

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Ernst)	
Enterprises, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 07-1061-TP-CSS
)	
ITS Communications, Inc., AT&T Ohio, and)	
AT&T Communications of Ohio, Inc.,)	
)	
Respondents.)	

ENTRY

The Commission finds:

- (1) On September 25, 2007, Ernst Enterprises, Inc. (Ernst) filed a complaint against ITS Communications, Inc. (ITS) and AT&T Ohio (AT&T). Ernst's complaint concerns a T1 circuit billed by ITS and maintained by AT&T. Ernst alleges that in a two-month period Ernst has experienced 10 circuit failures. For Ernst, the circuit has proved so unreliable that it has installed a backup cable to switch over when the T1 fails.
- (2) ITS filed an answer to the complaint on October 16, 2007. In its answer, ITS explains that it resold AT&T T1 services to Ernst, connecting Ernst's Dayton premises to its Lebanon premises. ITS states that it has worked diligently with AT&T to maintain Ernst's T1 services and has credited Ernst's account for service outages. ITS believes that the T1 circuit is now functioning properly.
- (3) On October 16, 2007, AT&T and AT&T Communications of Ohio, Inc. (collectively AT&T), filed an answer to the complaint. In its answer, AT&T notes that AT&T Ohio, AT&T Communications of Ohio, Inc., United Telephone Company of Ohio dba Embarq, and Cincinnati Bell Telephone Company, LLC jointly provision the T1 circuit. Admitting that there have been trouble reports, AT&T states that it has responded reasonably.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician TM Date Processed 3/12/2008

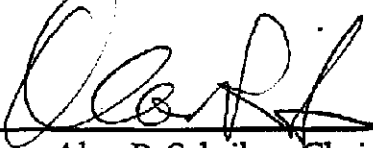
- (4) Along with its answer, AT&T filed a motion to dismiss. AT&T moved to dismiss the complaint on the ground that the complainant is a corporation and, pursuant to Rule 4901-1-08 Ohio Administrative Code (O.A.C.), must be represented by counsel. AT&T pointed out that the author of the complaint is not an attorney and, therefore, cannot represent Ernst.
- (5) On December 12, 2007, Mr. Daniel D. Ernst filed a notice of appearance as legal counsel on behalf of the complainant. The appearance of Mr. Ernst renders AT&T's motion to dismiss moot.
- (6) On February 19, 2008, the parties filed a joint motion to dismiss. The motion explains that the parties have had discussions that have led to a mutually satisfactory resolution of the complaint. The parties, therefore, request that the Commission dismiss the complaint with prejudice.
- (7) Pursuant to the joint motion of the parties and a declaration that all issues have been resolved, the Commission shall dismiss the complaint with prejudice.

It is, therefore,

ORDERED, That the complaint is dismissed with prejudice. 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

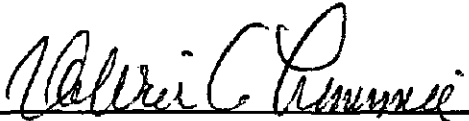


Alan R. Schriber, Chairman



Paul A. Centolella

Ronda Hartman Fergus



Valerie A. Lemmie

Donald L. Mason

LDJ/vrm

Entered in the Journal

MAR 12 2008



Renee J. Jenkins
Secretary