

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

James P. Woodman,)
) Case Nos. 96-492-TP-CSS, 96-493-TP-CSS,
) 96-494-TP-CSS, 96-495-TP-CSS, 96-496-TP-CSS,
 Complainant,) 96-497-TP-CSS, 96-498-TP-CSS, 96-499-TP-CSS,
 v.) 96-500-TP-CSS, 96-501-TP-CSS, 96-502-TP-CSS,
) 96-503-TP-CSS, 96-504-TP-CSS, 96-505-TP-CSS,
 Ameritech Ohio,) 96-506-TP-CSS, 96-507-TP-CSS, 96-508-TP-CSS,
) 96-509-TP-CSS, 96-510-TP-CSS, 96-511-TP-CSS,
 Respondent.) 96-512-TP-CSS, 96-513-TP-CSS, 96-514-TP-CSS,
) 96-515-TP-CSS, 96-516-TP-CSS, 96-517-TP-CSS,
) 96-518-TP-CSS, 96-519-TP-CSS, 96-520-TP-CSS,
) 96-521-TP-CSS, 96-522-TP-CSS, 96-523-TP-CSS,
) 96-524-TP-CSS, 96-525-TP-CSS, 96-526-TP-CSS,
) 96-527-TP-CSS, 96-528-TP-CSS, 96-529-TP-CSS,
) 96-530-TP-CSS, 96-531-TP-CSS, 96-561-TP-CSS,
) 96-751-TP-CSS, 96-762-TP-CSS

Thomas Warholic, Carl N. Wood-)
man, and Robert P. Woodman,)
as Trustees of WeShare, Inc.,)

Complainants,) Case Nos. 96-853-TP-CSS, 96-863-TP-CSS,
) 96-876-TP-CSS, 96-900-TP-CSS, 96-901-TP-CSS,
 v.) 96-902-TP-CSS, 96-903-TP-CSS, 96-904-TP-CSS,
) 96-905-TP-CSS, 96-906-TP-CSS, 96-907-TP-CSS,
) 96-908-TP-CSS, 96-909-TP-CSS
 Ameritech Ohio, Inc.)
)
 Respondent.)

ENTRY

The attorney examiner, pursuant to the authority granted by Rule 4901-1-14, Ohio Administrative Code (O.A.C.), finds:

- (1) By filings dated May 21, 1996 (Case Nos. 96-492-TP-CSS through 96-531-TP-CSS), June 3, 1996 (Case No. 96-561-TP-CSS), July 31, 1996 (Case No. 96-751-TP-CSS), and August 6, 1996 (Case No. 96-762-TP-CSS), James P. Woodman (Mr. Woodman) has filed with this Commission 44 separate complaints against Ameritech Ohio, each assigned a distinct case number as set forth within the above caption to this entry. While the essential allegations of each complaint as well as

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the form of relief being sought are substantially similar in all 44 cases, in each of 43 cases (all except 96-751-TP-CSS), Mr. Woodman has filed the a complaint on behalf of a particular governmental entity. A list of the governmental entities on whose behalf the complaint has allegedly been brought by Mr. Woodman, matched with the case number assigned to the respective case, is set forth as follows:

<u>Case No.</u>	<u>Complaint Brought by James P. Woodman Allegedly on behalf of _____:</u>
96-492-TP-CSS	Ohio Department of Administrative Services (ODAS).
96-493-TP-CSS	Lake County, Ohio
96-494-TP-CSS	City of Euclid, Ohio
96-495-TP-CSS	City of Wickliffe, Ohio
96-496-TP-CSS	City of South Euclid, Ohio
96-497-TP-CSS	City of Lyndhurst, Ohio
96-498-TP-CSS	City of Highland Heights, Ohio
96-499-TP-CSS	City of Cleveland Heights, Ohio
96-500-TP-CSS	City of Willowick, Ohio
96-501-TP-CSS	City of Willoughby, Ohio
96-502-TP-CSS	City of Brecksville, Ohio
96-503-TP-CSS	City of Mentor, Ohio
96-504-TP-CSS	City of Broadview Heights, Ohio
96-505-TP-CSS	City of Willoughby Hills, Ohio
96-506-TP-CSS	City of Shaker Heights, Ohio
96-507-TP-CSS	City of University Heights, Ohio
96-508-TP-CSS	City of Beachwood, Ohio
96-509-TP-CSS	Mayfield Village, Ohio
96-510-TP-CSS	City of Richmond Heights, Ohio
96-511-TP-CSS	City of Brookpark, Ohio
96-512-TP-CSS	City of Pepperpike, Ohio
96-513-TP-CSS	City of North Randall, Ohio
96-514-TP-CSS	City of Mayfield Heights, Ohio
96-515-TP-CSS	City of North Royalton, Ohio
96-516-TP-CSS	City of Seven Hills, Ohio
96-517-TP-CSS	City of Valley View, Ohio
96-518-TP-CSS	City of Independence, Ohio
96-519-TP-CSS	City of Garfield Heights, Ohio
96-520-TP-CSS	City of Bay Village, Ohio
96-521-TP-CSS	City of Westlake, Ohio
96-522-TP-CSS	City of Strongsville, Ohio
96-523-TP-CSS	City of Middleburg Heights, Ohio
96-524-TP-CSS	City of Fairview, Ohio

96-525-TP-CSS	City of Cuyahoga Heights, Ohio
96-526-TP-CSS	City of North Olmsted, Ohio
96-527-TP-CSS	City of Maple Heights, Ohio
95-528-TP-CSS	City of Chagrin Falls, Ohio
96-529-TP-CSS	City of Cleveland, Ohio
96-530-TP-CSS	City of Solon, Ohio
96-531-TP-CSS	City of Berea, Ohio
96-561-TP-CSS	U.S. General Services Administration (GSA)
96-762-TP-CSS	Cuyahoga County, Ohio

- (2) On July 31, 1996, Mr. Woodman filed with this Commission, allegedly on behalf of WeShare, Inc. and its trustees, Robert P. Woodman, Carl N. Woodman, and Thomas Warholic, a complaint against Ameritech Ohio, docketed as Case No. 96-751-TP-CSS. The essential allegations of this complaint as well as the form of relief being sought are substantially similar to those raised in the 43 cases mentioned in Finding (1).
- (3) On August 21, 1996 (Case No. 96-853-TP-CSS), August 22, 1996 (Case No. 96-863-TP-CSS), August 26, 1996 (Case No. 96-876-TP-CSS), and August 29, 1996 (Case Nos. 96-900-TP-CSS through 96-909-TP-CSS), Thomas Warholic, Carl N. Woodman, and Robert P. Woodman, as the trustees of WeShare, Inc., have filed with this Commission 13 separate complaints against Ameritech Ohio. Each complaint has been assigned a distinct case number as set forth in the above caption to this entry. While the essential allegations of each complaint as well as the form of relief being sought are substantially similar in each of the 13 cases, each respective complaint has allegedly been brought by the trustees of WeShare, Inc. on behalf of a particular, respective, governmental entity, officer, or group of entities or officers. A list of the governmental entities and/or officers on whose behalf the complaint has allegedly been brought by the trustees of WeShare, Inc., matched with the case number assigned to the respective case, is set forth, as follows:

<u>Case No.</u>	<u>Complaint brought by trustees of WeShare, Inc. allegedly on behalf of:</u>
96-853-TP-CSS	U.S. General Services Administration Region 5
96-863-TP-CSS	State of Ohio Departments and Agencies including, but not limited to the following:

- Ohio Department of Administrative Services, Public Utilities Commission of Ohio, Ohio Consumers Counsel, Bureau of Employment Services, Civil Rights Commission, Auto & Driver's License Bureaus, Lottery Commission, Department of Mental Health, State Information Center, Department of Taxation, Bureau of Workers Compensation, Adult Parole Board, Department of Rehabilitation & Correction, Department of Transportation, Department of Youth Services, Building Authority, Department of Commerce, Department of Education, Environmental Protection Agency, State Highway Patrol, Department of Human Services, Industrial Commission of Ohio, Liquor Control Department, Bureau of Motor Vehicles, National Guard, Department of Natural Resources, Rehabilitation Services Division, and Turnpike Commission.
- 96-876-TP-CSS Community Service Organizations, as listed on an Information page of an Ohio Bell Directory dated May 1996, apparently including: the Epilepsy Foundation of Northeastern Ohio, Free Clinic, Center for Families & Children, Empowering People with Disabilities, Cleveland Bar Association, Cuyahoga Bar Association, Legal Aid Society of Cleveland, Cleveland Public Library, and Cuyahoga County Public Library.
- 96-900-TP-CSS William Perry, as U.S. Secretary of Defense, and all U.S. Defense Department Offices in Ohio which appear in Ohio Bell's Local Exchange Directories.
- 96-901-TP-CSS Elected State Officials of Ohio, including: George Voinovich, Governor; Bob Taft, Secretary of State; J. Kenneth Blackwell, Treasurer of State; James Petro, Auditor of State; Betty Montgomery, State Attorney General.
- 96-902-TP-CSS Ohio State Senators, including: Honorable M. Ben Gaeth, 1st District; Honorable Stephen A Yarbrough, 2nd District; Honorable Bruce E. Johnson, 3rd District; Honor-

able Scott R. Nein, 4th District; Honorable Rhine McLin, 5th District; Honorable Charles F. Horn, 6th District; Honorable Richard H. Finan, 7th District; Honorable Stanley J. Aranoff, 8th District; Honorable Janet C. Howard, 9th District; Honorable Merle Grace Kearns, 10th District; Honorable Linda Furney, 11th District; Honorable Robert R. Cupp, 12th District; Honorable Alan J. Zaleski, 13th District; Honorable H. Cooper Snyder [Doug White], 14th District; Honorable Ben Espy, 15th District; Honorable Eugene Watts, 16th District; Honorable Jan Michael Long, 17th District; Honorable Robert J. Boggs, Jr., 18th District; Honorable Dick Schafrath, 19th District; Honorable Jeffery D. Johnson, 20th District; Honorable Grace L. Drake, 21st District; Honorable Dennis Kucinich, 22nd District; Honorable James E. Carnes, 23th District; Honorable Gary C. Suhadolnik, 24th District; Honorable Judy B. Sheerer, 25th District; Honorable Karen L. Gilmor, 26th District; Honorable Roy L. Ray, 27th District; Honorable Leigh E. Herington, 28th District; Honorable W. Scott Oeslager, 29th District; Honorable Robert L. Burch, 30th District; Honorable Nancy S. Dix, 31st District; Honorable Anthony Latell, 32nd District; and Honorable Joseph J. Vukovich, 33rd District.

96-903-TP-CSS Ohio Department of Administrative Services.

96-904-TP-CSS U.S. Attorney General Janet Reno and various offices of the U.S. Department of Justice, including: Antitrust Division, Federal Bureau of Investigation, Immigration and Naturalization, Drug Enforcement Administration, U.S. Attorney, U.S. Marshall Service -- Criminal and Civil Divisions, and the U.S. Trustee -- Districts of Ohio & Michigan.

96-905-TP-CSS Lake County, Ohio

96-906-TP-CSS U.S. Senators Mike DeWine and John H. Glenn.

- 96-907-TP-CSS U. S. Congressmen Martin R. Roke, Steve LaTourette, and Louis Stokes.
- 96-908-TP-CSS U.S. Federal Court Judges of the Northern District of Ohio -- Eastern Division, including: Chief Judge George W. White, Judge Ann Aldrich, Judge Frank J. Battisti, Judge Thomas D. Lambros, Judge John M. Manos, Judge Paul R. Matia, Judge Solomon Oliver, Judge Kathleen M. O'Malley, Judge William K. Thomas, Judge Lesley Brooks Wells, Magistrate Judge Joseph W. Bartunek, Magistrate Judge Patricia Heman, Magistrate Judge David S. Perelman, and Magistrate Judge Jack B. Streepy.
- 96 909-TP-CSS City of Cleveland, Ohio; City of Shaker Heights, Ohio; City of Mentor, Ohio; City of Cleveland Heights, Ohio; and the City of Euclid, Ohio

- (4) All of these cases present a common issue which, in each case, must be resolved before the respective case can proceed: namely, whether the complainant(s) legitimately hold the requisite legal authority to represent the interests of those persons or entities on whose behalf the complaints allegedly have been brought.
- (5) Generally, any party to a Commission proceeding must either appear on his or her own behalf, or else be represented by a licensed Ohio attorney. In pertinent part, Rule 4901-1-08(A), O.A.C., provides:

Except as otherwise provided ... in paragraph ... (B) of this rule, each party not appearing *in propria persona* shall be represented by an attorney at law authorized to practice before the courts of this state. Corporations must be represented by an attorney-at-law."

Thus, only under certain circumstances will the Commission consider a party's request to be represented by a non-attorney. In pertinent part, Rule 4901-1-08(B), O.A.C., provides:

Notwithstanding the requirements of paragraph (A) of this rule, any party not represented by

counsel, ... may request that the commission, the legal director, the deputy legal director, or the attorney examiner assigned to the case permit or require the designation of a spokesperson, who may examine witnesses, enter objections, and file pleadings or papers on behalf of the unrepresented party. In the case of a corporation, the request must be filed by an officer of the corporation with acceptable proof that such officer or his or her designee has the requisite corporate authority to represent and bind the corporation in the commission proceedings or in settlement negotiations with commission staff or other parties. The burden shall be on the party petitioning for permission to be represented by a non-attorney to prove to the satisfaction of the commission that the case or controversy is of such a nature, in terms of complexity or monetary value, that non-attorney representation is appropriate.

- (6) In the cases at hand, clearly Mr. Woodman and the trustees of WeShare, Inc.¹ have attempted to file complaints on behalf of, and are seeking in such complaint cases to represent the interests of, persons or entities other than themselves. There is no indication of record that either Mr. Woodman or the trustees of WeShare, Inc. actually hold the requisite legal authority to do so, whether as licensed Ohio attorneys or otherwise. Certainly, there is no indication of record that any of the persons or entities on whose behalf the instant complaints have been filed have ever actually sought to have these complaints be brought on their behalf by either Mr. Woodman or the trustees of WeShare, Inc. Nor does the record reflect that any effort has ever been made by any of these persons or entities to request, pursuant to Rule 4901-1-08(B), O.A.C., non-attorney representation in the matters at hand by either Mr. Woodman or the trustees of WeShare, Inc.
- (7) Mr. Woodman, in each respective case filed by him, and the trustees of WeShare, Inc. in those case filed by such trustees, shall have until September 13, 1996 to file a verified statement indicating whether and, if so, how they hold the requisite legal authority, either as Ohio licensed attorneys or otherwise,

¹ Namely, Thomas Warholic, Robert P. Woodman, and Carl N. Woodman

to represent the legal interests of those persons or entities on whose respective behalf they have filed complaints. If, in fact, neither Mr. Woodman nor any of the trustees of WeShare, Inc. is an Ohio-licensed attorney, the verified statement submitted must be in the form of a signed non-attorney representation request by the actual person or entity on whose behalf the respective complaint has been brought, which would meet the requirements of Rule 4901-1-08(B), O.A.C.

- (8) Before being required to file any more responsive pleadings in cases where such a determination is still at issue, Ameritech should be permitted to await a formal determination of the issue of whether Mr. Woodman and the trustees of WeShare, Inc. hold valid authorization to represent the parties upon whose behalf complaints have been filed. Therefore, for an indefinite period until further notice is given in a subsequent entry, the deadline shall be suspended for Ameritech to file any responsive pleadings not already submitted in any of these cases, or in any other cases, either now or in the future, brought by Mr. Woodman or the trustees of WeShare, Inc. on behalf of persons or entities other than themselves.

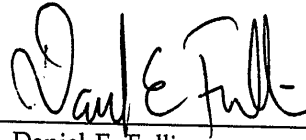
It is, therefore,

ORDERED, That, in accordance with the above findings, Mr. Woodman, in each respective case filed by him, and the trustees of WeShare, Inc. in each respective case filed by such trustees, shall file, on or before September 13, 1996, a verified statement indicating whether and, if so, how they hold the requisite legal authority, either as Ohio licensed attorneys or otherwise, to represent the interests of those persons or entities on whose respective behalf they have filed complaints. If, in fact, neither Mr. Woodman nor any of the trustees of WeShare, Inc. is an Ohio-licensed attorney, the verified statement submitted must be in the form of a signed non-attorney representation request by the actual person or entity on whose behalf the respective complaint has been brought, which would meet the requirements of Rule 4901-1-08(B), O.A.C. It is, further,

ORDERED, That, in accordance with the above findings, for an indefinite period until further notice is given in a subsequent entry, the deadline is suspended for Ameritech to file any responsive pleadings not already submitted in any of these cases, or in any other cases, either now or in the future, brought by Mr. Woodman or the trustees of WeShare, Inc. on behalf of persons or entities other than themselves. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record in each of the cases set forth in the caption to this entry.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin
Attorney Examiner

geb/MKF

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A True Copy


Gary E. Hgorito
Secretary

SERVICE NOTICE

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CASE NUMBER 96-492-TP-CSS
CASE DESCRIPTION JAMES WOODMAN (ODAS)/AMERITECH
DOCUMENT SIGNED ON September 8, 1996
DATE OF SERVICE Sept 9, 1996

PERSONS SERVED

PARTIES OF RECORD ATTORNEYS

COMPLAINANT

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