2. File

5

FN:AMENDWES.005

FORMAL PUCO COMPLAINT FILED
PURSUANT TO SECTION 4905.26 ORC 96-908-TP-CSS

Thomas Warholic [TW]; Carl N. Woodman [CNW]; and Robert P. Woodman [RPW]

TRUSTEES of WeShare, Inc. [collectively referred to as WWW in Complaint]
3202 Lorain Avenue
PO BOX 94990
Cleveland, OH 44101-4990

AGAINST

Ohio Bell Telephone Company [referred to as OHIO BELL in Complaint]
45 Erieview Plaza
Cleveland, Ohio 44114

ON BEHALF OF

U.S. FEDERAL COURT JUDGES [Northern District of Ohio - Eastern Division]

201 Superior Avenue; Cleveland, OHIO

CHIEF JUDGE GEORGE W. WHITE	OHIO BELL A/C Number 216-522-4272
JUDGE ANN ALDRICH	OHIO BELL A/C Number 216-522-2045
JUDGE FRANK J. BATTISTI	OHIO BELL A/C Number 216-522-4250
JUDGE THOMAS D. LAMBROS	OHIO BELL A/C Number 216-522-2080
JUDGE JOHN M. MANOS	OHIO BELL A/C Number 216-522-4290
JUDGE PAUL R. MATIA	OHIO BELL A/C Number 216-522-8251
JUDGE SOLOMON OLIVER	OHIO BELL A/C Number 216-522-7955
JUDGE KATHLEEN M. O'MALLEY	OHIO BELL A/C Number 216-522-3157
JUDGE WILLIAM K. THOMAS	OHIO BELL A/C Number 216-522-4350
JUDGE LESLEY BROOKS WELLS	OHIO BELL A/C Number 216-522-2285

MAGISTRATE JUDGES

MAG JUDGE JOSEPH W. BARTUNEK	OHIO BELL A/C Number 216-522-2502
MAG JUDGE PATRICIA HEMANN	OHIO BELL A/C Number 216-522-8343
MAG JUDGE DAVID S. PERELMAN	OHIO BELL A/C Number 216-522-4992
MAG JUDGE JACK B. STREEPY	OHIO BELL A/C Number 216-522-4866

NOTE: Collectively referred to in COMPLAINT as: USJUDGE

This COMPLAINT is being filed pursuant to Section 4905.26 of the Ohio Revised Code BY Robert P. Woodman [RPW], Carl N. Woodman [CNW], and Thomas Warholic [TW], TRUSTEES of WeShare, Inc.[WES], incorporated under the laws of Ohio as an OHIO, Chartered, not-for-profit, Corporation operating exclusively within the borders of the State of Ohio. Because of its Ohio corporate purpose, social mission, and intrastate operations, WES's operations are under the exclusive jurisdiction of the Attorney General of Ohio [AG]. WES is obligated to file an annual report with the AG on forms prescribed and provided by the AG's Office.

This COMPLAINT is being filed against The Ohio Bell Telephone Company [OHIO BELL], which Company is an Ohio Corporation engaged in the business of providing LOCAL EXCHANGE TELEPHONE SERVICES to its customers in Ohio; and is, therefore, a public utility and telephone company within the definitions as set forth in Section s 4905.02 and 4905.03(A)(2) of the Ohio Revised Code. OHIO BELL is a regulated, de facto, monopoly subject to the jurisdiction of the Public Utilities Commission of Ohio [PUCO], pursuant to Sections 4905.04, 4905.05, and 4905.06, of the Ohio Revised |Code. The Company's rates for local exchange telephone services were established by order of the PUCO in Ohio Bell Telephone Company, Case No. 84-1435-TP-AIR [December 10, 1985].

In exercising their trusteeship responsibilities, a COMPLAINT was filed August 6, 1996, with the PUCO pursuant to Section 4905.26 of the Ohio Revised Code [Case No. 96-770-TP-CSS] by WES Trustees RPW, CNW, and TW [WWW] against OHIO BELL, to recover certain damages, penalties, and other relief arising from the failure of OHIO BELL and its representatives to meet the Minimum Telephone Service Standards prescribed by the Public Utilities Commission of Ohio [4905.234 ORC] and set forth in the Ohio Administrative Code under Sections 4901:1-5-02-(SSS); 4901:1-5-23(A) & (B); and 4901:1-5-32(C), resulting in [1] FALSE CLAIMS being made by OHIO BELL in collecting from WES certain rates, fees, and other charges for the providing of LOCAL EXCHANGE TELEPHONE SERVICE to WES, and, [2] in the wrongful disconnecting of local exchange telephone service to WES.

Based on information obtained in preparing and filing said Complaint No. 96-770-TP-CSS, WES Trustees Robert P. Woodman (RPW), Carl N. Woodman (CNW), and Thomas Warholic (TW), hereinafter referred to as ,WWW, do hereby file **this Complaint against OHIO BELL** on behalf of OHIO BELL Local Exchange telephone subscriber[s] referred to individually, or collectively, as USJUDGE.

COMPLAINT

WWW COMPLAINS that during the period, beginning with the year 1985, the year in which OHIO BELL's rates for local exchange telephone services were established by order of the PUCO in Ohio Bell Telephone Company, Case No. 84-1435-TP-AIR [December 10, 1985] and continuing until this date, OHIO BELL has been providing USJUDGE with local exchange telephone service and has been knowingly charging USJUDGE for said service at a tariff MESSAGE SERVICE RATE rather than at a tariff FLAT-RATE service rate which USJUDGE is and was entitled to as a local exchange customer [subscriber] which uses the telecommunications service in a way which could only be described as being PRIMARILY SOCIAL [societal] in NATURE. [Ohio Administrative Code 4901:1-5-02(SSS); -pg. 691]

Subsequent to the tariff rates approved in the 1985 Case [No. 84-1435-TP] OHIO BELL failed to provide to USJUDGE [its subscriber(s)] the information AND assistance necessary to enable USJUDGE to obtain the most economical, OHIO-BELL provided services conforming to the stated needs of USJUDGE. Such failure by OHIO BELL to provide such information AND assistance WAS, and IS, A LACK OF COMPLIANCE with the MANDATORY provisions of Section 4901:1-5-23 (B) of the Ohio Administrative Code.

In addition to its failing to give a required notice to USJUDGE of the new tariffs, COMPLAINANT WWW does further state that OHIO BELL contracted services from Ameritech Publishing Inc. (API), to publish directories for use by ALL OHIO BELL CUSTOMERS in ALL OHIO BELL's Local Exchanges. Annual directories since 1985 contain many "INFORMATION PAGES" among which appears a page entitled "ESTABLISHING SERVICE." While said page identifies the newly approved TARIFF SERVICES offered to ALL OHIO BELL CUSTOMERS in each of its LOCAL EXCHANGES, OHIO BELL arbitrarily ordered API to separate ONE SERVICE (MESSAGE SERVICE) from all other tariff service listings and to list it as available for ONLY "BUSINESS TELEPHONE SERVICE CUSTOMERS."

ALL existing subscribers in 1985 [EXCEPTING those subscribers who used their local exchange phone service primarily in their homes] were ARBITRARILY CLASSED by OHIO BELL as "BUSINESS CUSTOMERS", and were so separated and segregated in the directories as being "BUSINESS" firms. Since 1985, USJUDGE has been so listed in these Directories. An audit of USJUDGE 1995 billings from OHIO BELL will show OHIO BELL has charged USJUDGE the "BUSINESS MESSAGE SERVICE RATE" of EIGHT CENTS PER CALL, rather than the FLAT-RATE Service Charge to which USJUDGE was entitled to as a "RESIDENTIAL SERVICE" customer.

COMPLAINANT WWW hereby moves the Commission to investigate the alleged violation of laws and regulations by OHIO BELL as set forth in this complaint and,

1. Declare USJUDGE to be a RESIDENTIAL SERVICE customer of OHIO BELL as defined in Section 4901:1-5-02(SSS) of the Ohio Administrative Code.

2 Order OHIO BELL to immediately reclassify USJUDGE for "residential service" and to provide USJUDGE with the "flat-rate" service [or other services] available to it as a "residential service" customer, or subscriber.

3 Find and identify each and every failure of OHIO BELL [and every officer of OHIO BELL] which, and who, failed to comply with any order, direction, or requirement of the public utilities commission under Chapter 4905 of the Ohio Revised Code relative to the allegations in this Complaint.

4 Order OHIO BELL to forfeit to the state not more than one thousand dollars for each such failure [paragraph 3], with each day's continued violation considered as a separate offense. [4905.54 & 4905.56 ORC].

5 Direct the Ohio Attorney General to commence and prosecute OHIO BELL in an appropriate Ohio Court of Common Pleas in the name of the state to recover the forfeitures so ordered in paragraph 4, above.

6. Give notice to USJUDGE under Section 4905.61 of the Ohio Revised Code that OHIO BELL is liable to USJUDGE for treble the amount of damages sustained as a consequence of any finding by the Commission [paragraph 3 above] of any violation, failure, or omission by OHIO BELL.

7. In consideration of the Complainant's efforts to discover and to report the violations of law and regulations by OHIO BELL resulting in forfeiture to the state, Complainant moves the Commission to recommend to the Ohio General Assembly that appropriate legislation be enacted to provide for awarding Complainant, for its efforts, a per cent of the forfeiture amounts recovered on behalf of the state...but not to exceed ten per cent.

Respectfully submitted on behalf of USJUDGE.

ROBERT P. WOODMAN CARL N. WOODMAN THOMAS WARHOLIC

8-12-96

attachment