, namely, a bundled internet and voice service that is expressly exempted from Commission regulation, the Commission lacks subject matter jurisdiction over the complaint; and (2) that the complaint has been satisfied and, as such, should be dismissed, as a settled matter, pursuant to Ohio Adm.Code 4901-9-01(F).

{¶ 7} Ohio Adm.Code 4901-9-01(F) provides that if a public utility files an answer or motion asserting that the complaint has been satisfied or that the case has been settled, the complainant shall file a written response indicating whether the complainant agrees or disagrees with the utility's assertions, and whether he or she wishes to pursue the complaint. If no objection to the utility's assertions is filed within 20 days after the service of the answer or motion, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

{¶ 8} On January 24, 2022, Complainant filed a notice of withdrawal of the complaint in this case. The notice indicates Complainant's acknowledgement that the complaint has been satisfied and, for that reason, it seeks to withdraw this case.

{¶ 9} Based on the information set forth in Complainant's January 24, 2022 notice of withdrawal, which the Commission considers as Complainant's timely-filed written response to CenturyLink's January 13, 2022 motion to dismiss, in accordance with Ohio Adm.Code 4901-9-01(F), the Commission shall presume that the complaint has been satisfied. Accordingly, the complaint shall be dismissed, with prejudice.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That this complaint be dismissed, with prejudice, pursuant to Ohio Adm.Code 4901-9-01(F), and that Case No. 21-1243-TP-CSS be closed of record. It is, further,

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis Deters

DEF/kck

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3/9/2022 2:25:12 PM

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Case No(s). 21-1243-TP-CSS

Summary: Entry accepting Complainant's written acknowledgement that the complaint is satisfied, and dismisses this case, with prejudice. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio