

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Drew)	
Hansel,)	
)	
Complainant,)	
)	
v.)	Case No. 07-89-TP-CSS
)	
Windstream Western Reserve, Inc.)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On January 29, 2007, Drew Hansel (Mr. Hansel or complainant) filed a complaint against Windstream Western Reserve, Inc. (Windstream). In his complaint, Mr. Hansel alleges that Windstream refused to provide written information about the least expensive local calling plans available to him.
- (2) Windstream filed an answer to the complaint on February 23, 2007.
- (3) On August 8, 2007, the attorney examiner scheduled this matter for a public hearing to take place on October 4, 2007.
- (4) On September 25, 2007, Windstream filed a motion to compel accompanied by a request for an expedited ruling. In the memorandum supporting the motion to compel, Windstream states that on August 29, 2007, it served interrogatories on the complainant. Windstream requested that the complainant provide responses by September 18, 2007. To date, the complainant has not responded to the interrogatories.

Windstream asserts that its interrogatories are relevant and essential to the preparation of its case. Windstream requests that the Commission issue an order compelling the complainant to respond to the interrogatories by October 1, 2007. Attached to the motion is a copy of the interrogatories

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and an affidavit stating the efforts undertaken to obtain discovery responses. Notwithstanding letters and telephone calls, the complainant has not responded to the interrogatories.


- (5) The attorney examiner finds that Windstream's motion to compel complies with Rule 4901-1-23, Ohio Administrative Code (O.A.C.). Upon review of the interrogatories, the attorney examiner finds that the interrogatories are relevant to the issues raised by the complaint and that Windstream is entitled to responses. The attorney examiner, therefore, finds that the motion to compel has merit and should be granted. Accordingly, the complainant is directed to answer the interrogatories forthwith. Failure to answer the interrogatories may result in the application of sanctions enumerated in Rule 4901-1-23(F), O.A.C., including, but not limited to, prohibiting claims and dismissal of the case.

It is, therefore,

ORDERED, That the complainant answer the respondent's interrogatories forthwith. Failure to answer interrogatories may result in the application of sanctions enumerated in Rule 4901-1-23(F), O.A.C. It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

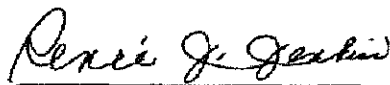
THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
L. Douglas Jennings
Attorney Examiner


LDJ:ct

Entered in the Journal

SEP 28 2007



Renee J. Jenkins
Secretary